

# House Concurrent Resolution No. 69

## 98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MILLER.

5388H.011

D. ADAM CRUMBLISS, Chief Clerk

1           **WHEREAS**, diverse, reliable, and affordable energy supply is vital to economic growth  
2 in Missouri; and

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4           **WHEREAS**, the United States has abundant natural resources that have contributed to  
5 Missouri's growth and development, and Missouri benefits from a diverse mix of energy sources  
6 that include coal, natural gas, nuclear power, and renewable energy; and

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8           **WHEREAS**, on June 2, 2014, the United States Environmental Protection Agency (EPA)  
9 proposed the Clean Power Plan to reduce carbon dioxide emissions from fossil fuel-fired power  
10 plants, requiring Missouri to significantly reduce the carbon dioxide emissions rate of its  
11 electricity-generating fleet; and

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13           **WHEREAS**, the North American Electric Reliability Corporation and Regional  
14 Transmission Organizations are raising concerns about the reliability of the nation's electric grid  
15 in light of the projected national retirement of more than sixty gigawatts (GW) of generating  
16 capacity prior to 2020 due to economic considerations and compliance with more stringent  
17 environmental requirements; and

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19           **WHEREAS**, on August 3, 2015, the EPA predicted in its regulatory impact analysis for  
20 its final Clean Power Plan that up to twenty-nine GW of coal-fired generating units would close  
21 in the United States by 2025 with eleven GW more closing by 2030, and many of these units are  
22 in or serving states that are members of the Southern States Energy Board; and

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24           **WHEREAS**, some studies project that the EPA’s proposed Clean Power Plan may cause  
25 double-digit electricity price increases in many states, including the sixteen states and two  
26 territories comprising the Southern States Energy Board; and

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28           **WHEREAS**, Missouri burns coal for more than eighty percent of its electricity, and the  
29 state’s carbon reduction goal under the final rule is much tougher than in the draft proposal; and

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31           **WHEREAS**, Missouri must reduce its power-sector carbon emissions rate to 1,272  
32 pounds of carbon dioxide per megawatt-hour of power produced, much stiffer than the 1,544  
33 pounds per megawatt-hour level in the draft rule; and

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35           **WHEREAS**, the Clean Power Plan is based on emission reduction measures that  
36 interfere with the regulation of electricity by individual states and that will have a major impact  
37 on energy resources, electricity ratepayers, grid reliability, jobs, and the economy of the United  
38 States; and

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40           **WHEREAS**, twenty-nine states do not believe that the Clean Power Plan is consistent  
41 with the EPA’s authority under the Clean Air Act; and

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43           **WHEREAS**, the final Clean Power Plan may be overturned as the result of legal  
44 challenges by multiple states:

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46           **NOW THEREFORE BE IT RESOLVED** that the members of the House of  
47 Representatives of the Ninety-eighth General Assembly, Second Regular Session, the Senate  
48 concurring therein, hereby find that the EPA’s Clean Power Plan interferes with the sovereign  
49 powers of the states to regulate electricity within their borders and to ensure a reliable and  
50 affordable supply of electricity for their citizens; and

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52           **BE IT FURTHER RESOLVED** that the members of the House of Representatives of  
53 the Ninety-eighth General Assembly, Second Regular Session, the Senate concurring therein,  
54 hereby urge the attorney general to take necessary legal actions regarding EPA’s final Clean  
55 Power Plan to prevent unlawful obligations from being imposed on states, electricity providers,  
56 businesses, and citizens; and that pending resolution of all such legal actions, encourage the  
57 governor to take such additional actions as may be appropriate to protect the best interests of  
58 Missouri including, but not limited to, requesting a two-year extension of the deadline to submit  
59 a final state plan, refusing to submit a Clean Power Plan under Section 111(d) of the federal  
60 Clean Air Act, or working with state environmental agencies to submit an implementation plan  
61 that the state deems to be feasible and legally sound regardless of whether the plan conforms to  
62 the final rule; and

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64           **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of  
65 Representatives be instructed to prepare a properly inscribed copy of this resolution for the EPA,  
66 the Congress of the United States, governors, lieutenant governors, applicable state regulators,  
67 and legislative presiding officers.

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