

1 A JOINT RESOLUTION declaring the Commonwealth of Kentucky a sanctuary
2 state from the United States Environmental Protection Agency's overreaching regulatory
3 actions on fossil fuel-fired power plants.

4 WHEREAS, according to the United States Energy Information Agency, the price
5 per kilowatt hour of electricity in Kentucky for all sectors rose from 4.24 cents in 2001 to
6 10.51 cents in 2022; and

7 WHEREAS, Kentucky once enjoyed some of the lowest electricity rates in the
8 nation, but now has only the 18th lowest average electricity rates; and

9 WHEREAS, about 68% of the utility-scale electricity generation in the
10 Commonwealth is produced with coal, 23% is produced with natural gas, 8% is produced
11 with hydropower, and less than 1% is produced with wind, solar, or biomass generation
12 resources; and

13 WHEREAS, a history of regulatory overreach by the United States Environmental
14 Protection Agency (US EPA) with regard to its rulemaking under the Clean Air Act, 42
15 U.S.C. sec. 7401 et seq., and its enforcement of those rules has resulted in the premature
16 closure of fossil fuel-fired power plants, which has led to increased energy prices and a
17 less reliable and resilient electric grid in the Commonwealth; and

18 WHEREAS, recent examples of this regulatory overreach include US EPA's
19 adoption of the Clean Neighbor Plan, which would require states to reduce emissions
20 from power plants and industrial facilities within their own borders in order to reduce air
21 pollution in other states, as well as the US EPA's latest proposed rulemaking for existing
22 and new source performance standards for greenhouse gas emissions from fossil fuel-
23 fired electric generating units, which would require coal and natural gas fired power
24 plants to shut down, shift generation to other inputs, or adopt technologies that have not
25 been proven to be technically or financially feasible; and

26 WHEREAS, the Ninth Amendment to the Constitution of the United States
27 guarantees to the people rights not granted in the Constitution, and reserves to the people

1 of Kentucky certain rights as they were understood at the time Kentucky was admitted to
2 the Union as a state on June 1, 1792; and

3 WHEREAS, the US EPA has time and again overstepped its regulatory authority by
4 using standards and rulemaking that are not supported by the text or intent of the Clean
5 Air Act, 42 U.S.C. sec. 7401 et seq., and in so doing has abridged the unenumerated
6 rights protected by the Ninth Amendment to the Constitution of the United States,
7 including the right to be free from imperial power by the federal government over the
8 states that deprives the citizens of economic security and well-being, which is
9 fundamental and understood by all citizens of the United States;

10 NOW, THEREFORE,

11 ***Be it resolved by the General Assembly of the Commonwealth of Kentucky:***

12 ➔Section 1. The Kentucky General Assembly declares the Commonwealth of
13 Kentucky a sanctuary state from the overreaching regulatory power of the United States
14 Environmental Protection Agency.

15 ➔Section 2. Air quality standards set for permits and generally for the operation
16 of fossil fuel-fired power plants in the Commonwealth of Kentucky shall not be subject to
17 federal regulation. Jurisdiction for environmental regulation shall be held solely by the
18 Energy and Environment Cabinet.

19 ➔Section 3. State agencies shall not collect fines or penalties for any violations of
20 federal requirements as they apply to fossil fuel-fired power plants.

21 ➔Section 4. The Clerk of the House of Representatives is directed to transmit a
22 copy of this Joint Resolution to Michael S. Regan, Administrator of the United States
23 Environmental Protection Agency.