



FOR IMMEDIATE RELEASE
July 20, 2015

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ICYMI: *Los Angeles Times*: Pope Francis and Brown part ways on cap and trade

(SACRAMENTO)— In today's *Los Angeles Times*, columnist George Skelton writes about the California Air Resources Board's (CARB) implementation of the state's cap-and-trade program. AB 32, the Global Warming Solutions Act of 2006, authorized CARB to create cap-and-trade, which the board is now using to raise billions of tax dollars by calling it "revenue incidental to regulation." AB 32 did not authorize any tax increase, so CARB is attempting to set a dangerous precedent by creating a loophole to the state's constitutional requirements for raising taxes.

***Los Angeles Times*: Pope Francis and Brown part ways on cap and trade**

The pope and California's governor don't agree on everything about climate change. Global warming's threat to the planet? Yes. Selling permits to pollute? Hardly.

Peddling pollution permits has a euphemism. It's politely called cap and trade. And it raises a ton of money for state government, including Gov. Jerry Brown's struggling bullet train.

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"The strategy of buying and selling 'carbon credits' can lead to a new form of speculation which would not help reduce the emission of polluting gases worldwide," the pope wrote. "This system seems to provide a quick and easy solution under the guise of a certain commitment to the environment.

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The state's cap-and-trade pot this year is estimated at between \$2.2 billion and \$2.7 billion. Besides the 25% for high-speed rail, 35% has been permanently set aside for transit, intercity rail and affordable housing in the urban core. The remaining 40% must be fought over each year at the Capitol.

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The California Energy Commission estimates that has raised pump prices by 10 cents per gallon. And the business lobby calls that an illegal tax.

It is not a tax, the air board insists. It's just an "incidental production of revenue" through regulation.

George Orwell would have loved that verbiage. Only government could call raising billions "incidental."

"All of a sudden this language appears from nowhere — incidental regulatory costs," says Rob Lapsley, president of the California Business Roundtable. "They invented this whole new phrase to give some cover to why they didn't need a two-thirds vote [for taxes] in the Legislature."

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Actually, it's a real stretch to call this a tax. And it gums up government anyway to require a two-thirds legislative vote for taxes. Back in California's salad days, taxes needed only a majority vote. They rose and fell depending on the fiscal situation. Proposition 13 changed that.

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