

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SENATE BILL 1147

AN ACT

AMENDING TITLE 49, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6;
RELATING TO THE REGULATION OF GREENHOUSE GAS EMISSIONS AND MOTOR VEHICLE FUEL
ECONOMY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 ARTICLE 6. REGULATION OF GREENHOUSE GAS EMISSIONS
5 AND MOTOR VEHICLE FUEL ECONOMY

6 49-191. Greenhouse gas programs; motor vehicle fuel economy
7 programs; definition

8 A. NOTWITHSTANDING ANY OTHER LAW, A STATE AGENCY ESTABLISHED UNDER
9 THIS TITLE OR TITLE 41 SHALL NOT ADOPT OR ENFORCE A STATE OR REGIONAL PROGRAM
10 TO REGULATE THE EMISSION OF GREENHOUSE GAS OR MOTOR VEHICLE FUEL ECONOMY
11 WITHOUT EXPRESS LEGISLATIVE AUTHORIZATION THAT IS ENACTED AFTER THE EFFECTIVE
12 DATE OF THIS SECTION.

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

16 Sec. 2. Report; review

17 The director of the Arizona department of environmental quality shall
18 provide a written report to the governor, the president of the senate, the
19 speaker of the house of representatives and the Arizona corporation
20 commission on each proposed program to address greenhouse gas emissions or
21 motor vehicle fuel economy, including any program that is the subject of a
22 pending or previous rule making proceeding within three months of either the
23 effective date of this act or the release of recommendations by the
24 participants in the western climate initiative for a regional cap and trade
25 or other program to regulate greenhouse gas emissions or motor vehicle fuel
26 economy. The report shall include a description of the proposed program, a
27 comprehensive analysis of the fiscal impact to the state and the economic,
28 consumer and small business impacts of the proposed program and the
29 legislation required to authorize the proposed program. The director of the
30 Arizona department of environmental quality shall provide a copy of the
31 report to the secretary of state and the director of the Arizona state
32 library, archives and public records.

33 Sec. 3. Legislative intent

34 It is the intent of the legislature that, notwithstanding any other
35 law, any state or regional program to implement a cap and trade system or any
36 other program to address greenhouse gas emissions or motor vehicle fuel
37 economy that has been or may be proposed by a state agency established under
38 title 41 or 49, Arizona Revised Statutes, shall require express legislative
39 authorization following a comprehensive assessment of the state fiscal and
40 other economic, consumer and small business impacts of the program.