CITY AND COUNTY OF DENVER
STATE OF COLORADO
HOUSE THIRD AND FINAL READING
HELD ON FEBRUARY 18, 2013
HOUSE BILL 13-1224

REPORTER'S TRANSCRIPT

This transcript was taken from an audio recording by Angela Smith, Professional Reporter and Notary Public.
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UNIDENTIFIED SPEAKER:  House Bill 1224, Representative Fields, Senator Hodge, concerning prohibiting large-capacity magazines.

THE CHAIRMAN:  Representative Fields.

REPRESENTATIVE FIELDS:  Thank you, Mr. Speaker.

And I move House Bill 1224 on the final passage.

THE CHAIRMAN:  Mr. Minority Leader.

MINORITY LEADER:  Thank you, members. You know, members, we heard a vigorous debate and discussion on this bill on Friday. We talked about the lack of evidence that this bill is going to do anything to enhance public safety in a meaningful way.

We also talked about the impact this piece of legislation is going to have on the people, the state of Colorado.

We talked about one business in particular, and then we talked about another. We talked about the loss of jobs that this piece of legislation is going to cause based on a hunch that this piece of legislation is going to have any
impact on public safety.

Then there was an amendment run to this bill to try to keep the manufacturer, Magpul, in the state of Colorado.

Members, I believe that was inconsistent. That amendment to this bill was inconsistent to accomplish the bill sponsor's goals. And I'm here to tell you, if you haven't seen it, look in the Denver Post. The editorial board agrees with me.

And I want to read for you part of that discussion in the editorial section of the Denver Post. It says the amendment -- the one that exempts manufacturers -- the amendment said Representative Daniel Kagan, Democrat, Cherry Hills Village, should make it clear that all manufacturers will be able to still sell and transfer these high-capacity magazines to individuals in other states, the U.S. military, and law enforcement personnel.

We want them, manufacturers, to stay here in Colorado. It would be sad to see them leave. After a lively debate in the House on Friday, the amendment was added and the entire measure was approved. But Republicans that day
raised a fair question, if banning high-capacity
magazines is really about public safety, why should
Democrats bar Coloradoans from buying them, but
meanwhile, give their blessings to Colorado -- to
Coloradoans who make the same objects for export to
other states. Surely those voting for the bill
would favor other states, and indeed Congress
itself, banning high-capacity magazines.

To be clear, we don't blame Democrats
for trying to save valuable jobs, but they are
inconsistent -- but are they inconsistent?
Absolutely. Hypocritical? Perhaps that too.
Members, I'm here to tell you today
this bill is now, as it's amended, absolutely
inconsistent. This bill, as it's written today,
it's written for the purpose -- we heard people down
in this well talk about the purpose of this bill. I
think the bill sponsor said this bill is designed to
prevent these instruments of war from getting into
citizens' hands. We don't want that to happen.

And then the sponsors of this bill
came down and read the names of every person that
was impacted by one of these horrific tragedies that
happened over the last -- the last year. Read the
names from the victims of the Aurora theater
shooting, and then read the names of the victims from the Newtown tragedy. And then passed this amendment that said, you know what, Coloradoans, you can't have these magazines because they're instruments of war, but folks in Newtown, Connecticut, go right ahead and buy them, because we're going to benefit from the tax revenue we get from the manufacturer.

In fact, people in the other 49 states in this great union and people throughout the world, you can go ahead and purchase these magazines because, apparently, they're not instruments of destruction when they're purchased outside the borders of Colorado. They are only instruments of destruction when purchased within the borders of the state of Colorado.

It is completely unfathomable to me that we would pass a piece of legislation with such gross inconsistencies associated with it.

THE CHAIRMAN: Representative Sonnenberg.

REPRESENTATIVE SONNENBERG: Thank you, Mr. Speaker.

And, members, Representative Waller hit the nail on the head. But I want to elaborate
on some of the facts that came up Friday. And I, indeed, asked the same question, what is the goal of this bill. If the goal of this bill is to reduce horrific events and gun violence, all we have to do is look at other states.

Illinois, for example, has a maximum capacity of a magazine at 12. They're number two in the nation for gun violence. Maryland has a 20-capacity magazine. Maryland is third in gun violence. California has a high-capacity magazine limit at 10. They're fifth.

I think it's clear that there is no correlation between the size of a magazine and the amount of gun violence in a state.

