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On Behalf Of:

Committee: Senate Committee On Energy and Environment

Measure, Appointment or Topic: SB1187

This bill creates a Kafkaesque government shakedown racket against businesses and people grounded in pseudoscience that circumvents due process.

Section 10/11 is particularly scary: it creates a system where a crony "Environmentally Quality Commission" can invent a "methodology" to determine that "greenhouse gas" emitters have caused specific harms and then issue "cost recovery demands" for which those who have been targeted arbitrarily by the Commission are "strictly liable." It creates an unconstitutional ex-post-facto standard where historical permitted or unregulated emissions are used to generate current fines.

Normally, liability is determined by a trial that makes findings of fact. Here, there is no opportunity for those fined to present a defense, challenge the data, challenge the methodology, or challenge the fine. This circumvents due process.

Worrisome is the chance the "Commission" will be weaponized to target and shut down particular businesses and industries that are politically unfavorable.