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## **ICYMI: *Sacramento Bee*: Jerry Brown will try end run to extend state's war on carbon**

(SACRAMENTO)—In today's *Sacramento Bee*, columnist Dan Walters wrote on the administration's renewed efforts to extend the failing cap-and-trade auction program beyond 2020. This comes after the Legislature's legal counsel has already confirmed that Assembly Bill 32 does not authorize the governor to set emission limits after the bill's 2020 deadline. According to Walters, fights over the state's climate change programs will only increase as political and legal obstacles continue to arise.

### ***Sacramento Bee*: Jerry Brown will try end run to extend state's war on carbon**

Gov. Jerry Brown, stymied in the Legislature, will attempt to extend the state's crackdown on carbon emissions into the next decade by decree.

Late Friday, Brown's Air Resources Board dispatched a memo declaring that it would unveil a draft of new regulations next Tuesday, extending its troubled cap-and-trade program and other elements of the campaign beyond 2020.

It will ignite what could be a protracted political and legal battle over whether the ARB has the authority to act, or must obtain legislative authorization.

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Senate Republican leader Jean Fuller obtained an opinion from the Legislature's legal counsel that the law "does not authorize (the ARB) or the governor to set an emission limit after 2020 that is lower than" AB 32's 1990 target level.

Legal and political uncertainty about the program beyond 2020 has been, analysts say, a major factor in the implosion of the quarterly auction of cap-and-trade emission allowances as speculators dump allowances that could become worthless.

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The political angst over the carbon war arose last year when the state Assembly refused to approve Brown-backed legislation that would have required a 50 percent reduction in petroleum use in automobile fuel by 2030.

The Assembly also rejected Senate Bill 32, which would have set new, and much lower, carbon emission standards for 2030 and 2050.

Afterward, an obviously angry Brown vowed to push on without legislation, and Fuller obtained her legislative counsel's opinion in response.

Meanwhile, business groups have challenged the legality of cap-and-trade, saying it's a tax that must be approved by a two-thirds legislative vote. That case is on appeal, but the new ARB rule-making is likely to face legal challenges as well, in light of the legislative counsel's opinion.

Another legal hurdle may be Proposition 26, which voters passed in 2010. It tightens up the legal definition of taxes and fees and could make reauthorization of cap and trade even more difficult.

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