# Week in Review 11: April 16-19 / 2023

***Newsworthy Items from Under the Dome***

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The bills described below can be linked to via the website of the state legislature; the link to all bills is located near the bottom of the

home page under the label “House Status Sheet” (https://leg.colorado.gov; next to it is the “Senate Status Sheet” should you care to view it). For those of you who might wish to contact legislators, you can find their contact information under the tab “Legislators” in the upper third of the same home page. While you’ll likely want to contact your own representative first, all of them have the label “state representative” and thus would profit from your input, should you wish to give it.

HB24-1366, HB24-1270, HB24-1353, HB24-1349

* On Tuesday, April 16th the House passed **HB24-1366** (re ‘Sustainable local government community planning’; Reps Froelich, Brown); the bill represents another bullet in the chamber for those intent on forcing local governments in Colorado to bend their knee to Progressives when it comes to incorporating the green social agenda into zoning and land use decisions. The principle is simple: the state often awards grants to help local governments, but under this bill only governments that have adopted green policies will be eligible to receive grant awards (awards that use taxpayer money from every CO community). (SEE BRIEF CLIMATE FACTSHEET ON LAST PAGE, A PORTION OF A LONGER WORK IN PROCESS)

Did you feel that? That slight tremor signifying something’s amiss? It was produced this past Friday as

Democrats continued their assault on your pocketbooks and your freedoms. In the days before I had my current job, I was marginally involved in state politics (I mostly paid attention to national and international developments). But many of you are smart enough to realize, as I do, that state governments have an outsized impact on our daily lives.

The legislative session in Colorado lasts 120 continuous days in conformity to our state constitution. This year legislators have proposed over 600 new bills. Put another way, every day about 5 new bills or adjustments to bills are set to become law (the 100 or so bills that are ‘indefinitely postponed’ are overwhelmingly Republican bills). What are the odds that all those bills get a fair hearing, that all the people impacted by them have a chance to voice concerns to legislators? That the bills themselves are clear and well written so that people can understand the law? Judging from the number of so-called clean up bills and constitutional challenges we see every year, the answer is, ‘not very high’.

You wonder why the cost of living in Colorado continues to go up? You don’t have to be a genius to understand that since Jared Polis became Governor in 2019 we have passed hundreds and hundreds of new laws that add to the cost of living and doing business here. Creating utopia is expensive – good thing Progressives don’t have to use their own money to do – instead, they use ours.

## Background

Progressives have a religious devotion to the following proposition: *Global warming is real, harmful to the point of threatening the continued existence of all species, and man made – yet it’s reversible if we make the ‘right’ policy choices.* The Green Energy and Social agenda is for Progressives the path of salvation, the way they signal to others their virtuous and enlightened caring for the world (to be sure, they hate people like me, but that’s another story). In the name of this dogma they can justify a restructuring of our economy,

government, and way of life. In reality, they weaken our economy and hamper our ability to take on international competitors like Russia and China (who have little regard for the environment).

## The Bill

By January 1, 2025, the bill requires the Colorado Energy Office (CEO) to collaborate with the Department of Local Affairs (DOLA) and the Department of Transportation (CDOT) to study:

* + The feasibility of a system for local government green certification in which state agencies would prioritize awarding grants and funds to local governments with green certification;
  + Sustainable local government community plans, which must include goals and strategies related to various sustainability measures as well as a description of any money from federal, state, or local governments that the local government has received for implementing sustainability plans, goals, or strategies; and,
  + How state agencies could assist local governments in developing and implementing sustainable local government plans.

The actual purpose of the bill is to allow agencies of state government – not local government – to determine whether or not cities and towns have the ‘right’ green policies as determined by the state and activist environmental groups that help write state policies; if local governments want to receive grants from the state, they will be forced to comply.

