

**HOUSE BILL NO. 138**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE TALERICO**

**Introduced: 3/6/15**

**Referred:**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the development of state emission standards that comply with the**  
2 **federal Clean Air Act."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 LEGISLATIVE FINDINGS AND INTENT. (a) The legislature finds that the  
7 proposed rule related to the Clean Power Plan developed by the United States Environmental  
8 Protection Agency under 42 U.S.C. 7411(d) (sec. 111(d), Clean Air Act) violates the Tenth  
9 Amendment to the Constitution of the United States.

10 (b) It is the intent of the legislature that the governor, the attorney general, and the  
11 Department of Environmental Conservation

12 (1) use their resources to defend the sovereignty of the state and protect the  
13 people from federal overreach;

14 (2) continue to seek an exemption from the Clean Power Plan; and

1 (3) work with the United States Environmental Protection Agency to solve the  
2 constitutional concerns of the legislature and to tailor the Clean Power Plan to meet the  
3 unique needs of the state.

4 \* **Sec. 2.** AS 46.14 is amended by adding a new section to article 5 to read:

5 **Sec. 46.14.570. Emission standards to comply with federal law.** (a) The  
6 department shall develop a state plan to comply with 42 U.S.C. 7411(d) (sec. 111(d),  
7 Clean Air Act). The department may not develop a plan under this section until the  
8 United States Environmental Protection Agency finalizes the rule for the Clean Power  
9 Plan.

10 (b) In developing a plan under (a) of this section, the department shall prepare  
11 a report, subject to notice and comment, that assesses the effects of the plan on

12 (1) the electric power sector, including

13 (A) the availability of affordable electricity from diversified  
14 sources of electric generation;

15 (B) the type and amount of electricity generating capacity in the  
16 state that is likely to be eliminated or switched to another fuel;

17 (C) investment in electricity generating capacity and other  
18 infrastructure;

19 (D) the amount of investment necessary to offset retirements of  
20 electricity generating capacity and maintain generation reserve margins;

21 (E) potential risks to electric reliability, such as resource  
22 adequacy risks and transmission constraints;

23 (F) the amount by which retail electricity prices in the state are  
24 forecasted to increase as a result of the plan;

25 (2) electricity consumers in the state, including any disproportionate  
26 effects of electricity and other energy price increases on households of low or  
27 moderate income;

28 (3) employment in the state, including direct and indirect employment  
29 effects and jobs lost within affected public and private sectors of the state's economy;

30 (4) economic development in the state, including effects on  
31 manufacturing, commercial, and other sectors of the economy of the state;

- 1                   (5) the competitive position of the state;
- 2                   (6) the state government and local governments, including the effects of
- 3 potential changes in tax revenue;
- 4                   (7) state law, including any new laws necessary to implement the state
- 5 plan.
- 6                   (c) Not later than 15 days before the completion of a state plan, the department
- 7 shall deliver a copy of the state plan and the report required under (b) of this section to
- 8 the senate secretary and the chief clerk of the house of representatives and notify the
- 9 legislature that the report is available. The department may not submit the state plan to
- 10 the United States Environmental Protection Agency until the plan is approved by the
- 11 legislature. If the legislature fails to approve the state plan, the department may submit
- 12 a revised state plan to the legislature with an accompanying revised report.