Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

HOUSE CONCURRENT RESOLUTION NO. 3024
(Representatives Laning, Boe, Delmore, Delzer, Headland, Kreidt, Seibel)
(Senators Carlisle, Dotzenrod, Unruh, Wardner)

A concurrent resolution urging the federal government to refrain from enacting regulations that threaten the reliability and affordability of electric power in the Northern Great Plains.

WHEREAS, over the course of the 2013-15 biennium, the United States Environmental Protection Agency has proposed two regulations that would enact a de facto ban on the construction of new, efficient, and cost-effective coal-fired power plants, and threaten the continued operation of existing coal-fired power plants; and

WHEREAS, in November 2014, the United States Environmental Protection Agency proposed to further reduce the standard for ambient ozone to levels that could restrict North Dakota's energy industry and impede economic growth; and

WHEREAS, the United States Office of Surface Mining, Reclamation, and Enforcement continues to explore a new regulation that could significantly restrict access to North Dakota's coal resources; and

WHEREAS, in December 2014, the White House Council on Environmental Quality issued draft guidance for assessing climate impacts under the National Environmental Policy Act that will further delay the permitting of coal leases on federal land; and

WHEREAS, in September 2013, the Eighth Circuit Court of Appeals released an opinion upholding the authority of the United States Environmental Protection Agency to reject the State of North Dakota's plan to reduce regional haze; and

WHEREAS, in November 2014, the White House announced an agreement with China by which the United States would significantly reduce its carbon dioxide emissions by 2025 at unknown cost to our economy and China is allowed to continue increasing emissions through 2030; and

WHEREAS, the United States Environmental Protection Agency's Clean Power Plan is estimated to increase North Dakota resident's average electricity and gas bills $700 by 2020; and

WHEREAS, the United States Environmental Protection Agency's Clean Power Plan is estimated to cost the American economy over $300 billion, with no measurable reduction in global carbon dioxide levels; and

WHEREAS, the United States Environmental Protection Agency's proposed regulations for carbon dioxide emissions from new and existing coal-fired power plants go beyond the authority provided by existing federal statutes; and

WHEREAS, the North Dakota lignite industry employs over 17,000 individuals in the state, and contributes over $3 billion in economic activity in North Dakota each year; and

WHEREAS, the North Dakota lignite industry generates enough electricity to power over 2 million homes in the Northern Great Plains, supplies synthetic natural gas to 400,000 homes and businesses, and produces numerous beneficial byproducts; and

WHEREAS, if the federal government continues to issue regulations and administrative actions that are not based on sound science, economic, and technological reality, it will have significant impact on consumer electricity costs, and the North Dakota lignite industry will struggle to provide low-cost, reliable electricity; and

WHEREAS, the cumulative effects of proposed federal regulations present a significant threat to the viability and dependability of the Northern Great Plains' electric grid; and

WHEREAS, under the present federal regulatory agenda, North Dakota is in danger of losing thousands of high-paying jobs as well as hundreds of millions in revenue generated through taxes and business activity;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-fourth Legislative Assembly urges the federal government to refrain from continuing to impose regulations and other administrative actions that prohibit or restrict the ability of utilities to continue providing low-cost and reliable power from North Dakota's vast lignite reserves; and

BE IT FURTHER RESOLVED, that the United States Environmental Protection Agency refrain from finalizing regulations for carbon dioxide emission standards which requires new coal-fired power plants to meet an emission standard that is not achievable with current commercial technology, and which prematurely requires retirement or curtailment of existing coal-fired power plants; and

BE IT FURTHER RESOLVED, that the Sixty-fourth Legislative Assembly urges the federal government to work with the state, the North Dakota Congressional Delegation, and the North Dakota lignite industry to design and implement regulatory programs that are based on sound science, recognize the status of existing technology and development timelines, and that make economic sense for the producers and consumers of North Dakota lignite; and

BE IT FURTHER RESOLVED, that the members of the Sixty-fourth Legislative Assembly support the efforts of the lignite industry to develop technological solutions that will enable the continuation of lignite-based electric generation; and

BE IT FURTHER RESOLVED, that the members of the Sixty-fourth Legislative Assembly support the efforts of the lignite industry to challenge regulations and other actions that will impact the ability of the industry to continue utilizing North Dakota's strategic lignite resource; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution by certified mail, return receipt requested, to the President of the United States, the Director of the United States Environmental Protection Agency, each member of the North Dakota Congressional Delegation, the State Department of Health, and the Public Service Commission.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

Filed in this office this 9th day of April, 2015,

at 9:42 o'clock A M.

Secretary of State