

House Concurrent Resolution No. 50

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE REMOLE.

2595H.011

D. ADAM CRUMBLISS, Chief Clerk

2 **WHEREAS**, a reliable and affordable electricity supply is vital to the nation's and each
3 state's economic growth, jobs, and the overall well-being of its citizens; and

4 **WHEREAS**, under its sovereignty and the protections of the 10th Amendment, it is the
5 sole authority of each state to regulate as necessary to ensure a reliable and affordable supply of
6 electricity for its citizens; and

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8 **WHEREAS**, environmental regulations should be based on sound science and a
9 transparent and comprehensive program that addresses environmental issues, the nation's broader
10 economic prosperity, and the long-term energy affordability for citizens; and

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12 **WHEREAS**, the regulation of retail electricity sales and local distribution of electricity
13 is a sovereign state function that federal agencies have a legal obligation to respect and preserve;
14 and

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16 **WHEREAS**, on June 25, 2013, the President issued a memorandum to the Administrator
17 of the U.S. Environmental Protection Agency (EPA) directing the EPA to develop guidelines to
18 control greenhouse gas emissions from existing fossil fuel-fired power plants under Section
19 111(d) of the federal Clean Air Act and to seek input from states; and

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21 **WHEREAS**, on June 2, 2014, the EPA issued proposed guidelines limiting carbon
22 dioxide(CO₂) emissions from existing fossil fuel-fired power plants under Section 111(d) of the
23 federal Clean Air Act and published them for comment in the Federal Register on June 16, 2014;
24 and

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26 **WHEREAS**, the EPA, under the Clean Air Act (CAA), claims authority to regulate
27 greenhouse gases by utilizing Section 111(d) to regulate carbon dioxide performance standards
28 for Existing Generating Units (EGUs) if those plants are already regulated under Section 112's
29 air toxics program; and

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31 **WHEREAS**, the EPA has admitted this proposed rule will not measurably alter any
32 impacts of climate change; and

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34 **WHEREAS**, the EPA has admitted that its interpretation of the CAA conflicts with a
35 literal reading of the law and acknowledged that this application of the CAA "would have been
36 unrecognizable to the Congress that designed' the governing statutory framework;" and
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38 **WHEREAS**, the proposed guidelines are based on the EPA's assessment of each state's
39 ability to improve the efficiency of coal-fired electric generating units, retire or differently
40 operate coal-fired electric generating units, substantially increase the generation of electricity
41 from natural gas, significantly increase reliance on renewable energy sources, and substantially
42 reduce the use of electricity by consumers, all in a plan and on a schedule that is not achievable
43 and workable; and
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45 **WHEREAS**, the proposed rule would effectively amount to a federal takeover of the
46 electricity system of the United States; and
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48 **WHEREAS**, the proposed guidelines and plan, by the EPA's own estimates have a major
49 impact on the economy of each state and significant consequences for how electricity is
50 generated, transmitted, distributed, and used within State:
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52 **NOW THEREFORE BE IT RESOLVED** that the members of the House of
53 Representatives of the Ninety-eighth General Assembly, First Regular Session, the Senate
54 concurring therein, hereby request the attorney general exhaust all available options to challenge
55 the EPA's proposed regulations and protect the state from federal overreach; and
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57 **BE IT FURTHER RESOLVED** the General Assembly strongly urges the EPA to
58 withdraw its proposed regulations and return the rightful authority of energy regulation to the
59 states; and
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61 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
62 Representatives be instructed to prepare a properly inscribed copy of this resolution for the
63 attorney general of Missouri and Gina McCarthy, director of the Environmental Protection
64 Agency.

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