

1 AN ACT relating to the Energy Planning and Inventory Commission and declaring
2 an emergency.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 → Section 1. KRS 164.2807 is amended to read as follows:

- 5 (1) The General Assembly finds and declares that:
- 6 (a) The long-term economic health and well-being of the citizens of the
7 Commonwealth and the United States depends upon the availability of
8 reliable sources of energy;
- 9 (b) The Commonwealth has abundant reserves of coal, natural gas, and other
10 natural resources;
- 11 (c) The energy needs of the Commonwealth are best met by continuing to engage
12 in an all-of-the-above approach to electric generation resources, including but
13 not limited to coal, oil, natural gas, wind, solar, hydropower, nuclear, and any
14 future or emerging technologies like hydrogen power;
- 15 (d) The current economy and future economic development of the
16 Commonwealth requires reliable, resilient, dependable, and abundant supplies
17 of electrical power;
- 18 (e) The demand for reliable, resilient, dispatchable electrical power is anticipated
19 to significantly increase in the coming decades as the Commonwealth
20 becomes home to additional manufacturing and other economic development
21 projects which increase demand for electrical power;
- 22 (f) It is in the interest of the Commonwealth that it be able to generate sufficient
23 electricity within its borders to serve its own industrial, residential, and
24 commercial demand and to power its own economy;
- 25 (g) The electrification of the United States' economy combined with
26 unprecedented federal regulatory pressures have created an electric generation
27 resource crisis in the Commonwealth;

- 1 (h) Existing state and federal policies with respect to energy do not adequately
2 address the concerns of the General Assembly or citizens of the
3 Commonwealth such that a comprehensive Kentucky energy policy is
4 required;
- 5 (i) Current policies at the state and federal level do not adequately assess
6 capacity, availability, reliability, or resilience attributes of existing and new
7 fossil fuel-fired, nuclear, or other emerging dispatchable electric generating
8 resources;
- 9 (j) It is the policy of the Commonwealth to maintain adequate capacity of
10 available, reliable, dispatchable, and resilient electric generation to provide for
11 the existing and reasonably projected future energy consumption needs of all
12 wholesale, retail, and other consumers of electricity in the Commonwealth;
- 13 (k) Further retirement of fossil fuel-fired electric generating resources is not
14 necessary for the protection of the environment or the health, safety, and
15 welfare of the citizens of the Commonwealth;
- 16 (l) The health, happiness, safety, economic opportunity, and general welfare of
17 the citizens of the Commonwealth will be promoted and protected by the
18 operation of fossil fuel-fired electric generating resources and, conversely,
19 those interests would be harmed by the premature retirement of those
20 generating resources;
- 21 (m) The Commonwealth can support a multitude of potential electric generating
22 resources and energy fuel supply sources so as to be the national leader in the
23 production of energy in all forms;
- 24 (n) Local economic development is essential to the health, happiness, safety, and
25 general welfare of the citizens of the Commonwealth;
- 26 (o) Local economic development requires an adequate supply of electricity to
27 support new and expanding industries and is enhanced by robust employment

1 in coal mining and coal transportation and at electric generating facilities, the
 2 local job multiplier effect of employment in the coal, natural gas, and electric
 3 generating industries, and state and local taxes and other forms of economic
 4 value creation for the Commonwealth; and

- 5 (p) The numerous energy policy challenges facing the Commonwealth require a
 6 comprehensive energy policy informed by the input, judgment, experience,
 7 and expertise of diverse stakeholders representing a variety of interests and
 8 energy resources, including but not limited to coal, oil, natural gas, wind,
 9 solar, hydropower, nuclear, and any future or emerging resources to achieve
 10 the best results for the citizens of the Commonwealth.

