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HOUSE BILL NO. 1319

Offered January 22, 2010

A *BILL to amend the Code of Virginia by adding a section numbered 10.1-1306.1, relating to regulation of carbon dioxide emissions.*

Patrons—Marshall, R.G., Morefield and Cole

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 10.1-1306.1 as follows:**

§ 10.1-1306.1. Authority of Board, Director, and Attorney General; carbon dioxide emissions; cap and trade.

A. The Board, the Director, and the Attorney General shall not enforce any provisions of the federal Clean Air Act (42 U.S.C. § 7401 et seq.) that restrict the emissions of carbon dioxide. The Board shall not adopt any regulation that provides for the control of carbon dioxide emissions from either stationary or mobile sources. The Commonwealth shall defer to the U.S. Environmental Protection Agency (USEPA) such enforcement.

B. The Governor, in consultation with the Attorney General, shall examine those provisions of the federal Clean Air Act that provide authorization for (i) a "cap and trade" program and (ii) the control of carbon dioxide emissions, to determine whether the U.S. Congress has the authority to impose such mandates upon the states and the factual basis upon which the U.S. Environmental Protection Agency has proposed the implementation of such provisions. The Governor shall report his finding to the General Assembly not later than six months after such federal legislation has been enacted. The Attorney General may initiate a legal action against the USEPA if he finds that the federally mandated standards established for carbon dioxide and "cap and trade" are based on a USEPA finding that is not scientifically demonstrated.

C. The Governor through an executive order or the General Assembly shall not enforce any climate change international agreement, including the Copenhagen Accord, until such agreements have been approved as part of an international treaty that has been approved by the U.S. Senate.

D. Except when exceeding threshold amounts that have been demonstrated to adversely affect human health and the environment, for the purposes of this chapter, any one or combination of the natural elements included in the periodic table of chemical elements shall not per se be considered an air pollutant.

INTRODUCED

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