

CHAPTER 79
(HCR 168)

A CONCURRENT RESOLUTION establishing a Federal Environmental Regulation Impact Assessment Task Force to study the effect of federal environmental regulations and policies on the affordability and reliability of electricity generation and transmission in the Commonwealth.

WHEREAS, during the past eight years, the United States Environmental Protection Agency has issued rules and regulations that have adversely impacted many industries through the over-reaching regulation of air, water, and land; and

WHEREAS, this over-reach has been felt most forcefully in the Kentucky coal industry, which has suffered unprecedented job losses and put the energy economy of the Commonwealth at risk by making it unprofitable to build coal-fired power plants and to mine and supply coal to those plants; and

WHEREAS, from 2008 to 2013, Kentucky has lost more than 30 percent of coal jobs and 37 percent of power plant jobs, which reduces the prosperity of many Kentucky households; and;

WHEREAS, the United States Environmental Protection Agency has proposed regulations restricting the emission of carbon dioxide from new and existing power generation sources under Sections 111(b) and 111(d) of the Clean Air Act, respectively; and

WHEREAS, the proposed regulations for new and existing emissions sources are scheduled to be finalized this year; and, if finalized as currently proposed, could greatly hamper Kentucky's ability to continue to supply affordable and reliable electricity to its residents and businesses; and

WHEREAS, Kentucky has long relied on coal-fired generation, a carbon-intensive electricity generation source, to provide low electricity rates for its residents and businesses; and

WHEREAS, Kentucky will, therefore, be among the states hardest hit by these federal regulations, with lower-income Kentuckians and electricity-intensive industries, such as manufacturing and aluminum smelting, being particularly affected; and

WHEREAS, it is incumbent upon the General Assembly to gather representatives from Kentucky's economic, educational, scientific, industrial, and political sectors to study the consequences of these federal regulations on the affordability and reliability of electricity generation in the Commonwealth and to formulate recommendations on how to cope with these consequences;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

➔Section 1. The Legislative Research Commission is hereby directed to create a Federal Environmental Regulation Impact Assessment Task Force to study the potential effect of federal environmental policies and regulations on the affordability and reliability of electricity generation in Kentucky. The task force shall study how those effects on affordability and reliability will impact the residents, local governments, school districts, and businesses of the Commonwealth.

➔Section 2. The task force shall be composed of the following members, with final membership of the task force being subject to the consideration and approval of the Legislative Research Commission:

- (1) The chair of the House Standing Committee on Natural Resources and Environment to serve as co-chair;
- (2) The chair of the Senate Standing Committee on Natural Resources and Energy to serve as co-chair;
- (3) Two additional members of the Senate, one to be appointed by the President of the Senate, and one to be appointed by the Minority Floor Leader of the Senate;
- (4) Two additional members of the House of Representatives, one to be appointed by the Speaker of the House of Representatives, and one to be appointed by the Minority Floor Leader of the House of Representatives;
- (5) The secretary of the Energy and Environment Cabinet, or designee;
- (6) The secretary of the Cabinet for Economic Development, or designee;

- (7) The executive director of the Public Service Commission, or designee;
- (8) The director of the Division of Emergency Management of the Department of Military Affairs, or designee;
- (9) The president of the Kentucky League of Cities, or designee;
- (10) The president of the Kentucky Association of Counties, or designee;
- (11) The executive director of the Kentucky School Boards Association, or designee;
- (12) The executive director of Kentucky Industrial Utility Customers, or designee;
- (13) The president of the Kentucky Coal Association, or designee;
- (14) The president of the Kentucky Oil and Gas Association, or designee;
- (15) The director of the Center for Applied Energy Research at the University of Kentucky, or designee;
- (16) The director of the Conn Center for Renewable Energy Research at the University of Louisville, or designee;
- (17) The president of the Kentucky Association of Manufacturers, or designee;
- (18) The executive director of Community Action Kentucky, or designee;
- (19) The Kentucky state director of the American Association of Retired Persons, or designee; and
- (20) The Kentucky state director of the National Federation of Independent Business, or designee.

→Section 3. The task force shall meet at least three times between the effective date of this Resolution and the date that it submits its findings and recommendations to the Legislative Research Commission.

→Section 4. The task force shall submit its findings and recommendations to the Legislative Research Commission for referral to the appropriate committee or committees by December 31, 2016.

→Section 5. A majority of the members appointed to the task force may vote to recommend that the Legislative Research Commission hire an outside entity or entities to complete an analysis or study on behalf of the task force relating to the issues contained herein.

→Section 6. In furtherance of the goal of this Resolution to ensure that the consequences of environmental regulations are more fully considered prior to them taking effect, the Kentucky General Assembly additionally urges the United States Congress to pass legislation to require the United States Environmental Protection Agency to appear before a congressional committee to discuss any proposed rule or regulation along with any associated guidance document and to require that the committee's approval be a prerequisite to that rule or regulation becoming effective.

→Section 7. Provisions of this Resolution to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof and to designate a study completion date.

Signed by Governor March 30, 2015.