11 (2) As used in ~~For the purposes of~~ this section:

- 12 (a) "Commission" means the Energy Planning and Inventory Commission
 13 established in this section;
- 14 (b) "Dispatchable" means a source of electric power generation that is available
 15 on demand, that is not intermittent, and that can be adjusted to increase or
 16 decrease its power output upon request of a power grid operator or otherwise
 17 upon demand or request, or that can have its power output adjusted in
 18 response to market or system needs;
- 19 (c) "Generation and transmission cooperative" has the same meaning as in KRS
 20 278.010;
- 21 (d) "Intermittent" means:
- 22 1. A source of electric power generation from a solar photovoltaic, solar
 23 thermal heating, concentrating solar thermal collector, or other solar
 24 energy collection or generation system;
 - 25 2. A source of electric power that generates energy by harnessing wind
 26 power or energy, whether through a turbine or other device;
 - 27 3. Geothermal energy, biomass energy, anaerobic digestion, or combined

- 1 heat and power from solar, wind, geothermal, or anaerobic digestion
 2 sources;
- 3 4. Any short duration energy storage, which includes any method of
 4 storing generated electricity for later dispatch to the grid, whether alone
 5 or in conjunction with any other intermittent sources described in this
 6 paragraph, that is equivalent to less than forty-eight (48) hours of the
 7 average peak generation of the unit it is used to offset; or
- 8 5. Conventional hydropower and pumped storage hydropower, unless they
 9 are capable of providing energy on demand, in which case they shall be
 10 deemed to be dispatchable;
- 11 (e) "Public Service Commission" means the Kentucky Public Service
 12 Commission established under KRS Chapter 278, or any successor entity
 13 having the power to regulate rates and services of public utilities pursuant to
 14 the powers enumerated in KRS Chapter 278; and
- 15 (f) "Utility" has the same meaning as in KRS 278.010.
- 16 (3) (a) The Energy Planning and Inventory Commission is hereby established and
 17 administratively attached to the University of Kentucky Center for Applied
 18 Energy Research, but only for those limited functions and purposes
 19 expressly requested by the commission, including but not limited to
 20 accounting, human resources administration, purchasing assistance, and
 21 payroll processing. The commission~~it~~ shall otherwise be independent from
 22 the University of Kentucky and shall exercise its authority to conduct energy
 23 planning, assess energy supply adequacy, and review proposed electric
 24 generating facility requirements without interference or influence from any
 25 Kentucky executive branch agency.
- 26 (b) The commission shall maintain separate accounts for all funds
 27 appropriated to it, with the University of Kentucky providing accounting,

1 payroll, and financial services.

2 (c) The executive director of the commission shall have the sole authority to
3 hire staff, retain contractors and other parties, and otherwise manage the
4 commission in accordance with applicable law and with human resources
5 administrative support provided by the University of Kentucky.

6 (d) Notwithstanding any provision of KRS Chapter 18A to the contrary, the
7 commission may in its sole discretion identify and determine the
8 compensation for categories of its professional employees at the amounts it
9 deems necessary to recruit and retain employees who have the experience,
10 expertise, and education required to perform their job responsibilities with
11 the commission. Noncontractual employees of the commission shall
12 otherwise be subject to the requirements and benefits of KRS Chapter 18A.

13 (e) Notwithstanding any law to the contrary, the commission shall conduct all
14 procurements necessary for the performance of its duties in accordance
15 with the procurement procedures outlined in KRS Chapter 45A, but the
16 commission shall not be subject to any provision of KRS Chapter 45A that
17 requires the approval of any Finance and Administration Cabinet official
18 for the commission to proceed with any aspect of the procurement process.
19 The executive director shall be deemed the chief purchasing officer for the
20 purposes of conducting procurements for the commission and shall have all
21 the authority and responsibility with regard to the commission's
22 procurements as the secretary of the Finance and Administration Cabinet
23 has for procurements under KRS Chapter 45A. All commission personal
24 service contracts shall be subject to review by the Government Contract
25 Review Committee established by KRS 45A.705.

26 (f) In its bidding and negotiation processes, the commission shall perform its
27 own bidding and procurement in accordance with the procedures

1 *established by KRS Chapter 45A.*

2 ~~(g)~~ The affairs of the commission shall be governed exclusively by ~~the~~
3 ~~provisions of~~ this section. The exercise of the commission's powers conferred
4 by this section and the carrying out of its purposes and duties are essential
5 governmental functions and are conducted for public purposes.

