

By: Senator(s) Burton, Hawks, Kirby

To: Environment Prot,
Cons and Water ResSENATE BILL NO. 2706
(As Passed the Senate)

1 AN ACT TO CREATE A NEW CODE SECTION TO PROHIBIT THE
2 COMMISSION ON ENVIRONMENTAL QUALITY FROM ADOPTING OR PROMULGATING
3 ANY RULE RELATED TO GREENHOUSE GAS EMISSIONS AS DEFINED BY THE
4 KYOTO PROTOCOL UNTIL RATIFIED BY THE U.S. SENATE; TO PROVIDE FOR
5 EXCEPTIONS TO THAT PROHIBITION; TO PROHIBIT THE COMMISSION ON
6 ENVIRONMENTAL QUALITY OR THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
7 OF ENVIRONMENTAL QUALITY FROM SUBMITTING LEGALLY BINDING
8 COMMITMENTS FOR THE REDUCTION OF GREENHOUSE GASES; AND FOR RELATED
9 PURPOSES.

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

11 SECTION 1. (1) For the purposes of this act, "Kyoto
12 Protocol" means the protocol to expand the scope of the 1992
13 United Nations Framework Convention on Global Climate Change that
14 was negotiated in December 1997 in Kyoto, Japan.

15 (2) Except as provided in subsection (4) of this section,
16 the Commission on Environmental Quality shall not promulgate or
17 adopt any new rule for the intended purpose of addressing the
18 adverse effects of climate change that in whole or in part reduces
19 emissions of greenhouse gases, as those gases are defined by the
20 Kyoto Protocol, from the residential, commercial, industrial,
21 electric utility or transportation sectors until the Kyoto
22 Protocol is ratified by the United States Senate. The Commission
23 on Environmental Quality or the Executive Director of the
24 Mississippi Department of Environmental Quality shall not submit
25 to the United States Environmental Protection Agency or to any
26 other agency of the federal government any legally enforceable
27 commitments related to the reduction of greenhouse gases, as those
28 gases are defined by the Kyoto Protocol.

29 (3) Nothing in this section shall be construed to limit or

30 to impede private participation in any on-going voluntary
31 initiatives to reduce emissions of greenhouse gases, including,
32 but not limited to, the United States Environmental Protection
33 Agency's Green Lights program, the United States Environmental
34 Protection Agency's Star program, the United States Department of
35 Energy's Climate Challenge program, and similar state and federal
36 initiatives relying on voluntary participation; provided, however,
37 that such participation does not involve any allocation or other
38 distribution of greenhouse gas emission entitlements under the
39 Kyoto Protocol.

40 (4) The commission may adopt or promulgate a new rule which
41 affects emissions of greenhouse gases, as those gases are defined
42 by the Kyoto Protocol, from the residential, commercial,
43 industrial, electric utility or transportation sectors if:

44 (a) The rule is required by the United States
45 Environmental Protection Agency to be adopted as a condition of
46 maintaining delegation of programs under the federal Clean Air
47 Act, as amended; or

48 (b) The rule addresses conditions causing or
49 contributing to non-attainment of the National Ambient Air Quality
50 Standards in any area of the state designated or proposed to be
51 designated as a non-attainment area.

52 SECTION 2. This act shall take effect and be in force from
53 and after its passage and shall be repealed upon ratification of
54 the Kyoto Protocol by the United States Senate or upon
55 ratification by the United States Congress authorizing reduction
56 of emissions of greenhouse gases, as defined in the Kyoto Protocol
57 for the purpose of addressing the adverse effects of climate
58 change.