So what is the purpose and the goal of this bill, especially now that we have an inconsistent amendment as part of that bill? Is it just to do something because you feel you have to do something?

I understand the desire to want to do something. I understand the desire to fix a problem. Unfortunately -- unfortunately, this bill won't fix that. This bill will never keep evil people from doing evil things.

Members, I ask you to keep in mind, as
you move forward and as we are about to vote, please
keep in mind the impact that this has on the people
of Colorado.

Knowing that the evidence is there
that this will have no impact on criminals, I ask
for your no vote.

THE CHAIRMAN: Representative Holbert.

REPRESENTATIVE HOLBERT: Thank you,
Mr. Speaker.

Members, we are negotiating, in my
opinion, with the rights of law-abiding citizens.
We have all received hundreds, if not thousands of
appeals from our constituents of this great state
and nation to rethink this course of action.

We are prescribing for the people of
Colorado that we shall not have access to plastic or
metal boxes with a spring and two metal plates, an
object that cannot be a deadly weapon, has never
murdered anyone. And we're being told that
residents of our state will not have as ready access
to these plastic or metal parts, unless they work
inside of a building where those parts are made or
unless they work for law enforcement.

The people who work for government
will be allowed access to those metal or plastic
objects more readily than the citizens, the people for whom government works.

My friend, Representative Fields, I know cares passionately about this bill and has endured an experience in my life that I pray I will not. I know she cares passionately about this bill. But I care passionately about the United States Constitution and the constitution of this state and the oath that we've taken.

And I ask you to please be thoughtful of your vote. Is this bill going to do what it promises to do, to improve public safety? No.

Is this bill reasonable, as Representative Sonnenberg so rightly pointed out? Have we negotiated some convenient compromise with a manufacturer or manufacturers here in our state to avoid political and economic heat?

Is this principally the right thing to do? Having principal positions is not about winning or losing. Having principal positions is about doing what is right, regardless of the pressure to compromise.

I ask you, friends, please vote no on House Bill 1224.

And thank you for your time and
consideration.

THE CHAIRMAN: Representative McCann.

REPRESENTATIVE McCANN: Thank you, Mr. Speaker.

This obviously is a very challenging issue and a very emotional one for many people. I would like to, however, address the argument that large-capacity magazines -- limiting the size of large-capacity magazines will not have an impact on public safety.

For me, this is a public safety issue for our citizens here in Colorado. And we have seen that high-capacity magazines have been a common thread linking many of these mass shootings.

But in addition, the Department of Justice has found that high-capacity magazines are used in 14 to 26 percent of gun crimes, and more alarming, 31 to 41 percent of fatal police shootings.

The chiefs of police of this great state are supporting this bill. These kinds of magazines are used in attacks on police officers. And as noted, many result in death of police officers across the country.

Many of the high-profile mass
shootings did involve high-capacity magazines, including Newtown, Connecticut, when Mr. Lanza used, or is alleged to have used, multiple 30-round magazines.

Oak Creek, Wisconsin, when Wade Michael Page killed six people and wounded three others at a Sikh temple with a semi-automatic handgun and three 19-round magazines.

In Aurora -- unfortunately, we are all too familiar with the Aurora situation -- Holmes allegedly used two semi-automatic handguns, a shotgun, and an assault weapon equipped with 100-round drum magazine.

In Tucson, Arizona, Jared Loughner shot and killed 6 people, including a U.S. Federal District Judge, and wounded 13 others, including U.S. Representative Gabby Giffords. Loughner fired all 33 rounds from a semi-automatic handgun with a 33-round magazine.

And the thing that's critically important to remember in that case, colleagues, is that the fact that he had to reload is what caused that couple of instant hesitation, when a bystander was able to successfully attack him and take him down. It was because he was reloading one of those
high-capacity magazines that he was prevented from killing additional people. And we think that is also what happened with respect to Mr. Holmes, his gun jammed, so he was unable to continue his mass murder.

Fort Hood, Texas, Major Hasan shot and killed 13 people and wounded 34 others during a rampage at the Fort Hood military installation. He allegedly used a semi-automatic handgun and 20- and 30-round ammunition clips, magazines.

And in Binghamton, New York, Mr. Wong shot and killed 13 people and injured four others, firing 99 rounds from two semi-automatic handguns, at least one 30-round-capacity magazine was found at the scene.

