

1 SENATE JOINT RESOLUTION NO. 10

2 INTRODUCED BY J. PRIEST, HINKLE, BURNETT, HUTTON, MURPHY, JACKSON, LEWIS, BUTTREY,
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5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
6 MONTANA OPPOSING EFFORTS BY THE ENVIRONMENTAL PROTECTION AGENCY TO USE EXISTING
7 FEDERAL LAWS TO REGULATE GREENHOUSE GAS EMISSIONS.

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

12 ~~WHEREAS, the EPA's regulatory activity related to air quality and greenhouse gases has become known~~
13 ~~as the "train wreck" because of the numerous and overlapping requirements and because of the potentially~~
14 ~~devastating consequences that this regulatory activity may have on the economy; and~~

15 WHEREAS, FEDERAL LAWS, SUCH AS THE CLEAN AIR ACT, WERE NEVER INTENDED OR DESIGNED TO REGULATE
16 GREENHOUSE GASES; AND

17 WHEREAS, MONTANA'S TWO U.S. SENATORS HAVE GONE ON RECORD THAT CONGRESS, NOT JUST THE EPA,
18 IS THE APPROPRIATE VENUE TO CONSIDER GREENHOUSE GAS REGULATIONS; AND

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

21 ~~WHEREAS, EPA overregulation is driving jobs and industry out of America; and~~

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

25 ~~WHEREAS, the EPA has not performed any comprehensive study of what the environmental benefits~~
26 ~~of its greenhouse regulation will be in terms of impacts on global climate; and~~

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

29 WHEREAS, since the EPA has identified "taking action on climate change and improving air quality" as
30 its first strategic goal for the 2011-2015 time period, the EPA should be required to identify the specific actions

1 it intends to take to achieve these goals and to assess the total cost of all these actions together; and

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

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

7 WHEREAS, Montana is the seventh largest user of energy per capita but only ranks 49th, second to last,
8 in take-home pay ~~and is extremely vulnerable to carbon taxes of any kind, including regulatory taxes;~~ and

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

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

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

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

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

19 ~~WHEREAS, the EPA's efforts to lower coal consumption in other states will cost Montana jobs, impact~~
20 ~~tax revenue, and harm Montana's coal industry; and~~

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

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

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

26 WHEREAS, Montana's four refineries provide more than 1,000 jobs with an average wage of over
27 \$90,000; and

28 ~~WHEREAS, public health and welfare will suffer without significant new job creation and economic~~
29 ~~improvement because people with good jobs are better able to take care of themselves and their families than~~
30 ~~are the unemployed and because~~ environmental improvement is only possible in a society that generates wealth.

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

3 That the 62nd Legislature requests that the United States Congress CONSIDER:

4 (1) ~~adopt~~ ADOPTING legislation prohibiting the EPA, ~~by any means necessary,~~ from ~~regulating~~ UTILIZING
5 EXISTING FEDERAL LAWS TO REGULATE greenhouse gas emissions, including, if necessary, defunding the EPA's
6 greenhouse gas regulatory activities;

7 (2) ~~impose~~ IMPOSING a moratorium on promulgation of any new air quality regulation by the EPA by any
8 means necessary, except to directly address an imminent health or environmental emergency, for a period of at
9 least 2 years, ~~including defunding the EPA's air quality regulatory activities;~~ and

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

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

19 - END -