## The Upside / Downside

* + This is another bill that demonstrates how, under the guise of law, all of us will made to care about green energy and the climate alarmists’ environmental agenda. The grant money, of course, already comes from you the taxpayer.
  + The bureaucrats setting these policies are appointed, not elected and thus not accountable to voters.
* On Friday, April 19th the House passed **HB24-1270** (re ‘Firearm liability insurance requirement’; Reps

Woodrow, Jodeh). The bill requires firearms owners to purchase liability insurance for any firearms they might possess, thus (i) forcing gun-owners to self-identify, and (ii) forcing them to purchase something as a condition of exercising their constitutional rights, and (iii) making them pay a civil fine for failure to obey that is itself FIVE TIMES larger than the fines for other infractions in this category.

## Background

According to the Declaration of Independence the chief role of government is to recognize and preserve our inalienable rights; the Government does not create these rights and it must not try to encroach or reduce or stand in the way of us exercising and enjoying these rights. We’re talking about one of those rights this morning but it’s useful, by way of analogy, to compare it to others.

One of those sacred rights is the right of citizens to vote and thus be represented in our Republic. After the Civil War we passed amendments to remedy the original sin of slavery and the genuine evil of failing to live up to Jefferson’s Declaration that “all men are created equal”.

* + But despite constitutional amendments and the like, there remained a core group of people intent on depriving others of their rights. They were devious and sometimes clever and they often relied on the ignorance and prejudice of constituents to get away with it for a while. State legislatures devised a number of indirect measures to disenfranchise Black men. For example,
  + The grandfather clause said that a man could only vote if his ancestor had been a voter before 1867—but the ancestors of most African-Americans citizens had been enslaved and constitutionally ineligible to vote.
  + Another discriminatory tactic was the literacy test, applied by a white county clerk. These clerks gave Black voters extremely difficult legal documents to read as a test, while white men received an easy text.
  + As nasty as that practice was, it was accompanied by racially segregated schools, and policies that ensured black schools were poorly funded, had second- or third-rate textbooks and so on. Imagine – you could vote to fund black schools even as the real agenda was to make sure black children couldn’t pass a literacy test to vote.
  + Related to this was the imposition of a poll tax, also ensuring fewer black voters.
  + Finally, in many places, white local government officials simply prevented potential voters from registering.
  + By 1940, the percentage of eligible African-American voters registered in the South was only three percent. As evidence of the decline, during Reconstruction (immediately after the Civil War), the percentage of African-American voting-age men registered to vote was more than 90 percent. Segregated public schools meant generations of African-American children often received an education designed to be inferior to that of whites—with worn- out or outdated books, underpaid teachers, and lesser facilities and materials.
  + All this lawmaking, all these policies, were a barely civilized attempt to deprive people of their rights in the guise of legality, using the hurly-burly of politics. It was wrong and it was vile but, for a while, it was “legal”.
  + This year Democrats will propose nearly a dozen ‘gun bills’. Each and every one of them has the effect of placing a burden on law-abiding citizens that simply wish to exercise a

constitutional right. A right is a right, right?

## The Bill

Starting January 1, 2025, the bill requires firearm owners to maintain an insurance policy that provides a minimum of $100,000 in liability coverage for damages to other persons or property resulting from accidental discharges. Exceptions are provided for federal firearm licensees, and for persons that petition a court showing they were denied a policy by two or more insurers, or are indigent and unable to afford a policy. Courts must issue an order on whether a petitioner is excepted, and must consider certain information.

Failure to maintain coverage is a civil infraction punishable by a fine of $500, half of which may be suspended if coverage is obtained, or a fine of $1,000 for a subsequent conviction within five years. In addition to a standalone policy, the bill allows coverage to be a part of a homeowners or renters policy. Insurers are required to make coverage available, subject to certain requirements, and must provide notice to consumers about the bill’s requirements starting January 1, 2026. The Division of Insurance in the Department of Regulatory Agencies (DORA) is authorized to promulgate rules regarding the bill’s requirements for insurers.

