



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA OPPOSING EFFORTS BY THE ENVIRONMENTAL PROTECTION AGENCY TO USE EXISTING FEDERAL LAWS TO REGULATE GREENHOUSE GAS EMISSIONS.

WHEREAS, the U.S. Environmental Protection Agency has proposed or is proposing numerous new regulations, particularly in the area of air quality and the regulation of greenhouse gases, that could have major detrimental effects on the economy, jobs, and U.S. competitiveness in worldwide markets; and

WHEREAS, federal laws, such as the Clean Air Act, were never intended or designed to regulate greenhouse gases; and

WHEREAS, Montana's two U.S. senators have gone on record that Congress, not just the EPA, is the appropriate venue to consider greenhouse gas regulations; and

WHEREAS, concern is growing that with cap-and-trade legislation having failed in Congress, the EPA is attempting to obtain some of the same results through the adoption of regulations; and

WHEREAS, neither the EPA nor President Obama's administration has undertaken any comprehensive study of what the cumulative effect of all of this new regulatory activity will be on the economy, jobs, and competitiveness; and

WHEREAS, state agencies are routinely required to identify the costs of their regulations and to justify those costs in light of the benefits; and

WHEREAS, since the EPA has identified "taking action on climate change and improving air quality" as its first strategic goal for the 2011-2015 time period, the EPA should be required to identify the specific actions it intends to take to achieve these goals and to assess the total cost of all these actions together; and

WHEREAS, the Montana Legislature supports continuing improvements in the quality of the nation's air and believes that those improvements can be made in a sensible fashion without damaging the economy, as long as there is a full understanding of the cost and benefits of the regulations at issue; and

WHEREAS, the primary goal of government at the present time must be to promote economic recovery and to foster a stable and predictable business environment that will lead to the creation of jobs; and

WHEREAS, Montana is the seventh largest user of energy per capita but only ranks 49th, second to last, in take-home pay; and

WHEREAS, Montana possesses vast reserves of proven, low-cost energy, including coal, natural gas, and oil, that creates high-paying jobs; and

WHEREAS, 40% of the nation's coal used for electricity generation comes from the Powder River Basin states of Montana and Wyoming; and

WHEREAS, more than 70% of Montana's coal production is exported to generate low-cost electricity used in homes, small businesses, and manufacturing; and

WHEREAS, more than 1,100 families depend on the good-paying jobs the Montana coal industry provides; and

WHEREAS, the state of Montana receives more than \$70 million in direct tax benefits annually from coal industries; and

WHEREAS, the oil and gas industry is responsible for 4,500 direct jobs in Montana, and another 7,500 indirect jobs; and

WHEREAS, production tax revenue alone accounts for more than \$220 million that is distributed to state and local government and schools across the state; and

WHEREAS, the total economic impact of the petroleum industry in Montana is \$9 billion; and

WHEREAS, Montana's four refineries provide more than 1,000 jobs with an average wage of over \$90,000; and

WHEREAS, environmental improvement is only possible in a society that generates wealth.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 62nd Legislature requests that the United States Congress consider:

(1) adopting legislation prohibiting the EPA from utilizing existing federal laws to regulate greenhouse gas emissions, including, if necessary, defunding the EPA's greenhouse gas regulatory activities;

(2) imposing a moratorium on promulgation of any new air quality regulation by the EPA by any means necessary, except to directly address an imminent health or environmental emergency, for a period of at least 2 years; and

(3) requiring President Obama's administration to undertake a study identifying all regulatory activity that the EPA intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and specify the cumulative effect of all of these regulations on the economy, jobs, and American economic competitiveness. This study should be a multiagency study drawing on the expertise of the EPA, agencies, and departments having expertise in and responsibility for the economy and the electric system and should provide an objective cost-benefit analysis of all of the EPA's current and planned regulation.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Montana's Congressional Delegation, and the Administrator of the Environmental Protection Agency.

- END -

I hereby certify that the within joint resolution,
SJ 0010, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2011.

Speaker of the House

Signed this _____ day
of _____, 2011.

SENATE JOINT RESOLUTION NO. 10

INTRODUCED BY J. PRIEST, HINKLE, BURNETT, HUTTON, MURPHY, JACKSON, LEWIS, BUTTREY,
WITTICH, DE. BARRETT, MOWBRAY, ROBERTS

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