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ICYMI: *Sacramento Bee*: Jerry Brown's lofty aspirations come face to face with the law

(SACRAMENTO)—*Sacramento Bee* columnist Dan Morain wrote this past weekend about the significant problems arising from lawmakers concerning themselves less with actually reducing climate change and more about ways to tap into the slush fund created by the the cap-and-trade auction program, which might not even be legal without a two-thirds vote.

***Sacramento Bee*: Jerry Brown's lofty aspirations come face to face with the law**

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It was, in other words, another day in which legislators and lobbyists were porking out \$2 billion-plus produced by California's cap-and-trade program. The Air Resources Board created cap-and-trade as part of its noble effort to implement the landmark Assembly Bill 32 of 2006 by cutting greenhouse gas emissions to 1990 levels by 2020.

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The legislative counsel concluded last week that Brown overstepped his authority last year when he issued an executive order requiring the air board to reduce emissions beyond AB 32's mandate. The legislative analyst said in a recent report that "we are not aware of any statutory direction" for the air board to develop more stringent greenhouse gas regulations beyond 2020, the year AB 32 expires.

More ominously, the 3rd District Court of Appeal in Sacramento sent pointed questions to lawyers arguing over the legality of the cap-and-trade program, specifically whether the revenue generated is a tax by another name. If it is a tax, the Legislature should have approved AB 32 by a two-thirds vote. A simple majority passed it.

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Brown and the Legislature could resolve the case by renewing AB 32 by a two-thirds vote. But that would require support from Republicans and moderate Democrats, who generally oppose taxes and rely on campaign money from cap-and-trade critics, including the oil industry.

For all the billions being raised and spent, the impact is unclear. Brown has earmarked \$850 million for high-speed rail, part of his legacy. But high-speed rail won't reduce greenhouse gas emissions until it starts carrying passengers, sometime next decade, perhaps.

Lawmakers have earmarked \$224 million for bus and rail lines, and \$154 million for housing built close to transit and employment, plus money for many smaller programs. But the Air Resources Board says programs funded by the cap-and-trade revenue so far would remove 14.3 million metric tons of greenhouse gas. However, that reduction won't be fully realized until 2095. That's not a typo. Nor is this: Each year, California emits 459 million metric tons of greenhouse gases.

We should hope our great-grandchildren won't depend on carbon to power their lives. Climate change is an urgent problem and shouldn't come down to a fight over pork. Aspirations and goals matter. So do results and the law, inconvenient though all that might be.

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