

1 HJR205
2 168688-2
3 By Representative McCutcheon
4 RFD: Rules
5 First Read: 05-MAY-15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ENROLLED, House Joint Resolution,
 URGING DELAY OR WITHDRAWAL AND RECONSIDERATION OF A
FINAL CLEAN POWER PLAN BY THE ENVIRONMENTAL PROTECTION AGENCY.

 WHEREAS, Alabama and its citizens benefit from
reliable and affordable electric service; and

 WHEREAS, the Environmental Protection Agency (EPA)
proposes a Clean Power Plan, an exceptionally complicated and
the most far-reaching energy and environmental rulemaking
ever; and

 WHEREAS, EPA's proposed Clean Power Plan would
adversely affect the reliability and affordability of electric
service in Alabama; and

 WHEREAS, electric system reliability, in terms of
both power production and delivery, is a critical requirement
of electric service that is beyond EPA's statutory authority
and agency expertise and not properly accounted for in EPA's
proposed Clean Power Plan; and

 WHEREAS, Alabama and other states have already seen
significant reductions in CO2 emissions since 2005, but EPA's
proposed Clean Power Plan fails to credit early reductions;
and

 WHEREAS, EPA's proposed Clean Power Plan penalizes
states, including Alabama, that have existing nuclear power

1 plants by imposing more stringent emission targets on those
2 states; and

3 WHEREAS, EPA's proposed Clean Power Plan penalizes
4 states, including Alabama, that have existing renewable
5 hydroelectric resources by failing to allow the output of such
6 resources to count towards compliance; and

7 WHEREAS, development of any Alabama state plan to
8 comply with any final Clean Power Plan from EPA will require
9 significant effort and resources from many diverse state and
10 local agencies that have authority over energy policy and
11 businesses in Alabama, including the Alabama Public Service
12 Commission (APSC), the Office of the Governor, rural electric
13 cooperatives, electric membership cooperatives, and
14 municipalities; and

15 WHEREAS, the development of any Alabama state plan
16 responsive to EPA's Clean Power Plan will require a
17 substantial investment of already limited state government
18 resources by the Alabama Department of Environmental
19 Management (ADEM), the APSC, the Attorney General, the Office
20 of the Governor, and the Alabama Legislature; and

21 WHEREAS, implementation of any Alabama state plan
22 responsive to EPA's Clean Power Plan will impose significantly
23 increased costs for electric service on all Alabama citizens,
24 businesses, and industries; and

1 WHEREAS, the ADEM, the APSC, and the Attorney
2 General all submitted comments in opposition to EPA's Clean
3 Power Plan that reflect the Alabama Legislature's concerns;
4 and

5 WHEREAS, EPA's proposed Clean Power Plan is being
6 challenged in federal court and additional legal challenges
7 are expected once the rule is finalized; and

8 WHEREAS, EPA does not have the legal authority to
9 regulate CO2 emissions from coal-fired power plants under
10 Section 111(d) of the Clean Air Act, and even if EPA's Clean
11 Power Plan is upheld in the courts, it does not provide
12 sufficient time to develop the required state plan and
13 properly prepare for the substantial investments, increased
14 costs, and reliability challenges that will result from
15 compliance; now therefore,

16 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
17 HOUSES THEREOF CONCURRING, That the members of this body
18 request EPA to withdraw and reconsider the proposed Clean
19 Power Plan.

20 BE IT FURTHER RESOLVED, That the members of this
21 body support the comments on EPA's Clean Power Plan submitted
22 to EPA by the ADEM, the APSC, and the Attorney General.

23 BE IT FURTHER RESOLVED, That any fiscal rule should
24 give states full credit for CO2 reductions from 2005 forward,
25 should not penalize Alabama or any other state for having

1 existing nuclear power generation, and should allow Alabama
2 and other states that have existing renewable hydroelectric
3 resources to count the output of such resources towards
4 compliance.

5 BE IT FURTHER RESOLVED, That any final rule should
6 include non-binding guidelines that can be modified by states,
7 which are primarily responsible for managing their economic,
8 energy, and environmental resources.

9 BE IT FURTHER RESOLVED, That if EPA does not
10 withdraw the Clean Power Plan, the members of this body
11 further urge EPA to allow additional time for states to
12 develop state plans and to comply with the emission
13 guidelines, requiring compliance no earlier than 2030.

14 BE IT FURTHER RESOLVED, That to avoid the
15 unnecessary and substantial expenditure of limited state and
16 consumer resources on a massive federal regulatory mandate
17 based on questionable legal authority, the members of this
18 body urge EPA to delay implementation of its Clean Power Plan
19 have been fully resolved and no appeals remain.

20 BE IT FURTHER RESOLVED, That if EPA does not delay
21 implementation of its Clean Power Plan as described in the
22 immediately preceding clause, the members of this body urge
23 Congress and the President of the United States to enact
24 legislation requiring such a delay.

1 BE IT FURTHER RESOLVED, That sufficient copies of
2 this resolution be provided for distribution to the President
3 of the United States, all Members of the Congressional
4 delegation from the State of Alabama, the United States
5 Environmental Protection Agency, the United States Department
6 of Energy, the National Governors Association, the National
7 Association of Regulatory Utility Commissioners, National
8 Association of State Energy Officials, the Environmental
9 Council of the States, the Association of Consumer Counsel and
10 other relevant organizations, all governors, all state utility
11 regulatory commissions, state energy officials, all state
12 environmental commissioners, and all states' legislative
13 leadership.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was adopted by the House 12-MAY-15.

Jeff Woodard
Clerk

Senate	<hr/> 14-MAY-15	Adopted
--------	-----------------	---------