A 2010 survey by the Police Executive Research Forum, not a liberal think tank, reported that since the ban expired -- this is the assault weapons and high-capacity ban that we had federally -- since it expired in 2004, 37 percent of police agencies report seeing noticeable increases in criminals' use of assault weapons, and 38 percent reported seeing noticeable increases in criminals' use of semi-automatic firearms with high-capacity magazines.
According to a Washington Post analysis of Virginia crime gun data, the federal ban was associated with a 60 percent decline in the share of crime guns with high-capacity magazines recovered in Virginia between 1998 and 2004.

I would also note that the U.S. Supreme Court has stated that the Second Amendment right is not unlimited.

And I appreciate Representative Holbert's impassioned plea about the Second Amendment. This bill will not take away Second Amendment rights. What it does is impose reasonable constraints on the exercise of that right, just as we do on other constitutional rights.

And finally, members, I would say that in response to the argument about Magpul leaving Colorado, every state chooses what they want to do with respect to gun safety. What we're talking about here is what Colorado is going to do. If other states continue to allow large-capacity magazines, then they will be able to possess them in those states. But what we're saying here is that this is a matter of public safety for Colorado.

This bill does not require any company to leave Colorado. It would be their choice. But
what this bill does is provide for a safer
environment for all of us here by a reasonable
limitation on use of high-capacity magazines.

And it really -- it really asks the
question of why does someone need more than 15
rounds at a time to use in a pistol or a rifle.
Fifteen rounds is a lot of rounds. As many of you
have pointed out, it doesn't take very long to
reload, but it can cause that hesitation that could
save the next 15 lives.

So I would ask for a yes vote on this
bill.

THE CHAIRMAN: Representative Priola.

REPRESENTATIVE PRIOLA: Thank you,

And, members, I have given a lot of
thought on what we're doing, what these -- not just
this bill, but the other three bills -- mean to our
state and our nation. And I couldn't help but feel
like we've been here before. Somehow, seems like,

things like this have happened in the past with
politicians and tragedies and so on and so forth.

And then I thought back to one -- and
I think all of us would agree -- was a knee-jerk
reaction by politicians, that if we could go back in
time, we would rewrite a wrong and not do what our 
forefathers did in taking away civil rights and 
constitutional rights, when American men and women 
were killed and the public's anger was so strong 
that they asked politicians to do something. We 
must do something for public safety. It's about 
public safety and we must do something.

But after the threat had passed, after 
time had healed wounds, we reflected on what we had 
done, had actually taken away freedom from those 
American citizens. And with hindsight, we can now 
be remorseful.

What am I speaking of? Think about 
it, the Japanese interns. In 1941 and '42, 
Americans were asking politicians, this group over 
here, they're a threat to public safety, we must 
remove them from the coasts because they'll sabotage 
ships and they'll blow up our Navy ships and 
they'll --

THE CHAIRMAN: Representative Priola, 
can we keep it onto House Bill 1224?

REPRESENTATIVE PRIOLA: Mr. Speaker, 
this is to the bill and to the other three bills. 
This is about Second Amendment constitutional rights 
and the civil rights of Coloradoans and Americans.
Just as it was then, just as it is now, our constituents say just do something to make them feel better about the pain and anguish we all feel. But changing the law will not ever change the heart of men.

Every time we pass a law down here to take away freedoms and rights from law-abiding citizens, we all lose a little bit of freedom.

Representative McCann brought up a lot of folks who have supported this. And I say to that, sheriffs in Colorado don't support this, or the other bills, as well.

We've seen news stories about how Washington politicians are trying to influence this debate. And I tell you, there is no coincidence here. This is about a national dialogue and a national push to take away our Second Amendment rights, to reduce our Second Amendment rights, to take away a little bit of freedom from all of us, like was once done back in the early '40s with our friends, the Japanese interns, who had lived here for generations, who had built businesses and had community structures on the coasts of this country and who were brought here to the Midwest.

I actually walked through a building
that was on our family's farm, where back then they had a program where you could have Japanese interns come work in the fields, and I thought, hmm, how quaint. That kind of reminds me of the amendment that was dropped on this bill to still allow Magpul to work in the state, even though we don't like what they do as a policy matter.

    It is about the money. That's what it's about.

