

By: Senator(s) Burton, Hawks, Kirby

To: Environment Prot,
Cons and Water Res

SENATE BILL NO. 2706

1 AN ACT TO CREATE A NEW CODE SECTION TO RESTRICT THE
2 MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY FROM PROPOSING OR
3 IMPLEMENTING ANY RULE RELATED TO GREENHOUSE GAS EMISSIONS AS
4 DEFINED BY THE KYOTO PROTOCOL UNTIL RATIFIED BY THE U.S. SENATE;
5 AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. (1) The Mississippi State Legislature hereby
8 finds that:

9 (a) The United States is a signatory to the 1992 United
10 Nations Framework Convention on Global Climate Change;

11 (b) A protocol to expand the scope of the FCCC was
12 negotiated in December 1997 in Kyoto, Japan, requiring the United
13 States to reduce emissions of greenhouse gases such as carbon
14 dioxide and methane by seven percent (7%) from 1990 emission
15 levels during the period 2008 to 2012, with similar reduction
16 obligations for other major industrial nations;

17 (c) Developing nations, including China, India, Mexico,
18 Indonesia and Brazil, are exempt from greenhouse gas emission
19 limitation requirements in the FCCC;

20 (d) Developing nations refused in the Kyoto
21 negotiations to accept any new commitments for greenhouse gas
22 emission limitations through the Kyoto Protocol of other
23 agreements;

24 (e) With respect to new commitments under the FCCC,
25 President Clinton pledged on October 22, 1997, that "The United
26 States will not assume binding obligations unless key developing
27 nations meaningfully participate in this effort.";

28 (f) On July 25, 1997, the United States Senate adopted
29 Senate Resolution No. 98 by a vote of 95-0, expressing the sense
30 of the Senate that, inter alia, "the United States should not be a
31 signatory to any protocol to or other agreement regarding, the
32 Framework Convention on Climate Change...which would require the
33 advice and consent of the Senate to ratification, and which would
34 mandate new commitments to mitigate greenhouse gas emissions for
35 the Developed Country Parties, unless the protocol or other
36 agreement also mandates specific scheduled commitments within the
37 same compliance period to mitigate greenhouse gas emissions for
38 Developing Country Parties.";

39 (g) The Kyoto Protocol fails to meet the tests
40 established for acceptance of new climate change commitments by
41 President Clinton and by U.S. Senate Resolution No. 98;

42 (h) On November 12, 1998, the Clinton administration
43 confirmed its commitment to Kyoto Protocol as the Treaty was
44 signed by Acting U.S. Ambassador Peter Burleigh at the United
45 Nations;

46 (i) Achieving the emission reductions proposed by the
47 Kyoto Protocol would require more than a thirty-five percent (35%)
48 reduction in projected United States carbon dioxide and other
49 greenhouse gas emissions during the period 2008 to 2012;

50 (j) Developing countries exempt from emission
51 limitations under the Kyoto Protocol are expected to increase
52 their rates of fossil fuel use over the next two (2) decades and
53 to surpass the United States and other industrialized countries in
54 total emissions of greenhouse gases;

55 (k) Increased emissions of greenhouse gases by
56 developing countries would offset any potential environmental
57 benefits associated with emissions reductions achieved by the
58 United States and by other industrial nations;

59 (l) Economic impact studies by the U.S. government
60 estimate that legally binding requirements for the reduction of

61 U.S. greenhouse gases to 1990 emission levels would result in the
62 loss of more than nine hundred thousand (900,000) jobs in the
63 United States, sharply increased energy prices, reduced family
64 incomes and wages, and severe losses of output in energy-intensive
65 industries such as aluminum, steel, rubber, chemicals and
66 utilities;

67 (m) An economic impact study by Wharton Econometrics
68 Forecasting Associates estimates that Mississippi under the same
69 reduction requirements would lose twenty-eight thousand (28,000)
70 jobs, including fourteen thousand six hundred (14,600)
71 manufacturing jobs; and Four Hundred Twenty-three Million Dollars
72 (\$423,000,000.00) in tax revenues;

73 (n) The failure to provide for commitments by
74 developing countries in the Kyoto Protocol creates an unfair
75 competitive imbalance between industrial and developing nations,
76 potentially leading to the transfer of jobs and industrial
77 development from the United States to developing countries;

78 (o) Federal implementation of the Kyoto Protocol, if
79 ratified by the United States Senate, would entail new
80 congressional legislation whose form and requirements cannot be
81 predicted at this time, but could include national energy taxes or
82 emission control allocation and trading schemes that would preempt
83 state-specific programs intended to reduce emissions of greenhouse
84 gases;

85 (p) Piecemeal or other uncoordinated state regulatory
86 initiatives intended to reduce emissions of greenhouse gases may
87 be inconsistent with subsequent congressional determinations
88 concerning the Kyoto Protocol and with related federal legislation
89 implementing the Kyoto Protocol;

90 (q) Individual state responses to the Kyoto Protocol,
91 including development of new regulatory programs intended to
92 reduce greenhouse gas emissions, are premature prior to Senate
93 ratification of the Protocol in its current amended form and prior

94 to congressional enactment of related implementing legislation;
95 and

96 (r) There is neither federal nor state statutory
97 authority for new regulatory programs or other efforts intended to
98 reduce greenhouse gas emissions for purposes of complying with or
99 facilitating compliance with the provisions of the Kyoto Protocol.

100 SECTION 2. For the purposes of this act, the following words
101 shall have the definitions ascribed herein:

102 (a) "FCCC" means the 1992 United Nations Framework
103 Convention on Global Climate Change.

104 (b) "Kyoto Protocol" means the protocol to expand the
105 scope of the FCCC that was negotiated in December 1997 in Kyoto,
106 Japan.

107 SECTION 3. (1) The Mississippi Department of Environmental
108 Quality shall not propose or adopt any new rule for the intended
109 purpose of addressing the adverse effects of climate change that
110 in whole or in part reduces emissions of greenhouse gases, as
111 those gases are defined by the Kyoto Protocol, from the
112 residential, commercial, industrial, electric utility or
113 transportation sectors until the protocol is ratified by the
114 United States Senate. In the absence of an act of the Mississippi
115 Legislature approving such rules, the Executive Director of the
116 Mississippi Department of Environmental Quality shall not submit
117 to the U.S. Environmental Protection Agency or to any other agency
118 of the federal government any legally enforceable commitments
119 related to the reduction of greenhouse gases, as those gases are
120 defined by the Kyoto Protocol.

121 (2) Nothing in this section shall be construed to limit or
122 to impede private participation in any on-going voluntary
123 initiatives to reduce emissions of greenhouse gases, including,
124 but not limited to, the U.S. Environmental Protection Agency's
125 Green Lights program, the U.S. Department of Energy's Climate
126 Challenge program, and similar state and federal initiatives

127 relying on voluntary participation; provided, however, that such
128 participation does not involve any allocation or other
129 distribution of greenhouse gas emission entitlements pursuant to
130 or under color of the Kyoto Protocol.

131 (3) This section shall become inoperative upon ratification
132 of the Kyoto Protocol by the United States Senate or if Congress
133 otherwise authorizes reduction of emissions of the gases described
134 in this section for the purpose of addressing the adverse effects
135 of climate change.

136 SECTION 4. This act shall take effect and be in force from
137 and after its passage.