House Engrossed

FILED

KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 152

HOUSE BILL 2442

AN ACT

AMENDING TITLE 49, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 49-117; AMENDING TITLE 49, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6; RELATING TO THE REGULATION OF GREENHOUSE GAS EMISSIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 49, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 49-117, to read:

49-117. Supplemental environmental project; requirements; nexus

A SUPPLEMENTAL ENVIRONMENTAL PROJECT THAT IS INITIATED OR ACCEPTED BY THE DEPARTMENT SHALL COMPLY WITH THIS SECTION, SHALL ADVANCE AT LEAST ONE OF THE OBJECTIVES OF THE ENVIRONMENTAL STATUTES THAT ARE THE BASIS OF THE ENFORCEMENT ACTION AND SHALL HAVE AN ADEQUATE NEXUS. A NEXUS EXISTS ONLY IF ANY OF THE FOLLOWING APPLY. THE PROPOSED PROJECT:

1. IS DESIGNED TO REDUCE THE LIKELIHOOD THAT SIMILAR VIOLATIONS WILL OCCUR IN THE FUTURE.

2. REDUCES THE ADVERSE IMPACT TO PUBLIC HEALTH OR THE ENVIRONMENT TO WHICH THE VIOLATION CONTRIBUTES.

3. REDUCES THE OVERALL RISK TO PUBLIC HEALTH OR THE ENVIRONMENT POTENTIALLY AFFECTED BY THE VIOLATION.

Sec. 2. Title 49, chapter 1, Arizona Revised Statutes, is amended by adding article 6, to read:

ARTICLE 6. REGULATION OF GREENHOUSE GAS EMISSIONS

49-191. Greenhouse gas programs; definition

A. NOTWITHSTANDING ANY OTHER LAW, A STATE AGENCY ESTABLISHED UNDER THIS TITLE OR TITLE 41 SHALL NOT ADOPT OR ENFORCE A STATE OR REGIONAL PROGRAM TO REGULATE THE EMISSION OF GREENHOUSE GAS FOR THE PURPOSES OF ADDRESSING CHANGES IN ATMOSPHERIC TEMPERATURE WITHOUT EXPRESS LEGISLATIVE AUTHORIZATION.

B. FOR THE PURPOSES OF THIS SECTION, "GREENHOUSE GAS" MEANS CARBON DIOXIDE, METHANE, NITROUS OXIDE, SULFUR HEXAFLUORIDE, HYDROFLUOROCARBON OR PERFLUOROCARBON.

Sec. 3. Legislative intent

It is the intent of the legislature that, notwithstanding any other law, any state or regional program to implement a cap and trade system to address greenhouse gas emissions that has been or may be proposed by a state agency established under title 41 or title 49, Arizona Revised Statutes, shall require express legislative authorization following a comprehensive assessment of the state fiscal and other economic, consumer and business impacts of the program. This provision is not intended to impact any other current or future programs adopted in accordance with this title.

APPROVED BY THE GOVERNOR APRIL 26, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 27, 2010.