

1 HB195
2 115935-1
3 By Representatives Gipson, Lewis, Mask, Shiver, Clouse,
4 McClendon, Oden, Greeson, Thomas (E), Grimes, Davis, Hammon,
5 McMillan, McClurkin, Allen, Canfield, Drake, McDaniel,
6 McCutcheon, Ward, Hill and Morrow
7 RFD: Commerce
8 First Read: 12-JAN-10

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8 SYNOPSIS: This bill would prohibit a state agency
9 from limiting or regulating greenhouse gas
10 emissions or motor vehicle fuel economy, or from
11 implementing a cap and trade program, without
12 express legislative authorization.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 Relating to greenhouse gas emissions; to prohibit a
19 state agency from limiting or regulating greenhouse gas
20 emissions or motor vehicle fuel economy, or from implementing
21 a cap and trade program, without express legislative
22 authorization.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. It is the intent of the Legislature that,
25 notwithstanding any other law, a state or regional program to
26 implement a cap and trade system or any other program to
27 address greenhouse gas emissions or motor vehicle fuel economy

1 that has been or may be proposed by a state agency must
2 receive express legislative authorization following a
3 comprehensive assessment of the state fiscal and other
4 economic, consumer, and small business impacts of the program
5 as a prerequisite to the legal effect of any such proposed
6 program.

7 Section 2. (a) Notwithstanding any other law, a
8 state department, office, or agency shall not adopt or enforce
9 a state or regional program described in Section 1 without
10 express legislative authorization that is enacted after the
11 effective date of this act.

12 (b) For the purposes of this act, "greenhouse gas"
13 means carbon dioxide, methane, nitrous oxide, sulfur
14 hexafluoride, hydrofluorocarbon or perfluorocarbon.

15 Section 3. The Director of the Department of
16 Environmental Management shall provide a written report to the
17 President of the Senate and the Speaker of the House of
18 Representatives to address greenhouse gas emissions, motor
19 vehicle fuel economy, or any proposed cap and trade program,
20 including any program that is the subject of a pending or
21 previous rulemaking proceeding within three months of either
22 the effective date of this act or the release of
23 recommendations by the participants in a regional cap and
24 trade initiative or other program to regulate greenhouse gas
25 emissions or motor vehicle fuel economy. The report shall
26 include a description of the proposed program, a comprehensive
27 analysis of the fiscal impact to the state and the economic,

1 consumer, and small business impacts of the proposed program
2 and the legislation required to authorize the proposed
3 program. The Legislature must by legislative act approve any
4 such measure or program as prerequisite to its becoming legal
5 and operative.

6 Section 4. This act shall become effective
7 immediately following its passage and approval by the
8 Governor, or its otherwise becoming law.