And some day my children and grandchildren may not look back at this point in particular, but they'll look back at other points, and they'll say that was a salient time we lost that right. That was the point.

    I ask you, members, to seriously look hard at what you're doing and what this means, not just to our constituents in our districts and the papers and the media this year. Think about the long-term ramifications of this and how we are inevitably changing the dialogue and the meaning of the Constitution of the United States, the important thing that our founders put in place for important reasons.

    Please vote no on this bill.

THE CHAIRMAN: Representative Vigil.
REPRESENTATIVE VIGIL: Thank you, Mr. Speaker. And I'm only going to get up here once for all four bills. So, Mr. Speaker, if you would allow me some latitude to speak to all four of the bills.

THE CHAIRMAN: Yes, Representative Vigil.

REPRESENTATIVE VIGIL: I will not be speaking to them in detail, but I will be referring to them. I'm here to explain why I'm not going to vote yes on any of these bills. I'm going to vote no against all four bills. And I'm not here to disparage any motives to the sponsors. They're dear friends of mine. I'm not here to cast judgment on anybody who may vote for it or against it. I am here merely to explain my beliefs. And I'm here to explain why I think this is not a good thing for Colorado.

Colorado has been a western state ever since it has become a state. My family came here in the early 18 -- mid-1850s -- '40s. They carried weapons to settle this land, as well as axes and hoes and shovels. This was part of our heritage. This is part of what it took to settle this land. I cannot turn my back on that.
I feel like I have to defend our Second Amendment. It is said that it is not being limited, but Colorado has already been a great state.

If you look in this House of Representatives, which I am so proud to serve in, if you look above us, you've got Barney Ford, first black man to vote in the state of Colorado.

Across the street, the Ralph Carr Center. He believed, as Representative Priola said, the United States Government did a bad thing in taking this group -- this group of people out and separating -- segregating them.

We have our first black speaker of the house. And our Honorable Mark Ferrandino, first openly gay speaker of the house. Proud things that we have done in Colorado.

I hope that this act that we do on these bills today is not a first for Colorado to go backwards in the progressive way that we have always -- Colorado's always been.

The first bill I believe is nothing more than hardware paranoia. I believe we have to just deal with what really -- the person behind the trigger. That person is mentally ill. He has maybe
asked for help, hasn't gotten it. Maybe he's a veteran who has killed himself. We have an epidemic of self-inflicted gunshot wounds. Our service people deserve better than that.

The other bills -- I'll only mention the background check bill because my best friend, my worse critic, my wife told me, she said, you know, not having background checks is reckless. And I says, well -- you know, well, maybe I need to explain that just a little bit.

I am for background checks. And I am for initial background checks. And I am actually for background checks if initially they had some type of mental health adjudication, that if people aren't well and are seeing mental professionals, they should not be had -- or have a gun. And they shouldn't get one until, perhaps, maybe there's a process, a judge or someone could restore that process back to them.

But this private sale stuff, I don't think it's going to work. There's already laws on the book that says if I sell a gun to a known felon or somebody I know shouldn't have a gun, somebody who's mentally defective, and this person does something wrong with it, I am responsible for it,
just myself, for doing such an idiotic thing. And, you know, there's -- so I am for background checks in that capacity, but not for the private sales checks.

And how I got to these votes, first -- first of all, I vote my conscious. My conscious is clear that I'm doing the right thing for Colorado and for the people of Colorado.

Second is my district, District 62, is rural Coloradoans, a frontier still, communities. They still hunt and fish. A lot people have assisted living down there and they rely heavily upon what they need to get through the day, and that includes weapons sometimes and high-capacity magazines. Sometimes it's bow and arrows. Sometimes it's knives. But it is what it is, and I cannot vote for that.

Thirdly, my party. And I thank my party for being so gracious. And I think that's what makes our party so diverse and strong. They've been tolerant with me. Although we disagree and I disagree with them and I stand against them on this vote, they've been very respectful, and I thank them for that.

And the last is my values, rural
Colorado values. I don't believe that I betray anything, in my mind, in my morals, or in my lifestyle by saying no.

And secondly, I stand for jobs in Colorado for companies like Magpul and all the people that are affiliated with them. And I hope -- regardless of what happens here, I implore Magpul to try to work with the State of Colorado, if this bill does pass. And I ask you to please stay in Colorado. You're a very valuable company, and so are all the subsidiaries that work with you.