## The Upside / Downside

* + Since when does a state government have the right to force gun-owners to self-identify themselves to insurance companies or the state government?
  + Since when does a state government have the right to force people to purchase something as a condition of exercising their constitutional rights?
  + Since when does a state government have the right to force impose outsized fines on someone for the great crime of not increasing their home liability insurance?
  + House Bill 1270 is “a barely civilized attempt to deprive people of their rights in the guise of legality, using the hurly-burly of politics.” It’s a contemptible bill. It won’t protect the children; it won’t make life more affordable; it won’t deter criminals. It will hurt the poor and middle class.
* On Friday, April 19th the House passed **HB24-1353** (re ‘Firearms dealer requirements and permits’;

Reps Sirota, Boesenecker); the bill erects several regulatory and financial hurdles for gun dealers that have already been vetted by the federal government as “federally licensed firearms dealers”. As a result, gun stores will be less profitable, hire fewer employees, and hike prices on guns.

## Background

Under current law firearms sellers in the state must be vetted by the federal Bureau of Alcohol, Tobacco, and Firearms. The background check is extensive.

## The Bill

The bill requires that certain firearms dealers in the state obtain a permit from the Department of Revenue (DOR) starting July 1, 2025. Operating without a permit is an unclassified felony punishable by a fine of up to $250,000. The bill establishes a permitting process, other requirements for dealers, and other duties for the DOR, as discussed below.

Permits. Dealers must apply to the DOR and hold a valid federal firearm license (FFL) to be issued a permit, and may apply for a state permit if an FFL application is pending. Additionally, a dealer must not have had an adverse licensing action taken for good cause by the federal government or any state within three years of application, or have been convicted for a violation of any state or federal law concerning the possession or sale of firearms. Permits are valid for three years and dealers who submit an initial application with sufficient information before May 2, 2025, may continue to engage in business until the DOR acts upon the application. Permits may be renewed at any time in the 90-day period before expiration and dealers may continue to engage in business until the DOR acts upon a renewal application.

Certain dealer violations are subject to a warning for a first offense, with subsequent offenses authorizing the DOR to revoke a permit. Other dealer actions require the DOR to revoke a permit. Permit revocations are subject to the Administrative Procedures Act and judicial review, and a dealer that has their permit revoked can apply for a new permit no sooner than three years after revocation, with an exception for revocation solely for not having a valid FFL.

Other dealer requirements. In addition to obtaining a permit, dealers must ensure employees complete a background check as part of employment starting July 1, 2025, and to submit a background check every three years thereafter. Employees must also complete required training. Firearms must be secured on premises to prevent unsupervised access. Sale of firearms must occur during posted business hours, except during a gun show. Dealers are required to report firearm thefts by employees and unlawful purchase attempts by employees or other persons to an appropriate law enforcement agency.

## The Upside / Downside

* + Several witnesses testified that the enhanced regulatory environment would force them to close down their businesses – so much for ‘the little guy’.
  + The bill is expected to increase revenue to the state by a few million dollars per year; while gun store employees will be losing their jobs, a new set of bureaucrats will be finding work thanks to the creation of a new state department to supervise the remaining gun stores for compliance with this law.
  + But the jobs might not last long – owing to the passage of HB 1292, stores will soon lose approximately 85% of sales (because the weapons are ‘semi-autos’).
* On Friday, April 19th the House passed **HB24-1349** (re ‘Firearms and ammunition excise tax’; Rep

Duran); the bill targets gun owners for a special, additional tax. As above, Democrats are hard at work not to stop crime or punish criminals, but to make life just that much harder for law-abiding citizens. As a result, guns and ammo will be more expensive and less affordable. Because the Colorado Department of Revenue will be required to receive detailed information from firearms dealers, it is possible that specific information from every purchase such as type, model and serial number of a firearm will be turned over to Revenue officials, thus effectively creating a register of firearms.

## Background

Firearms and ammunition are currently subject to an 11% federal excise tax. Other states have historically levied taxes on those selling, purchasing, or possessing firearms and other weapons. As of 2023 legislative sessions, California is the only other state that imposes an excise tax on firearms and ammunition, though Pennsylvania and some local governments levy comparable excise taxes or surcharges on firearm sales.

