GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2015 REGULAR SESSION

HOUSE CONCURRENT RESOLUTION NO. 168

AS ENACTED

TUESDAY, MARCH 24, 2015

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

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

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

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

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

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

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

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

26 WHEREAS, Kentucky will, therefore, be among the states hardest hit by these
27 federal regulations, with lower-income Kentuckians and electricity-intensive industries,

1 such as manufacturing and aluminum smelting, being particularly affected; and
2 WHEREAS, it is incumbent upon the General Assembly to gather representatives
3 from Kentucky's economic, educational, scientific, industrial, and political sectors to
4 study the consequences of these federal regulations on the affordability and reliability of
5 electricity generation in the Commonwealth and to formulate recommendations on how to
6 cope with these consequences;
7 NOW, THEREFORE,
8 ***Be it resolved by the House of Representatives of the General Assembly of the***
9 ***Commonwealth of Kentucky, the Senate concurring therein:***
10 ➔Section 1. The Legislative Research Commission is hereby directed to create a
11 Federal Environmental Regulation Impact Assessment Task Force to study the potential
12 effect of federal environmental policies and regulations on the affordability and reliability
13 of electricity generation in Kentucky. The task force shall study how those effects on
14 affordability and reliability will impact the residents, local governments, school districts,
15 and businesses of the Commonwealth.
16 ➔Section 2. The task force shall be composed of the following members, with
17 final membership of the task force being subject to the consideration and approval of the
18 Legislative Research Commission:
19 (1) The chair of the House Standing Committee on Natural Resources and
20 Environment to serve as co-chair;
21 (2) The chair of the Senate Standing Committee on Natural Resources and Energy
22 to serve as co-chair;
23 (3) Two additional members of the Senate, one to be appointed by the President
24 of the Senate, and one to be appointed by the Minority Floor Leader of the Senate;
25 (4) Two additional members of the House of Representatives, one to be appointed
26 by the Speaker of the House of Representatives, and one to be appointed by the Minority
27 Floor Leader of the House of Representatives;

1 (5) The secretary of the Energy and Environment Cabinet, or designee;
2 (6) The secretary of the Cabinet for Economic Development, or designee;
3 (7) The executive director of the Public Service Commission, or designee;
4 (8) The director of the Division of Emergency Management of the Department of
5 Military Affairs, or designee;
6 (9) The president of the Kentucky League of Cities, or designee;
7 (10) The president of the Kentucky Association of Counties, or designee;
8 (11) The executive director of the Kentucky School Boards Association, or
9 designee;
10 (12) The executive director of Kentucky Industrial Utility Customers, or designee;
11 (13) The president of the Kentucky Coal Association, or designee;
12 (14) The president of the Kentucky Oil and Gas Association, or designee;
13 (15) The director of the Center for Applied Energy Research at the University of
14 Kentucky, or designee;
15 (16) The director of the Conn Center for Renewable Energy Research at the
16 University of Louisville, or designee;
17 (17) The president of the Kentucky Association of Manufacturers, or designee;
18 (18) The executive director of Community Action Kentucky, or designee;
19 (19) The Kentucky state director of the American Association of Retired Persons,
20 or designee; and
21 (20) The Kentucky state director of the National Federation of Independent
22 Business, or designee.
23 ➔Section 3. The task force shall meet at least three times between the effective
24 date of this Resolution and the date that it submits its findings and recommendations to
25 the Legislative Research Commission.
26 ➔Section 4. The task force shall submit its findings and recommendations to the
27 Legislative Research Commission for referral to the appropriate committee or committees

1 by December 31, 2016.

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

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

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

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date 3/30/15