

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 951

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

H951-ARI-40 [v.3]

Page 1 of 2

Amends Title [NO]
Second Edition

Date _____, 2021

Representative ARP

1
2 moves to amend the bill on page 48, lines 15 and 16,
3 by inserting between those lines:
4
5

6 "PROHIBIT UNAUTHORIZED EXECUTIVE BRANCH ACTIONS TO PARTICIPATE IN
7 THE REGIONAL GREENHOUSE GAS INITIATIVE (RGGI)
8

9 **SECTION 8.1**

10 (a) The General Assembly finds the following:

- 11 (1) The Regional Greenhouse Gas Initiative (RGGI) is a regional, "market-based"
12 carbon dioxide (CO₂) emissions reduction program among certain states to
13 cap and reduce CO₂ emissions from the fossil fuel-fired electric power
14 generators located within those states. Under the program, fossil fuel-fired
15 electric power generators with a capacity of 25 megawatts (MW) or greater
16 located in signatory states are required to obtain allowances to offset their CO₂
17 emissions.
18 (2) Art. 1, § 6 of the State's Constitution provides "[t]he legislative, executive,
19 and supreme judicial powers of the State government shall be forever separate
20 and distinct from each other."
21 (3) The General Assembly, which comprises the legislative branch, enacts laws
22 that "protect or promote the health, morals, order, safety, and general welfare
23 of society." State v. Ballance, 229 N.C. 764, 769, 51 S.E.2d 731, 734 (1949);
24 see also N.C. Const. art. II, §§ 1, 20. The executive branch, which the
25 Governor leads, faithfully executes, or gives effect to, these laws. See N.C.
26 Const. art. III, §§ 1, 5(4). McCrory v. Berger, 368 N.C. 633, 781 S.E.2d 248
27 (2016).
28 (4) The General Assembly has not enacted legislation that would authorize the
29 executive branch to enter into an agreement to participate in RGGI, or similar
30 agreement on behalf of the State, nor implement requirements for emissions
31 limitations and cap and trade attendant with the RGGI program. Absent
32 authorization through an act of the General Assembly, such action by the



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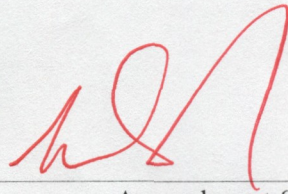
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1 executive branch would constitute an impermissible infringement of the
2 General Assembly's duty to enact laws that "protect or promote the health,
3 morals, order, safety, and general welfare of society." State v. Ballance, 229
4 N.C. 764, 769, 51 S.E.2d 731, 734 (1949); see also N.C. Const. art. II, §§ 1,
5 20.

6 (b) Until such time as the General Assembly enacts legislation to authorize the State's
7 participation in RGGI, and implementation of emissions limitations and cap and trade
8 requirements attendant with the RGGI program, the executive branch shall be prohibited from
9 taking such action."
10
11

SIGNED _____



Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**