## The Bill

Subject to voter approval at the November 2024 general election, beginning April 1, 2025, the bill levies an excise tax on firearms dealers, firearms manufacturers, and ammunition vendors at the rate of 9% of the gross taxable sales from the retail sale of any firearm, firearm precursor part, or ammunition in this state. It allows the state to collect and spend all revenue generated by the tax notwithstanding any limitations in section 20 of article X of the state constitution (TABOR) or any other provision of law. Such retail sales to peace officers and law enforcement agencies are exempt from the excise tax. In addition, such retail sales made during any month are exempt from the excise tax if the total amount of gross taxable sales made by the firearms dealer, firearms manufacturer, or ammunition vendor during the month are less than $2,000. The collected excise tax must be used to fund a new “Colorado crime victim services fund”.

## The Upside / Downside

* + I’m confused: on the one hand Democrats are hiking the fees and taxes on guns, ammo, and firearms-sellers to fund various victim groups; on the other, they are attempting to ban the sale of 85% of guns currently sold in gun stores – do they hate victims, too? Or just gun owners?
  + Criminals are the ones that create victims, but criminals won’t be paying this tax that benefits victims because criminals usually steal guns or purchase them on the black market.
  + Guns are often used in crimes, though the vast majority of deaths involving a gun are suicides. In fact, according to Colorado crime statistics1 once suicides are removed more people are victimized by hands, teeth, knives, bats, crowbars and the like than are by guns

1 See: https://coloradocrimestats.state.co.us/tops/report/violent-crimes/colorado/2023.

– maybe we can look forward to an excise tax on kitchen knives and baseball bats in the near future.

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# FACTSHEET ON GREENHOUSE GASES AND ENERGY

All Colorado energy policies are built on the far from settled theory that climate change is caused by the additional carbon dioxide that mankind creates by burning fossil fuels and other activities. The theory is widely known and often promoted – but the main question is: is it true?

### *How much carbon dioxide (CO2) is there?*

* + There are 3,251 gigatonnes of carbon dioxide in the atmosphere. It is emitted from various sources, circulates, and then is stored for a period of time.1
  + According to mainstream climate scientists, every year about 808 gigatonnes of CO2 are emitted from natural and man-made sources (that is, 808 billion metric tonnes).

**TABLE1: ANNUAL EMISSIONS OF CO2 FROM NATURAL & ANTHROPOGENIC SOURCES**2

|  |  |  |
| --- | --- | --- |
| SOURCES | ANNUAL EMISSIONS IN BILLIONS OF TONNES | % OF TOTAL |
| Oceans & Land (natural) | 768.6 | 95.0% |
| *Fossil fuel use (anthropogenic)* | 34.4 | 4.3% |
| *Land use change (anthropogenic)* | 5.9 | 0.7% |
| TOTALS | 808.9 | 100% |

### *Where does carbon dioxide (CO2) come from?*

* + The vast majority of annually emitted CO2 comes via natural sources (769 gigatonnes, or 95%).

 Virtually all these natural emissions are the product of microbes in land and sea, including phytoplankton, certain bacteria, and fungi.

 Meanwhile, CO2 absorptions have also increased thanks to the greening of the planet, though not to the same extent as emission increases; this greening (called ‘carbon dioxide fertilization’) is itself a product of higher levels of CO2 and warmer temperatures.

 Climate Alarmists believe natural CO2 production has been static since the onset of the Industrial

1 Per IPCC, *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment.* AR5, Chapter 6 “Carbon and Other Geochemical Cycles”, p. 471. One gigatonne of carbon translates to 2.12 parts per million, and the multiplier for carbon dioxide is 3.66; put differently, 1 ppm CO2 = 7.76 gigatonnes.