6 (4) (a) The commission *board* shall be composed of an eighteen (18) member board
7 and a five (5) member executive committee *of the board*. Except for the state
8 government officials and the ex officio nonvoting commission board members
9 appointed by the President of the Senate and the Speaker of the House of
10 Representatives, each member of the commission board shall be appointed by
11 the Governor and confirmed by the Senate as set forth in this subsection. The
12 commission board shall be composed of the following members, *no more*
13 *than two (2) of whom shall reside outside of the Commonwealth:*

- 14 1. One (1) representative of a Kentucky investor-owned utility;
- 15 2. One (1) representative of a Kentucky generation and transmission
16 cooperative, nominated by the chief operating officer of the Kentucky
17 Association of Electric Cooperatives;
- 18 3. One (1) representative of Kentucky coal producers, nominated by the
19 president of the Kentucky Coal Association;
- 20 4. One (1) representative of Kentucky oil and gas producers, nominated by
21 the executive director of the Kentucky Oil and Gas Association;
- 22 5. One (1) representative of an industry or business engaged in the
23 transportation of coal;
- 24 6. One (1) representative of a business engaged in the transportation or
25 distribution of natural gas, nominated by the president of the Kentucky
26 Gas Association;
- 27 7. One (1) representative with professional experience in the purchasing or

- 1 sale of fossil fuels, nominated by the president of the Kentucky Coal
2 Association;
- 3 8. One (1) member representing the nuclear electric generation industry,
4 nominated by the executive director of the United States Nuclear
5 Industry Council;
- 6 9. One (1) member representing the interests of businesses or entities
7 engaged in activities related to the mining, milling, conversion,
8 enrichment, or fabrication of nuclear fuel or involved in the remediation
9 of past enrichment of nuclear fuels in the Commonwealth;
- 10 10. One (1) member representing commercial and industrial consumers of
11 electrical power, nominated by Kentucky Industrial Utility Customers;
- 12 11. One (1) member representing Kentucky economic interests, nominated
13 by the chief executive officer of the Kentucky Chamber of Commerce;
- 14 12. One (1) member representing producers of renewable electricity;
- 15 13. One (1) member with experience in investment banking or utility
16 finance, nominated by the president of the Kentucky Banker's
17 Association;
- 18 14. One (1) member representing residential electricity consumers;
- 19 15. One (1) member of the House of Representatives, who shall be an ex
20 officio nonvoting member, nominated by the Speaker of the House of
21 Representatives;
- 22 16. One (1) member of the Senate, who shall be an ex officio nonvoting
23 member, nominated by the President of the Senate;
- 24 17. The secretary of the Energy and Environment Cabinet, or designee; and
- 25 18. The secretary of the Cabinet for Economic Development, or designee.
- 26 (b) The executive committee of the board *is established and* shall include the
27 following five (5) members:

- 1 1. *The chair of the commission board selected under paragraph (e) of*
2 *this subsection;*
- 3 2. The *vice chair of the commission board selected under paragraph (e)*
4 *of this subsection*~~[director of the University of Kentucky Center of~~
5 Applied Energy Research];
- 6 3.~~[2.]~~ One (1) member appointed by the *Attorney General*~~[Governor]~~ who has
7 the same level of education, training, and professional experience as
8 would be required to serve in the role of chief executive officer or board
9 member of a company engaged in the production of coal;
- 10 4.~~[3.]~~ One (1) member appointed by the *Attorney General*~~[Governor]~~ who has
11 the same level of education, training, and professional experience as
12 would be required to serve in the role of chief executive officer or board
13 member of an investor-owned, cooperative, or municipal electric utility;
14 and
- 15 5. *One (1) member*~~[4. — Two (2) members]~~ elected by the commission
16 board from the commission board membership. Any vacancy in an
17 executive committee position under this subparagraph shall be filled in
18 the same manner as the original election.
- 19 (c) Any appointment made by the Governor to the commission board or *by the*
20 *Attorney General to* the executive committee shall be subject to confirmation
21 by the Senate. If a pending appointment to the board or executive committee
22 requiring confirmation is not confirmed by the Senate upon the conclusion of
23 the legislative session during or before which the appointment was made, then
24 the member's position on the board or executive committee shall become
25 vacant, either upon sine die adjournment of the legislative session or the date
26 that the Senate votes to decline to confirm appointment, and the *official who*
27 *made the appointment*~~[Governor]~~ shall appoint a different replacement.