And I want to thank this body here. It's an honor to serve with every one of you, and I'll continue to work with you.

Thank you very much for your time.

THE CHAIRMAN: Representative Joshi.

REPRESENTATIVE JOSHI: Thank you, Mr. Speaker. And thank you, colleagues.

I stand here in opposition of this bill. And I will explain why. I'm not going to repeat what we heard Representative Waller has mentioned about the Denver Post editorial page. It's very obvious that this bill is inconsistent and probably hypocritical.

We have heard about in particular
about the public safety argument, and that's what it's about. But I also would like to go a little further, and I would like to read the very last line from the same editorial. It says: It won't stop the violence, we realize, but it could easily save lives.

Members, English was not my first language. Probably I learned about third or fourth in the line. To me, even that way isn't the violence that destroys the lives. And how can we save lives when it won't stop violence? Anybody can explain that in plain English to me?

And, again, limiting Magpul in Colorado, but not in other states. Do you think that my grandkids are expendable to you, just to save your children? No way. I have nephews and nieces who also live in other states. You would expend them to save your children.

And we are focusing on the wrong issues right now. We heard over the weekend the country singer, Cindy McCrady, took her life. How many bullets took her life? One. It wasn't the bullet, it was her mental illness. We know she was in a mental institution for almost 10 days. And she was released, and then she went home and did this.
So we are focusing on the wrong thing.
We need to take care of our citizens for what the
problems they have.
So, colleagues, let's do the right
thing and take care of what really is the issues and
problems here, and don't focus on the wrong things.
Thank you, and vote against this bill.
MADAME SPEAKER: Mr. Speaker.
THE SPEAKER: Thank you, Madam Speaker
Pro Tem.
And I rise in support of this
legislation. And I appreciate the debate we've been
having, and I know it will continue with all the
people in the well, both Friday and today. It's
been a respectful and good debate. And it shows
what this body can do. Even though we may disagree
on issues, we air those and then come down to a
vote.
I did want to just finish quoting the
Denver Post editorial because, as the minority
leader read it, I think you would think that the
Denver Post was against this bill. He left off the
last section of this bill -- or of the editorial.
So I just wanted to read it.
On the larger point, though, Democrats
continue to have a strong case. In Friday's debate on the overall bill, Republicans made good arguments about the various causes of violence, but they never refuted the fundamental point that a shooter intent on killing as many people as possible will be hampered if he has to change the clips on a regular basis.

As Speaker Ferrandino reminded his colleagues, mass murderer Jared Loughner was tackled by bystanders when he was trying to reload. Let's limit the next Loughner to 15-round magazines. It won't stop the violence, we realize, but it could easily save lives.

That's what this bill is about. This bill is about trying to save lives. There's a lot of other debate, a lot of other conversations. I know there's an argument that this might not save lives. I think what you see what happened in Arizona, a bill like this will save lives.

And while we have to make sure that we are careful in protecting the Second Amendment, we also have to protect life, our Declaration of Independence, life, liberty and the pursuit of happiness. And that is also fundamental to what we do down here in making sure we protect that.
And if we can save lives by passing this legislation -- and I believe we do. I believe this legislation will help us to save lives in our communities, then it is the right thing to do. It is a right and reasonable way to look at the Second Amendment with responsible regulation to help protect people's lives.

It's not, as I said the other day, going to solve all the violence in our communities. And I think we've heard a lot of talk about mental health, and I think that's very important. And hopefully -- and I know we will probably see a bill later on in this session to deal with mental health, and I think that is the right thing to do. We also see it in the bill, coming up in a little while, some more data-sharing on mental health and background checks.

Mental health is a big component, but so is this. And this is one piece of a comprehensive package. We will not solve this with one piece of legislation. No one piece of legislation will solve the violence. No legislation will solve all the violence. But this is a step in the right direction. As we see in what happened in Arizona, as we see what's happening in our
communities, giving that -- that just split second, the split second when someone's trying to change their magazines, split second for someone to tackle someone, like happened in Arizona, or to flee, to run out of a theater as someone is shooting, that split second can save lives.

I know there is strong opposition to this. I know there are strong feelings on this on both sides of the aisle, and I respect that. That's what we're supposed to be -- down here, we're supposed to have strong opinions and fight for what we believe.