2 The scale of natural emissions comes from David Crisp *et al.*, “How Well Do We Understand the Land-Ocean Atmosphere Carbon Cycle?”, *Reviews of Geophysics* AGU (2022). Over nearly four decades, the estimated scale of natural emissions/absorptions has varied within a fairly narrow range. The following chart supplies an overview of academic estimates:

**TABLE 2: ESTIMATES OF TOTAL ANNUAL NATURAL EMISSIONS (SAMPLE)**

|  |  |  |  |
| --- | --- | --- | --- |
| SOURCES | LAND | OCEANS | TOTAL |
| Crisp *et al.* (2022)(2 of 64) | 439 | 329 | 768 |
| Friedlingstein *et al.* (2022) | 476 | 293 | 769 |
| Royal Society (2021)(2-3) | 400 | 330 | 730 |
| IPCC, AR6 (2022)(700) | 412 | 200 | 612 |
| IPCC, AR5 (2013)(471) | 394 | 227 | 621 |
| IPCC, AR1 (1990)(8) | 366 | 329 | 695 |
| Iansiti & Niehaus (1989)(14)2 | 383 | 236 | 619 |

The date of publication in Table 2 is in parentheses; the second parenthetical number is the page number of the publication cited. Fuller titles for these sources are: Crisp *et al.,* “How Well Do We Understand?”, (2022); P. Friedlingstein *et al*, “Global Carbon Budget 2021”, *Earth System Science Data* 14 (2022); *Climate Change. Evidence & Causes, Update 2020. An Overview from the Royal Society and the US National Academy of Sciences*, The Royal Society (2021); IPCC, AR6, Chapter 5, “Global Carbon and Other Biogeochemical Cycles and Feedbacks” (2022); IPCC, AR5, Chapter 6, “Carbon and Other Biogeochemical Cycles” (2013); *First Annual Report. Climate Change: The IPCC Scientific Assessment.* Edited by J. Houghton, G. Jenkins, and J. Ephraums (Cambridge: University Press, 1990), 8 (I used the title ‘AR1’ in this Table, though in fact it’s more often referred to as ‘FAR’ [First Annual Report] in the literature); E. Iansiti and F. Niehaus, “Impact of energy production on atmospheric concentration of greenhouse gases”, *International Atomic Energy Agency Bulletin* 2 [1989]).

*Anthropogenic* emissions (related to fossil fuel combustion and land use changes) in Table 1 come from IPCC, AR6, Chapter 5, “Global Carbon and Other Biogeochemical Cycles and Feedbacks” (2022), 700. According to AR5/AR6, ‘total emissions’ are the sum of the (i) ocean-atmosphere gas exchange; (ii) freshwater outgassing; (iii) total respiration and fire; (iv) anthropogenic sources; and (v) volcanism.

Revolution (i.e., since about 1750); the problem with that theory is that it’s a well known fact of microbiology and soil chemistry that higher temperatures result in higher rates of microbial reproduction and respiration – in other words, when temperature goes up, so do natural emissions of carbon dioxide; there’s no getting around it!

* + The other 5% of CO2 comes from changes in land use (e.g., cutting down large forests), the combustion of fossil fuels, and the creation/use of concrete.

 At present (as of 2022), China burns 700% more coal per year than does the United States (India burns 89% more than US); as a result, China produces about 124% more CO2 than does the United States (China and India together produce 178% more than the US).

 According to the US Environmental Protective Agency (EPA), our country has lowered CO2 emissions by 7% since 1990 and 20% since 2005 – in other words, we’ve cut emissions more than most every other country.

 If the country *as a whole* were to exchange traditional-fuel powered vehicles for electric ones overnight, we’d reduce carbon emissions 0.18% – but Colorado is just one, relatively small state.

 Colorado is one of 50 states, so whatever policy initiatives we might enact can have but a fractional impact on the nation or world; there is no plastic wrap protecting our state or nation from the global environment.

 But Democrat leaders insist that state and federal governments spend hundreds of billions of dollars in order to ‘save the planet’ – interesting, don’t you think, how their political vision of a top-down, government-decreed existence for all of us coincides with a scientific theory that demands action NOW, but whose central claims cannot be validated for decades (or longer) into the future?

* + Climate Alarmists assume that natural emissions are unchanged since the onset of the industrial revolution (~1750); if that’s so, the following table tracks the relative contribution of natural and manmade carbon dioxide emissions.