- 1 (d) After the expiration of their initial terms, members who are not members of
2 the legislative or executive branch shall serve for terms of four (4) years and
3 until a successor is appointed and confirmed by the Senate. Legislative
4 members shall serve during the terms of their elected positions in the General
5 Assembly, and executive branch members shall serve during the appointed
6 terms of their state government positions. In the event of a vacancy prior to
7 the expiration of a term for member appointed by the Governor or the
8 Attorney General, the official who made the appointment~~[Governor]~~ shall
9 appoint a replacement in the same manner as the original appointment, and
10 the appointment shall be subject to the same Senate confirmation process.
11 Members appointed by the Governor or the Attorney General shall not be
12 full-time employees of the Commonwealth as defined in KRS 18A.005, and
13 shall not be compensated for their service on the board, but they shall be
14 subject to the requirements of the executive branch code of ethics established
15 under KRS Chapter 11A.
- 16 (e) A majority of the commission board may select one (1) member of the
17 commission board to serve as chair of the commission board and one (1)
18 member of the commission board to serve as vice chair of the commission
19 board.
- 20 (f) The executive committee may adopt rules of procedure or bylaws governing
21 the conduct of the commission's business.
- 22 (g) Other than being a customer of retail electric service, no member of the
23 executive committee shall have any current employment, contractual, or other
24 direct financial relationship with any utility at the time of their appointment or
25 during their service on the executive committee.
- 26 (h) No person shall serve as a member of the commission board or executive
27 committee if the service would cause a conflict with, or result in the

1 disclosure of confidential information relating to, any research projects
 2 performed by or in partnership with the University of Kentucky Center for
 3 Applied Energy Research.

4 (i) If the review of a notice given under subsection ~~(8)~~~~(7)~~ of this section would
 5 result in the disclosure of confidential information to an executive committee
 6 member that is prohibited under subsection ~~(8)~~~~(7)~~(c)3. of this section, the
 7 executive committee member shall recuse himself or herself, and the
 8 remaining executive committee members shall name a replacement from the
 9 membership of the commission board solely for the purpose of reviewing the
 10 notice that caused the recusal.

11 (j) A majority of the executive committee shall constitute a quorum, and the
 12 affirmative vote of the majority of the members present during a meeting is
 13 necessary for any action taken by vote of the executive committee.

14 (k) The Governor shall not have reorganization power over the commission, the
 15 structure of the commission, its board, the executive committee, or the hiring,
 16 compensation, or termination of its executive director. Only the General
 17 Assembly may reorganize or restructure the commission or the commission
 18 board by legislative act.

19 (5) (a) The commission ~~shall~~~~may~~ employ an executive director who shall be
 20 selected and hired by the executive committee, subject to confirmation by the
 21 Senate. If a pending selection for an executive director is not confirmed by the
 22 Senate upon the conclusion of the legislative session during or before which
 23 the selection was made, then the executive director's position shall become
 24 vacant, either upon the sine die adjournment of the legislative session or the
 25 date that the Senate votes to decline to confirm appointment, and the
 26 executive committee shall select a different replacement. Until an executive
 27 director is selected and hired, or in the event of a vacancy in the role of

1 executive director, the director of the University of Kentucky Center for
2 Applied Energy Research shall serve in the role of executive director of the
3 commission.

4 (b) The executive director shall be entitled to attend all commission and
5 executive committee meetings and shall at all times have access to all
6 information, records, and data considered or produced at those meetings.

