

Sixty-fourth
Legislative Assembly
of North Dakota

**ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 3024**

Introduced by

Representatives Laning, Boe, Delmore, Delzer, Headland, Kreidt, Seibel

Senators Carlisle, Dotzenrod, Unruh, Wardner

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

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

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

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

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14 draft guidance for assessing climate impacts under the National Environmental Policy Act that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

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

19 **WHEREAS**, in November 2014, the White House announced an agreement with China by
20 which the United States would significantly reduce its carbon dioxide emissions by 2025 at
21 unknown cost to our economy and China is allowed to continue increasing emissions through
22 2030; and

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

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

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

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

9 **WHEREAS**, the North Dakota lignite industry generates enough electricity to power over
10 2 million homes in the Northern Great Plains, supplies synthetic natural gas to 400,000 homes
11 and businesses, and produces numerous beneficial byproducts; and

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

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

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

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

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

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

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

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

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

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