**TABLE 3 DISPARITY BETWEEN ANNUAL & CUMULATIVE CO2 EMISSIONS BY SOURCE**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| TIMEFRAME | NATURAL  (G’tonnes) | ANTH’GENIC  (G’tonnes) | % OF TOTAL  - ANTHRO | % OF TOTAL -  NATURAL |
| Annual Emissions (2020) | ~769 | ~40 | 4.9% | 95.1% |
| Emissions (1750-2020) | ~208,000 | ~2,560 | 1.2% | 98.8% |

* + Obviously natural emissions are far larger than anthropogenic ones, but Alarmists believe that the latter are uniquely responsible for global warming.

### *What is the impact of warmer temperatures on natural CO2 production?*

* + Historically – that is, over the past several hundred thousand years – warmer temperatures have produced higher levels of CO2, with a lag time of decades to a few years.
  + It is also widely recognized that local and global temperature increases result in microbes – the chief source of carbon dioxide – emitting *more* CO2 (also here and here among other places).
  + Climate Alarmists believe natural CO2 production has been static since the onset of the Industrial Revolution (i.e., since about 1750); the problem with that theory is that it’s a well known fact of microbiology and soil chemistry that higher temperatures result in higher rates of microbial reproduction and respiration – in other words, when temperature goes up, so do natural emissions of carbon dioxide; there’s no getting around it!
  + *Put another way: what if modern climate theory has it precisely backwards: it’s not that CO2 causes temperature increase, but that warmer temperatures result in higher levels of CO2?*
  + In the past 170 years global temperatures have increased about 1º Centigrade; that is a relatively modest increase (as compared, for example, to the 5º-10º C increase over several decades some 12,000 years ago).
  + Because it is clear that the current scale of warming is not problematic, climate scientists rely on climate models that point to future warming on a much larger scale – this is what is used to motivate the public to worry and policymakers to action.
  + Unfortunately, climate models have a poor record when it comes to predicting the future up to this point. For example, in his book *Unsettled,* Dr. Steven Koonin of CalTech, New York University, and the Obama Administration tracked 68 climate simulations from 13 respected models. The *actual* sea temperature increase from 1979 to 2021 (~40 years) was between 0.3º and 0/4º, while virtually all the models predicted increases that were up to four times higher. The models are inaccurate; moreover, only one model suggested the temperature would be lower than it is – if the models were playing it straight, you’d expect closer to a half would be lower (statistically speaking).
  + How can we use wildly inaccurate modeling to demand we destroy our current energy infrastructure in favor of one that is more expensive and less dependable?
  + It is clear that natural forcings are sufficiently large to change climate – science tells us that natural forces have been responsible for global climate change throughout earth’s history, from the coldest

cold of an Ice Age to periods far warmer than today.

* + To give you a sense of scale concerning solar power and its potential indirect impact on climate via clouds and the oceans: in 2017, **humans produced 160,000 terawatts** (‘terawatt’ = 1 trillion watts) **of energy from all sources** – coal, oil, natural gas, wind, solar, nuclear, hydroelectric and others (fossil fuels account for about 82% of the total).
  + Yet every day of every week of every year for as long as mankind has inhabited the planet, **the earth has received 173,000 terawatts per hour** of energy (a ‘terawatt’ = 1 trillion watts) from the sun. There are 8,760 hours per year (= 1.52 billion terawatts of solar produced energy vs. 0.00132 billion terawatts, or 0.000087ths or 87 millionths as much). Numbers are fun.
  + Once we understand the scale of the solar energy that earth receives every year, especially as compared to the human contribution, we can begin to appreciate how powerful natural forcings are – after all, everyone acknowledges that natural causes (and natural causes *alone*) alone have led to several ices ages, separated by warm periods, over the past one million years.
  + This conclusion does not mean that CO2 isn’t a ‘greenhouse gas’, nor does it deny some anthropogenic contribution to higher levels of atmospheric carbon dioxide, nor does it deny the possibility of some human contribution to the global temperature increase of about 1ºCelsius over the past 170 years – but mankind is not killing the planet: if anything, the climate is robustly healthy as evidenced by the fact that we can feed 8 billion people with room to spare.