

Senate Bill 9

By: Senators Seabaugh of the 28th, Heath of the 31st, Loudermilk of the 52nd, Bethel of the 54th, Jeffares of the 17th and others

**AS PASSED SENATE**

**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 until a comprehensive assessment of such program can be made  
5 and the Governor finds that the implementation will benefit the citizens of Georgia; to  
6 provide for legislative intent and to direct the Attorney General to undertake certain litigation  
7 under certain circumstances; to provide a short title; to provide for related matters; to provide  
8 for an effective date; to repeal conflicting laws; and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Georgia Energy Freedom Act of 2011."

12 **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 that has been or may be proposed undergo a comprehensive assessment to evaluate the fiscal  
16 and regulatory impacts of such system or program on Georgia's budget, economy,  
17 consumers, families, and small and large businesses as well as to determine whether  
18 compliance with such system or program is in the best interests of Georgia.

19 **SECTION 3.**

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

22 "ARTICLE 423 12-9-90.24 (a) As used in this Code section, the term 'greenhouse gas' means carbon dioxide, methane,  
25 nitrous oxide, sulfur hexafluoride, hydrofluorocarbon, and perfluorocarbon.26 (b) The Governor, or his or her designee, is authorized to delay compliance with any  
27 federal program to regulate greenhouse gas emissions until such time as a comprehensive  
28 analysis of the fiscal and regulatory impacts of the proposed program, and any legislation  
29 required to authorize the proposed program, on this state's budget, economy, consumers,  
30 families, and small and large businesses has been made and it is determined that  
31 participation in such federal program is in the best interests of the citizens of this state.  
32 This Code section shall not be interpreted as limiting the Governor's discretion or authority  
33 to delay compliance with provisions of any federal program for any other reason.34 (c) The General Assembly considers it a duty of the sovereign State of Georgia to protect  
35 for the state and its people the powers reserved to them under the Tenth Amendment. If  
36 the federal government should take or threaten any action to penalize or otherwise act  
37 against the interests of the state and its people because of any delay authorized under  
38 subsection (b) of this Code section, it shall be the duty of the Attorney General to promptly  
39 and vigorously litigate in opposition to such federal action on the basis of any applicable  
40 Tenth Amendment grounds and on any other relevant and applicable legal grounds."41 **SECTION 4.**

42 This Act shall become effective on July 1, 2011.

43 **SECTION 5.**

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