

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE JOINT
6 RESOLUTION NO. 6

By: Long and Campbell of the
Senate

and

Rice of the House

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11 COMMITTEE SUBSTITUTE

12 A Joint Resolution prohibiting the Oklahoma State
13 Legislature and the Governor from implementing the
14 Kyoto Protocol on Global Climate Change until such
15 protocol is ratified by the United States Senate;
16 providing for construction of resolution; authorizing
17 certain voluntary participation in various programs;
18 providing for codification; declaring an emergency;
19 and directing distribution.

20 WHEREAS, a protocol to expand the scope of the 1992 United
21 Nations Framework Convention on Global Climate Change was negotiated
22 in December 1997 in Kyoto, Japan, and such Kyoto Protocol was signed
23 by the United States Government in November 1998, such protocol,
24 which if ratified by the United States Senate would require the
25 United States to reduce emissions of greenhouse gases including
26 carbon dioxide and methane by seven percent (7%) from 1990 emission
27 levels during the period 2008 to 2012; and

28 WHEREAS, the United States Senate has not yet received the Kyoto
29 Protocol for its consideration; and

30 WHEREAS, economic impact studies by the U.S. Department of
31 Energy, Energy Information Administration, an independent agency of
32 the United States Government, estimate that legally binding
requirements for implementation of the Kyoto Protocol would result
in the loss of hundreds of thousands of jobs in the United States,

1 sharply increased electric service rates, reduced family incomes and
2 wages, and severe losses of output in energy-intensive industries
3 such as aluminum, steel, rubber, chemicals, and utilities; and

4 WHEREAS, increased emissions of greenhouse gases by developing
5 countries would offset any potential climate change benefits
6 associated with emissions reductions achieved by the United States
7 and by other industrial nations; and

8 WHEREAS, federal implementation of the Kyoto Protocol, if
9 ratified by the United States Senate, would entail new Congressional
10 legislation whose form and requirements cannot be predicted at this
11 time, but could include national energy taxes or emission control
12 allocation and trading schemes preempting state-specific programs
13 intended to reduce emissions of greenhouse gases; and

14 WHEREAS, piecemeal or other regulatory initiatives pursuant to
15 the Kyoto Protocol intended to reduce emissions of greenhouse gases
16 may be inconsistent with subsequent Congressional determinations
17 concerning the Kyoto Protocol, or with related federal legislation
18 implementing the Kyoto Protocol; and

19 WHEREAS, individual state responses to the Kyoto Protocol,
20 including development of new regulatory programs intended to reduce
21 greenhouse gas emissions, are premature prior to United States
22 Senate ratification of the Protocol, in its current or amended form.

23 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF
24 REPRESENTATIVES OF THE 1ST SESSION OF THE 47TH LEGISLATURE:

25 SECTION 1. NEW LAW A new section of law to be codified
26 in the Oklahoma Statutes as Section 1-1-207 of Title 27A, unless
27 there is created a duplication in numbering, reads as follows:

28 A. Neither the legislative or executive branch of the State of
29 Oklahoma shall take actions to implement the Kyoto Protocol until
30 such time as the Kyoto Protocol has been ratified by the United
31 States Senate or otherwise enacted into law.

32 B. Nothing in this section shall:

1 1. Be construed to limit or to impede state or private
2 participation in any ongoing voluntary initiatives to reduce
3 greenhouse gases, including, but not limited to, the United States
4 Environmental Protection Agency's Green Lights program, the United
5 States Department of Energy's Climate Challenge program and similar
6 state and federal initiatives relying on voluntary participation;
7 provided, however, that such participation does not involve any
8 allocation or other distribution of greenhouse gas emission
9 entitlements pursuant to or under color of the Kyoto Protocol; or

10 2. Prohibit industry from complying with the Oklahoma Clean Air
11 Act as it exists or may be amended, or prohibit the Department of
12 Environmental Quality from carrying out its duties under the
13 Oklahoma Clean Air Act as it exists or may be amended, or prohibit
14 the Environmental Quality Board from promulgating rules to maintain
15 or achieve compliance with the Federal Clean Air Act as it exists or
16 may be amended.

17 C. This section shall remain in full force and effect until
18 repealed by the Legislature of the State of Oklahoma, or until such
19 time as the Kyoto Protocol is ratified by the United States Senate.

20 SECTION 2. The Secretary of State shall distribute copies of
21 this resolution to the Governor of the State of Oklahoma, the
22 Executive Director of the Department of Environmental Quality, and
23 the members of the Oklahoma congressional delegation.

24 SECTION 3. It being immediately necessary for the preservation
25 of the public peace, health and safety, an emergency is hereby
26 declared to exist, by reason whereof this act shall take effect and
27 be in full force from and after its passage and approval.

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