But I do believe that this will save lives. I really applauded Representative Fields for the work she's done, not just in this legislative body, but what she's done since the murder of her son. She has been a strong advocate for ending and trying to curb the violence in our community she knows firsthand. And this is a step in that direction.

As the Denver Post says, it might not stop all of violence, but it will, hopefully, save some lives.

That's why I vote yes, and ask you to vote yes, to help save the lives in our communities.
MADAME SPEAKER: Representative Saine.

Representative Buck.

REPRESENTATIVE BUCK: Thank you,

Madam Speaker, Pro Tem.

I do implore you to vote no on House Bill 1324 [sic]. Folks, I bought it before you, and I don't know if it sunk in, but the common thread here are drugs. It's mental illness. It's not the gun. The common thread here is the criminal on drugs.

This bill hurts good citizens and it hurts good jobs. And I ask you to help us protect the citizens and protect our constitutional rights.

As you know, violence happens in those gun-free zones. You ask for a split second, in a split second, someone with a concealed weapon can take out that shooter. That's what our country is about, is protecting ourselves and taking out the bad person. Why do you think that we have to put more restrictions on our guns?

Again, please focus on the drugs and the mental illness and not on the weapon, please. Please vote no on House Bill 13-1224.

THE CHAIRMAN: Representative Duran.

REPRESENTATIVE DURAN: Thank you,
Mr. Speaker.

I want to thank this -- all the members for a rigorous debate this last Friday. And regardless of whether you're a Democrat or a Republican, this is a tough issue.

I rise in support of this bill today. And over the weekend, I did a little bit of research. And many of you may not know that in Colorado, if you are a small game hunter and you want to hunt pheasants, that you can only have three shells in your gun to hunt for pheasants. And what hunters call it is they call it a fair chase, so that when you shoot the gun, the pheasants have a fair shot at getting away in time. And by the time the hunter reloads, those pheasants are already gone.

Right now in Colorado law, we have more protections for pheasants and small game than we do human beings. As a six-generation Coloradoan with a family ranch in southern Colorado, it should come as no surprise that hunting is a big part of my family's tradition and heritage. As long as I can remember, my family and I ate more elk, rabbit, fish and pheasants than we ever ate chicken or beef. We would make elk with everything, elk burgers, elk
green chili, elk spaghetti sauce. And if you know how to cook it, it doesn't taste the least bit gamey. And this year, my nephew, who is 10 years old, successfully completed his first hunter safety class. And you can bet that if I ever have a son or daughter, I'll be the first one to sign them up for a hunter safety class so that they can continue to live on the tradition that we have in Colorado.

As a Colorado and a state representative, I am sworn to uphold the Constitution of the United States. And I could not support any reform that would ignore Colorado's western heritage or unreasonably impair the Second Amendment rights of our citizens. But I also understand that the right to do so is not unlimited, especially in a time in which our society suffers from such a tragic gun violence epidemic.

During the 12-hour gun debate last Friday I said that this is about kids who have been shot over and over and over again, and that I am tired of seeing kids die year after year after year. And although I don't talk about it very much, growing up in Colorado I was not immune to the effects of gun violence. I remember my high school sweetheart, his best friend was shot in
Denver on 33rd and High Street after members of a gang drove up to him and shot him. And do you want to know why? Because he was wearing a Denver Broncos jacket that they wanted.

I remember a friend of mine who I studied dance with for years and danced in the same dance company as myself, but she told me the story about when she was in the cafeteria at Columbine High School when Eric Harris and Dylan Klebold committed their awful massacre.

And in the latest shooting at the Century Movie Theater in Aurora, my mother's cousin, his fiancee and baby were there when James Holmes opened fire on the crowd. And although they successfully escaped with minor wounds, the shooting had a profound effect on their lives.

Perhaps this debate at the Colorado legislature over closing the background loopholes, additional investments in mental health, and commonsense gun safety regulations are not the only answers to the gun violence that we face in this country, but it is a meaningful and necessary step forward.

And to not take action and simply say that the problem is too difficult is not taking our
oath of office seriously.

In order to form a more perfect union,
we must work to promote the general welfare, safety,
and security of the public. In order to create a
more perfect union, we must establish justice. And
in order to create a more perfect union, we must
include domestic tranquility. And that is why I
rise in support of this bill.

