

Senate Bill 401

By: Senators Seabaugh of the 28th, Rogers of the 21st, Heath of the 31st, Cowser of the 46th, Chapman of the 3rd and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 9 of Title 12 of the Official Code of Georgia Annotated, relating to air  
2 pollution control, so as to permit the Governor to delay implementation of the requirements  
3 of any federal program to implement a cap and trade system or any other program to address  
4 greenhouse gas emissions or motor vehicle fuel economy until a comprehensive assessment  
5 of such program can be made and the Governor finds that the implementation will benefit  
6 the citizens of Georgia; to provide for legislative intent; to provide a short title; to provide  
7 for related matters; to provide for an effective date; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 This Act shall be known and may be cited as the "Georgia Energy Freedom Act of 2010."

12 style="text-align:center">**SECTION 2.**

13 It is the intent of the General Assembly of Georgia to ensure that any federal program to  
14 implement a cap and trade system or any other program to address greenhouse gas emissions  
15 or motor vehicle fuel economy that has been or may be proposed undergo a comprehensive  
16 assessment to evaluate the fiscal and regulatory impacts of such system or program on  
17 Georgia's budget, economy, consumers, families, and small and large businesses as well as  
18 to determine whether compliance with such system or program is in the best interests of  
19 Georgia.

20 style="text-align:center">**SECTION 3.**

21 Chapter 9 of Title 12 of the Official Code of Georgia Annotated, relating to air pollution  
22 control, is amended by adding a new article to read as follows:

23 "ARTICLE 4.

24 12-9-90.

25 (a) As used in this Code section, the term 'greenhouse gas' means carbon dioxide, methane,  
26 nitrous oxide, sulfur hexafluoride, hydrofluorocarbon, and perfluorocarbon.

27 (b) The Governor, or his or her designee, is authorized to delay compliance with any  
28 federal program to regulate greenhouse gas emissions or motor vehicle fuel economy until  
29 such time as a comprehensive analysis of the fiscal and regulatory impacts of the proposed  
30 program, and any legislation required to authorize the proposed program, on this state's  
31 budget, economy, consumers, families, and small and large businesses has been made and  
32 it is determined that participation in such federal program is in the best interests of the  
33 citizens of this state. This Code section shall not be interpreted as limiting the Governor's  
34 discretion or authority to delay compliance with provisions of any federal program for any  
35 other reason.

36 (c) Any federal law, rule, order, or other Act by the federal government violating the  
37 provisions of this Act is hereby declared to be invalid in this state, is not recognized by and  
38 is specifically rejected by this state, and is considered as null and void and of no effect in  
39 this state."

40 **SECTION 4.**

41 This Act shall become effective on July 1, 2010.

42 **SECTION 5.**

43 All laws and parts of laws in conflict with this Act are repealed.