

1 HJR43  
2 165173-1  
3 By Representatives McCutcheon, Ball, Whorton (R),  
4 Williams (P), Sanderford, Weaver, Hill (M) and Patterson  
5 RFD: Rules  
6 First Read: 10-MAR-15

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8                   URGING THE UNITED STATES ENVIRONMENTAL PROTECTION  
9 AGENCY (EPA) TO RECOGNIZE STATE REGULATION OF EXISTING  
10 FOSSIL-FUELED POWER PLANTS.  
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12                   WHEREAS, electricity affects all aspects of American  
13 life and is indispensable for quality of life, economic  
14 growth, and the sustainability of modern society; and

15                   WHEREAS, electricity will only become more important  
16 in the future as the demand for electricity continues to  
17 increase; and

18                   WHEREAS, President Obama issued a June 25, 2013,  
19 memorandum directing the EPA to issue proposed carbon  
20 pollution standards, regulations, or guidelines, as  
21 appropriate, for modified, reconstructed, and existing power  
22 plants by no later than June 1, 2014, and to issue final  
23 standards, regulations, or guidelines, as appropriate, by June  
24 1, 2015; and

25                   WHEREAS, the United States Constitution calls for  
26 the federal government to respect and preserve state  
27 sovereignty; and

1           WHEREAS, the regulation of retail electricity sales  
2 and local distribution is a sovereign state function and each  
3 state has the responsibility to ensure a reliable and  
4 affordable supply of electricity for its citizens; and

5           WHEREAS, economic output of states has increased  
6 while states have managed electricity generation,  
7 distribution, and transmission to cost-effectively reduce  
8 greenhouse gas emissions according to the U.S. EPA using  
9 multiple methodologies; and

10           WHEREAS, the President directed the EPA to engage  
11 the states recognizing, "they will play a central role in  
12 establishing and implementing standards for existing power  
13 plants"; and

14           WHEREAS, at the invitation of EPA, elected  
15 legislative bodies and individual elected officials,  
16 policymakers, and stakeholders provided input to the EPA  
17 recommending the EPA only provide guidelines on achievable  
18 carbon dioxide emission reduction measures states could take  
19 at affected coal-fired electric generating units and giving  
20 states credit for all previous actions to reduce their  
21 emissions so states could make decisions on additional  
22 generation and end-use efficiency measures if necessary as  
23 provided by the Clean Air Act Section 111d and its 40 CFR 60  
24 implementing regulations; and

25           WHEREAS, the EPA published proposed emission  
26 reduction regulations for existing fossil-fueled power plants  
27 in June 2014 requiring state-specific plans to further reduce

1 emissions that the EPA acknowledges will cause significant and  
2 rapid changes in states' energy mixes including almost 50  
3 gigawatts of retirements of baseload coal generation between  
4 2016 and 2020 in addition to the 71 gigawatts retired between  
5 2010 and 2020, increases in the price of electricity and  
6 significant numbers of jobs to be lost with less than a  
7 24-month timeline for states to comply by 2020 after EPA  
8 approves state plans; and

9 WHEREAS, states likely will be challenged to  
10 implement real world efficiency improvements at affected units  
11 and end uses by consumers, renewable and nuclear energy  
12 deployments, natural gas electricity capacity factors at  
13 levels determined by EPA and could be forced to retire  
14 additional units in order to comply with emission reduction  
15 goals and the timeline EPA has set for them; and

16 WHEREAS, states simultaneously support reasonable  
17 environmental protection with assured energy security,  
18 production, distribution, efficiency, and economic growth in  
19 the United States but they find that the EPA plans would  
20 transform their electricity generation and delivery systems  
21 with risks to power 60 million homes, their citizens,  
22 communities, businesses, and agriculture; now therefore,

23 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH  
24 HOUSES THEREOF CONCURRING, That we encourage the EPA to  
25 recognize the sovereign power of state regulators to regulate  
26 retail electricity sales and distribution to avoid costly  
27 litigation.

1                   BE IT FURTHER RESOLVED, That copies of this  
2 resolution are to be transmitted to the President of the  
3 United States, the EPA, and U.S. Department of Energy.