Thank you, Representative Fields, for
your courage for standing up for what so many people
before us were fearful of doing.

THE CHAIRMAN: Representative Coram.

REPRESENTATIVE CORAM: Thank you,

Mr. Speaker.

Members, I rise in opposition of this
bill. We all remember 9/11. Over 3,000 lives were
lost that day. It will live with us forever. Not a
single shot was fired.

The fact is, if you wish to cause
death and destruction, an evil mind will figure a
way do it.

If making laws would stop this, we
would not lose the 17,000 lives that is lost each
year to heroin and cocaine. The fact is, it will
continue.
We're saying we're doing this to save the children. If passing a law saves the children, Chicago would be a prime example. Chicago has some of the toughest gun laws in the nation, yet, last year, over 440 school-age children were shot in Chicago. Approximately 60 of them died. A law did not change that.

It seems that if denying the free access of our Second Amendment rights of law-abiding citizens would stop crime, it's not true. Criminals will ignore the law. They will actually be emboldened by the fact that they know that I cannot defend myself on an equal basis. Your friends and neighbors cannot defend themselves. Think about what we're doing here.

I am a proud Coloradoan, a native of rural Colorado. And like Representative Vigil, I have rural Colorado values. And my district's probably 95 percent in favor of us saying let's stop -- let's analyze what the problem is. It's the mental issues behind those doing evil that we must address.

And we can pass this bill, but I assure you, much like the use of heroin and cocaine, those criminals will not care. They will continue
to do harm and take the lives of our children that we must try to protect.

We are doing nothing here to save those children's lives. Thank you.

THE CHAIRMAN: Representative Rankin.

REPRESENTATIVE RANKIN: Thank you, Mr. Speaker.

You know, this, in my mind, is a bill based on hope. And I have hope. I want to do things for our citizens. I think it's a bill based on the very best of intentions of people who I've come to deeply respect. There's no question that the intentions behind this bill are good.

But at the bottom line -- and it's also based on the idea that we must do something. And my constituents are telling me that we must do something. I share that belief very deeply. But -- but this bill is based on a very small premise, when we narrow it down. And we've heard that come up this morning maybe for the first time, we've heard the term split second.

What we're really buying here is a couple of seconds in a situation where a mass murderer is changing magazines. That might take one second, it might take ten. And we hope, we hope in
that time that someone is courageous enough to run up and tackle this person. Or more likely what we're hoping is that somebody in the room has a weapon and knows how to use it. That's what we're buying here. We're buying just a couple of seconds in these situations, these tragic situations.

And I wonder what we'll willing to pay for those few seconds. Is it really worth it? Is it really worth it to buy those few seconds in these isolated instances? Maybe it is. But are we willing -- are we willing to -- as Representative Vigil so eloquently stated, are we willing to say that the heritage of Colorado is vulnerable, that we can change it?

Are we willing to say to our citizens, who feel very deeply about their Second Amendment rights, that we're willing to push on those? Maybe not take them away. They're good arguments.

I mean, you know, we can say that we have, as legislators, the right to limit their rights in certain ways. And we do. But are we willing to do that? Are we willing to divide our citizens this dramatically to buy a couple of seconds in a situation where we only hope something good will happen?
Are we even focusing on the right thing? Perhaps. Perhaps. I would suggest that this bill should apply to the size of magazines in video games. We're training people to use magazines of unlimited capacity.

Maybe violence in the media has something to do with this. Does anybody believe that? Maybe we should be focusing on mental illness and identifying those people and treating them.

Maybe this is not the best thing to do. Maybe we're praying so much for this two seconds in isolated situations that we should tell our citizens that we're going to work on the right things, not just something that we hope will happen.

Thank you, members. I urge you to vote no on this bill.

THE CHAIRMAN: Representative Humphrey.

REPRESENTATIVE HUMPHREY: Thank you, Mr. Speaker.

Mr. Speaker, a law-abiding citizen can more effectively save lives with a standard-capacity magazine larger than 15 rounds in capacity.

This bill will not stop the deranged few. It will diminish the Second Amendment rights
I have an e-mail here from an individual who was addressing the economic impact of House Bill 1224. He writes the following -- the font's a little bit smaller here. He states: I moved to Fort Collins to work in high-tech 15 years ago. For the last 10 years, the economy has not been great. Everyone has been struggling to get by for some time.

