HJR205

168688-2

By Representative McCutcheon

RFD: Rules

First Read: 05-MAY-15
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
plants by imposing more stringent emission targets on those states; and

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

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

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

WHEREAS, implementation of any Alabama state plan responsive to EPA's Clean Power Plan will impose significantly increased costs for electric service on all Alabama citizens, businesses, and industries; and
WHEREAS, the ADEM, the APSC, and the Attorney General all submitted comments in opposition to EPA's Clean Power Plan that reflect the Alabama Legislature's concerns; and

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

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

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

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

BE IT FURTHER RESOLVED, That any fiscal rule should give states full credit for CO2 reductions from 2005 forward, should not penalize Alabama or any other state for having
existing nuclear power generation, and should allow Alabama
and other states that have existing renewable hydroelectric
resources to count the output of such resources towards
compliance.

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

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

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

BE IT FURTHER RESOLVED, That if EPA does not delay
implementation of its Clean Power Plan as described in the
immediately preceding clause, the members of this body urge
Congress and the President of the United States to enact
legislation requiring such a delay.
BE IT FURTHER RESOLVED, That sufficient copies of this resolution be provided for distribution to the President of the United States, all Members of the Congressional delegation from the State of Alabama, the United States Environmental Protection Agency, the United States Department of Energy, the National Governors Association, the National Association of Regulatory Utility Commissioners, National Association of State Energy Officials, the Environmental Council of the States, the Association of Consumer Counsel and other relevant organizations, all governors, all state utility regulatory commissions, state energy officials, all state environmental commissioners, and all states' legislative leadership.
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 14-MAY-15  Adopted