7 (6) (a) The executive director shall have full authority to act on behalf of the
8 commission in all matters. The commission board, including the executive
9 committee, shall serve in an advisory capacity to the executive director. The
10 executive director shall keep the executive committee timely advised of
11 material decisions relating to the commission.

12 (b) The executive director shall only be terminated for cause by majority vote of
13 all the members of the executive committee, after delivery in writing of the
14 cause of termination to the executive director and affording him or her the
15 opportunity for an administrative hearing conducted in accordance with
16 KRS Chapter 13B.

17 (c) By a majority vote of all its members, the executive committee may increase
18 either or both of the following for the executive director as warranted:

19 1. His or her compensation, not to exceed ten percent (10%) annually;

20 and

21 2. His or her benefits.

22 (Z) The commission shall be authorized to:

23 (a) Take all necessary measures to effectuate the public purposes described in
24 subsection (1) of this section;

25 (b) Assist in fulfilling the executive committee's and the executive director's
26 mandatory duties regarding review of planned retirement decisions described
27 in subsection (8){(7)} of this section;

- 1 (c) Engage in the examination and study of:
- 2 1. The adequacy of the Commonwealth's existing and anticipated future
- 3 electric generation and transmission resources and the existing and
- 4 anticipated future electric demand;
- 5 2. The continued operation, retirement, divestiture, or other major action
- 6 impacting any electric power generating unit, or any pollution control
- 7 equipment associated with any such unit, located in the Commonwealth;
- 8 3. Issues concerning the adequacy of the Commonwealth's energy supply,
- 9 including but not limited to the economic impact of energy production
- 10 and consumption in the Commonwealth, the Kentucky energy grid's
- 11 response to severe weather events, projected power demand and growth
- 12 in demand, land use impacts from power generation, local economic
- 13 impacts resulting from the closure of electric generating resources, and
- 14 whether alternatives to decommissioning electric generating resources
- 15 exist;
- 16 4. The effect of any federal policy which may impact the availability of
- 17 dispatchable power or the adequacy of energy supplies in the
- 18 Commonwealth;
- 19 5. The Commonwealth's ability to participate in energy markets or in the
- 20 production, transmission, or distribution of energy;
- 21 6. The Commonwealth's ability to finance or provide financing assistance
- 22 to energy producers to encourage additional energy production in the
- 23 Commonwealth;
- 24 7. New and emerging electric generating technologies that could supply
- 25 future electric demand in the Commonwealth;~~and~~
- 26 8. Whether the Commonwealth's energy resources are sufficiently
- 27 dispatchable to ensure against loss of electrical power supply in the

1 event of extreme weather or other unexpected or catastrophic events that
 2 may challenge the ability of the Commonwealth's electrical grid to meet
 3 demand; and

4 **9. Other topics at the discretion of the executive director;**

5 (d) **Through the executive director, request that state agencies, including but**
 6 **not limited to the Energy and Environment Cabinet and the Office of**
 7 **Energy Policy, cooperate with and provide data, records, reports, and other**
 8 **information that are reasonably necessary for the commission to carry out**
 9 **its duties and obligations under this section. Requests for data, records,**
 10 **reports or other information made pursuant to this paragraph shall be**
 11 **fulfilled within thirty (30) days unless the executive director otherwise**
 12 **grants an extension; and**

13 (e) On or before ~~December 1, 2024, and~~ each December 1 ~~thereafter~~, submit a
 14 report with recommendations, including but not limited to recommendations
 15 for statutory changes or budgetary proposals, to the Legislative Research
 16 Commission, the Governor, and the Public Service Commission concerning
 17 any of the issues examined or studied by the commission pursuant to
 18 paragraph (c) of this subsection.

19 ~~(8)(7)~~ (a) Notwithstanding any provision of law to the contrary, no utility shall
 20 retire any existing coal, oil, or natural gas-fired electric generating plant, or
 21 any unit within the plant, prior to submitting notice to the commission and
 22 receiving the findings **and recommendations** from the executive committee
 23 **and the executive director**, as described in this subsection.

