

ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE

April 15, 2010

4:16 p.m.

MEMBERS PRESENT

Senator Lesil McGuire, Co-Chair
Senator Bill Wielechowski, Co-Chair
Senator Charlie Huggins, Vice Chair
Senator Hollis French
Senator Gary Stevens

MEMBERS ABSENT

Senator Bert Stedman
Senator Thomas Wagoner

COMMITTEE CALENDAR

CS FOR HOUSE JOINT RESOLUTION NO. 49(RES)
Urging the United States Congress to enact S.J. Res. 26, a resolution disapproving the Environmental Protection Agency's imposition of climate regulations that would harm Alaska's economy and the livelihoods of the state's citizens.

- MOVED CSHJR 49(RES) OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 70(FIN)
"An Act establishing the farm-to-school program in the Department of Natural Resources, and relating to school gardens, greenhouses, and farms."

- RES REFERRAL WAIVED

CS FOR HOUSE JOINT RESOLUTION NO. 45(FIN) AM
Urging the United States Congress not to enact Cap and Trade legislation.

- RES REFERRAL WAIVED

PREVIOUS COMMITTEE ACTION

BILL: HJR 49

SHORT TITLE: OPPOSING EPA CLEAN AIR ACT REGULATIONS

SPONSOR(S): REPRESENTATIVE(S) STOLTZE

02/23/10 (H) READ THE FIRST TIME - REFERRALS
02/23/10 (H) RES
03/08/10 (H) RES AT 1:00 PM BARNES 124
03/08/10 (H) Moved CSHJR 49(RES) Out of Committee
03/08/10 (H) MINUTE(RES)
03/10/10 (H) RES RPT CS(RES) 6DP 1DNP 2AM
03/10/10 (H) DP: OLSON, EDGMON, SEATON, P.WILSON,
NEUMAN, JOHNSON
03/10/10 (H) DNP: GUTTENBERG
03/10/10 (H) AM: TUCK, KAWASAKI
03/30/10 (H) TRANSMITTED TO (S)
03/30/10 (H) VERSION: CSHJR 49(RES)
03/31/10 (S) READ THE FIRST TIME - REFERRALS
03/31/10 (S) RES
04/10/10 (S) RES AT 12:30 AM BUTROVICH 205
04/10/10 (S) Scheduled But Not Heard
04/12/10 (S) RES AT 3:30 PM BUTROVICH 205
04/12/10 (S) Scheduled But Not Heard
04/14/10 (S) RES AT 3:30 PM BUTROVICH 205
04/14/10 (S) -- Meeting Postponed to 4/15/10 --
04/15/10 (S) RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

ESTHER CHA

Staff to Senator McGuire
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Commented on HJR 49 for the sponsor,
Representative Stoltze.

ACTION NARRATIVE

[4:16:01 PM](#)

CO-CHAIR LESIL MCGUIRE called the Senate Resources Standing
Committee meeting to order at 4:16 p.m. Present at the call to
order were Senators Wielechowski, Huggins, Stevens, and McGuire.

HJR 49-OPPOSING EPA CLEAN AIR ACT REGULATIONS

[4:16:16 PM](#)

CO-CHAIR MCGUIRE announced HJR 49 to be up for consideration
[CSHJR 49(RES) was before the committee].

ESTHER CHA, Staff to Senator McGuire, said that unfortunately
the sponsor of HJR 49, Representative Stoltze, wasn't able to be
here to introduce the bill; so she is doing it. She explained

that HJR 49 is a resolution disapproving the US Environmental Protection Agencies' (EPA) intention to use the Clean Air Act to impose climate regulations. It urges the US Congress to enact US Senator Lisa Murkowski's SJR 26 that would disapprove the US EPA's rule relating to the endangerment finding. The endangerment finding is a scientific study based on six green house gas emissions; the EPA is using it to create economy-wide command and control regulations to force reductions in green house gas emissions that could stifle the economic development of Alaska.

She explained that while the EPA set out to regulate only mobile sources, the Clean Air Act will extend the agencies' authority to regulate all green house gas emissions including from stationary sources. Many believe this is not the way to accomplish this regulation and that it should be through congressional legislation rather than through bureaucracy.

The resolution also states that the Clean Air Act does not account for Alaska's unique circumstances including its population, physical size, geographic location and Arctic climate. The regulations would affect many economic areas of Alaska and would include any areas that produce green house gases such as Alaska's refineries, pipelines, hospitals and other entities. The sponsor is worried that many of the major economic drivers of the state would be impacted by any green house gas and environmental regulations imposed by the EPA.

MS. CHA said that Senator Murkowski's resolution has drawn strong support and is co-sponsored by 40 of her colleagues including three Democratic senators.

SENATOR FRENCH joined the committee.

[4:18:50 PM](#)

SENATOR HUGGINS asked why Congress doesn't pass something.

MS. CHA answered that the Congress has not had the time to develop a policy.

SENATOR MCGUIRE said Senator Murkowski's broader concern is that because the climate change bills that were being considered by the Senate and the House didn't pass, EPA decided to go ahead and use its regulatory authority to create, essentially, a legislative construct. Some people have signed on with the belief that the policies themselves are a bad idea; some have

signed on with the belief that the federal government is over-reaching in terms of its regulatory authority.

SENATOR STEVENS said HJR 49 makes sense, but he wanted to know how it interacts with the Governor's news release that the State of Alaska filed a motion to intervene in the lawsuit.

[4:21:09 PM](#)

MS. CHA replied that she had not discussed that with the sponsor, but she assumed it is his intent to work together with the Governor.

SENATOR FRENCH asked if they know what form the EPA's rules will take. Have they been drafted so they know what they are opposing and supporting?

MS. CHA replied that she wasn't 100 percent sure of that, but she would find out.

SENATOR FRENCH said the reason he asked is because it occurred to him that it's possible that Alaska could get a big boost out of the right climate change bill. If the right rules put tight restrictions on coal burning and make natural gas a preferred fuel that would suddenly put Alaska "in the catbird seat."

SENATOR MCGUIRE responded that the broader point is who should be in the driver's seat on making climate change policy.

[4:23:37 PM](#)

SENATOR HUGGINS said he hoped all of them would be very concerned if for some reason the legislature couldn't pass something and the Department of Environmental Conservation (DEC) whose people are not elected would be in the driver's seat.

SENATOR MCGUIRE agreed.

SENATOR WIELECHOWSKI stated there is a case, Massachusetts vs. EPA, in which the US Supreme Court ruled that the EPA can regulate green house gases. The issue is does the EPA do something that the federal government has not done when the Supreme Court said they have the authority to do so? This is a policy decision and it is a good discussion to have.

SENATOR STEVENS said he discovered the answer to his own question, which is that the Office of the Governor filed a motion to intervene in the lawsuit and this resolution has

nothing to do with it. This resolution just urges Congress to enact its own legislation, and he supports that.

[4:26:00 PM](#)

CO-CHAIR MCGUIRE found no further comments and closed public testimony.

SENATOR WIELECHOWSKI moved to report CS for HJR 49 from committee with individual recommendations and zero fiscal note. There being no objection, CSHJR 49(RES) moved from the Senate Resources Standing Committee.

[4:26:26 PM](#)

SENATOR MCGUIRE, finding no further business, adjourned the meeting at 4:26 p.m.