moves to amend the bill on page 48, lines 15 and 16,
by inserting between those lines:

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

SECTION 8.1
(a) The General Assembly finds the following:
(1) The Regional Greenhouse Gas Initiative (RGGI) is a regional, "market-based"
carbon dioxide (CO₂) emissions reduction program among certain states to
cap and reduce CO₂ emissions from the fossil fuel-fired electric power
generators located within those states. Under the program, fossil fuel-fired
electric power generators with a capacity of 25 megawatts (MW) or greater
located in signatory states are required to obtain allowances to offset their CO₂
emissions.
(2) Art. 1, § 6 of the State's Constitution provides "[t]he legislative, executive,
and supreme judicial powers of the State government shall be forever separate
and distinct from each other."
(3) The General Assembly, which comprises the legislative branch, enacts laws
that "protect or promote the health, morals, order, safety, and general welfare
of society." State v. Ballance, 229 N.C. 764, 769, 51 S.E.2d 731, 734 (1949);
see also N.C. Const. art. II, §§ 1, 20. The executive branch, which the
Governor leads, faithfully executes, or gives effect to, these laws. See N.C.
(2016).
(4) The General Assembly has not enacted legislation that would authorize the
executive branch to enter into an agreement to participate in RGGI, or similar
agreement on behalf of the State, nor implement requirements for emissions
limitations and cap and trade attendant with the RGGI program. Absent
authorization through an act of the General Assembly, such action by the
executive branch would constitute an impermissible infringement of the
general Assembly's duty to enact laws that "protect or promote the health,
morals, order, safety, and general welfare of society." State v. Ballance, 229
N.C. 764, 769, 51 S.E.2d 731, 734 (1949); see also N.C. Const. art. II, §§ 1,
20.

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

SIGNED

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED FAILED TABLED