24 (b) A utility proposing to retire any existing coal, oil, or natural gas-fired power
 25 plant, or unit within such plant, shall give notice to the commission's
 26 executive committee, in the form and manner as the executive committee may
 27 require, at least one hundred eighty (180) days prior to submitting the

1 retirement application to the Public Service Commission required by KRS
 2 278.264(1). The utility may include with its notice any information the utility
 3 believes will assist in the executive committee's review of the proposed
 4 activity.

- 5 (c) 1. The executive committee or executive director may require a utility
 6 filing notice under this subsection to provide any information, records,
 7 or data that the executive committee or executive director deems
 8 reasonably necessary to make its findings under this subsection, and the
 9 utility shall respond to all such requests within a reasonable timeframe
 10 as established by the executive committee or executive director.
- 11 2. A utility responding to an information request **or otherwise providing**
 12 **information to the commission** may designate **the** information, records,
 13 or data provided~~[in the response]~~ as confidential business information,
 14 and the information, records, or data shall be exempt from disclosure
 15 under the requirements of KRS 61.870 to 61.884.
- 16 3. A utility responding to an information request **or otherwise providing**
 17 **information to the commission** may indicate in its response **or**
 18 **submission** that the information, records, or data provided should not be
 19 shared with specific members of the commission board or executive
 20 committee to avoid an unfair competitive or market advantage, in which
 21 case the confidential information, records, or data shall not be shared
 22 with or made available to that member or members.
- 23 **4. Any information, records, data, files, documents, or correspondence**
 24 **produced by the members or staff of the commission in the course of**
 25 **carrying out any of their responsibilities under this section shall be**
 26 **exempt from disclosure under the requirements of KRS 61.870 to**
 27 **61.884.**

- 1 (d) Other than being a customer of retail electric service, any member of the
2 commission board who has an employment or contractual relationship with
3 the utility filing the notice required by this subsection shall have no contact
4 with the executive director or any member of the executive committee
5 concerning the proposed activities described in the notice.
- 6 (e) Within ninety (90) days of its receipt of the notice required by this section, the
7 commission shall hold a public hearing in the county in which the retirement
8 is proposed to occur in order to receive public comments on the proposed
9 activity.
- 10 (f) Within one hundred thirty-five (135) days of receiving a utility's notice of a
11 proposed retirement, but following the public hearing described in paragraph
12 (e) of this subsection, the executive committee shall issue a final report
13 containing written findings and recommendations concerning the proposed
14 retirement. The executive committee's written findings and recommendations
15 shall include:
- 16 1. The impact of the proposed activity on the available supply of
17 dispatchable and reliable power within the Commonwealth, including
18 the ability of the Commonwealth to meet future demand growth or
19 respond to extreme weather events;
 - 20 2. Whether alternatives to the proposed activity exist, and whether those
21 alternatives should be further evaluated prior to proceeding with the
22 proposed activity;
 - 23 3. Whether the replacement of the generating unit or units subject to the
24 proposed activity with other generating resources will result in any
25 adverse land use impacts in the Commonwealth;
 - 26 4. Whether the proposed activity will result in loss of revenue to the
27 Commonwealth or any local government unit;

- 1 5. The positive or negative economic impact of the proposed activity on
2 the local economy of the area in which the proposed activity will take
3 place;
- 4 6. The economic impact of the proposed activity on the Commonwealth as
5 a whole; and
- 6 7. The impact of the proposed activity on the Commonwealth's ability to
7 increase the available supply of electrical power for current or future
8 economic development purposes.
- 9 (g) **1.** The findings **and recommendations** of the executive committee that are
10 approved by a majority of the members of the executive committee shall
11 be designated as findings of the commission and shall be submitted to
12 the Public Service Commission **and the utility**. If no majority decision
13 of the executive committee is reached with respect to the findings, the
14 report shall so indicate, and each member of the executive committee
15 may make a written statement of position concerning the proposed
16 activity by the deadline provided for in the report. Each written
17 statement shall be included in the report and transmitted along with the
18 report to the Public Service Commission **and the utility**. Any executive
19 committee member dissenting from the report, any portion of the report,
20 or any specific findings in the report may, within one hundred eighty
21 (180) days of the utility filing notice of the proposed activity, transmit
22 separate dissenting findings **and recommendations** to the Public Service
23 Commission **and the utility**.
- 24 **2. The executive committee shall provide the executive director with all**
25 **information, records, and data considered in the proposal to retire and**
26 **shall include the executive director in all associated deliberations.**
27 **Within one hundred eighty (180) days of the utility filing notice of the**

1 *proposed activity, the executive director may submit his or her own*
 2 *written report with findings and recommendations, a written statement*
 3 *of position, or dissenting findings and recommendations to the Public*
 4 *Service Commission and the utility.*

5 (h) The executive committee's written report, *the executive director's written*
 6 *report or position statement,* and any dissenting statements provided to the
 7 Public Service Commission *and the utility,* shall be included in any retirement
 8 application made to the Public Service Commission under KRS 278.264, and
 9 the Public Service Commission shall not approve any retirement application
 10 without considering all information received from the executive committee,
 11 *the executive director,* or any member of the executive committee. Any order
 12 of the Public Service Commission in a proceeding under KRS 278.264 shall
 13 contain specific written findings of fact or conclusions of law addressing
 14 whether the executive committee's *and the executive director's* findings and
 15 recommendations, *position statements, and dissenting statements* were
 16 considered by the Public Service Commission.

17 (i) No retirement application to the Public Service Commission under KRS
 18 278.264 shall be deemed administratively complete unless it includes~~[either]~~
 19 the executive committee's *and the executive director's* report, *position*
 20 *statements, and dissenting statements* submitted pursuant to this section or
 21 evidence that more than one hundred eighty (180) days have passed since
 22 notice was submitted to the commission as required in paragraph (b) of this
 23 subsection and no executive committee *or executive director* report, *position*
 24 *statement, or dissenting statement*~~[or determination]~~ has been provided to
 25 the *Public Service Commission or the* utility.

26 ~~(9)~~~~(8)~~ *(a) The Energy Planning and Inventory Commission fund is hereby*
 27 *established in the State Treasury and shall be administered by the executive*

1 director with the advice of the commission board. The fund shall be a trust
 2 and agency account and may receive state appropriations, gifts, grants, and
 3 federal funds. Monies in the fund shall only be disbursed for the purposes
 4 of carrying out this section.

5 (b) Notwithstanding KRS 45.229, state appropriations, gifts, grants, federal
 6 funds, and any interest earnings on those monies not expended at the close
 7 of a fiscal year shall not lapse, but shall be carried forward to the next fiscal
 8 year.

9 (10) Notwithstanding any provision of law to the contrary, the executive committee and
 10 ~~[, or] the executive director,~~ jointly or separately ~~[if authorized by the executive~~
 11 ~~committee],~~ shall have standing to participate as an intervening party in any case or
 12 other proceeding before the Public Service Commission~~].~~

13 ~~(9) Subject to available funding, the executive committee may employ administrative~~
 14 ~~staff or third party consultants with expertise in the subject matter of any study,~~
 15 ~~examination, or review undertaken by the commission to assist in carrying out the~~
 16 ~~commission's functions under this section].~~

17 (11)~~[(10)]~~ The commission shall cease to exist on December 31, 2035.

18 ➔Section 2. The Attorney General shall make the appointments to the executive
 19 committee of the Energy Planning and Inventory Commission board as provided under
 20 subsection (4) of Section 1 of this Act on or before August 1, 2026, who shall replace the
 21 current appointees for those positions whose terms shall be terminated on the effective
 22 date of this Act.

23 ➔Section 3. Whereas it is critical that changes made to the composition of the
 24 Energy Planning and Inventory Commission executive committee, and the additional
 25 changes made to the authority of the executive director and the commission board, take
 26 effect as soon as possible to allow the commission to more effectively carry out its
 27 responsibilities, an emergency is declared to exist, and this Act takes effect upon its

1 passage and approval by the Governor or upon its otherwise becoming a law.