However, there are a few areas of the economy that are growing. One of those growth sectors is firearms. The Front Range has a flourishing ecosystem of growing companies in the firearms industry. In fact, I left my stable high-tech job in 2012 to pursue my own business full-time.

I am a small business owner living in Fort Collins. My companies are involved in competitive targeting shooting events, training for citizens, police and military, and manufacturing. My manufacturing company is 66 percent owned by Fort Collins residents.

The four gun bills under consideration 1224, 1226, 1228, and 1229, are causing massive disruption to all aspects of our business
operations. Of these, the worst is 1224.

I'm sure you've heard of the situation of Magpul based in Erie. My company has strategic partnership with Magpul. The economic gains from this relationship are in jeopardy due to these gun bills.

If Colorado passes 1224, or 1226, 1228 or 1229, we will be forced to relocate our businesses, employees, prosperity, factories, families, and households to other states.

Besides the highly publicized 600 jobs that Magpul alone would take out of Colorado, businesses such as mine would easily comprise double that amount. In these tough economic times, Colorado cannot afford to reject thousands of people who are people who are contributing to economic growth. Thank you for your time, Zak Smith. That concludes his e-mail.

This bill is arbitrary with this number of 15 rounds. It has no reasonable evidence basis. It is a job killer. It diminishes the freedom and safety of Americans. So please, please, vote no on this bill.

A hunch and good intentions do not warrant a yes vote. Thank you.
THE CHAIRMAN: Representative Saine.

REPRESENTATIVE SAINE: Thank you, Mr. Speaker.

As Representative Sonnenberg said, this bill won't keep evil people from doing evil things. What it will do is lose law-abiding citizens their jobs.

I challenge anyone, can you tell me any area, anywhere where magazine restrictions or gun bans, where they've been enacted, can you tell me, of any of those places, have the murder rates gone down as a result? And you can't. Not over any decade.

Even island nations that have enacted gun control laws, magazine restrictions or bans, their murder rate has increased. And they have no neighbor to blame.

You've heard from here, Adam Thompson, who pulled other kids to safety from the Columbine shooting, that magazine limits would not have stopped the Columbine killers. They were planning on killing everyone with propane bombs. Would they have been hampered by a magazine restriction? No.

Earlier I heard a statement that this is a bill with good intentions -- and it surely
is -- and that it had no impact on public safety or no correlation on public safety. But I disagree respectfully.

Again, any area, even Europe -- folks point to Europe as having lower murder rates than the U.S. because of their magazine ban restrictions, gun control laws. But they used to be lower before the bans.


What this bill will do -- what this bill will do is encourage criminals to purchase magazines with more than 30 rounds because nobody else will have them.

Representative McCann bought up instances of mass shootings. Well, what do these mass shootings have in common? We know from the killers' manifestoes, their notes, that they planned to die at the scene of the crime. Seventy-five percent of the time mass shooters die at the scene of their crime. Those that don't couldn't bring themselves to pull the trigger. And we know this from their communications.
Their intent clearly, again, from their communications, is to put their parents, the community, and the world on trial by killing more people than the other mass shooters before them, to outdo the other mass shooters before them.

So would any restriction curb this intent? No. They can simply now go to Wyoming. They can buy it on the black market, or they can make a magazine. It's plastic, metal springs.

Again, you heard from hero Adam Thompson, would magazine restrictions have stopped the Columbine tragedy, and it wouldn't -- the answer's no.

The only thing this bill achieves is more mass murderers and kills the jobs of the law abiding.

I urge you to vote no today. I urge you to keep Magpul in my district, to keep 600 jobs in Colorado. I urge you, colleagues -- it's an honor to serve with you. I urge you to vote no.

Thank you.

THE CHAIRMAN: Representative Murray.

REPRESENTATIVE MURRAY: Thank you, Mr. Speaker.

I'd like to refer to Representative
Duran's comments about pheasants. What we're talking about today, law-abiding citizens are the pheasants. We're not the hunter. We're the hunted. And we're talking about criminals who are shooting at us as pheasants.

We're asking that we be given a fair shot at being able to -- no pun intended. We're asking that we be given the opportunity to shoot back, as pheasants are allowed to fight back. So remember, when you're talking about shooting pheasants, who's the hunter and who's the hunted.

Many of us have seen the YouTube videos and TV stories about Sandy Hook parents and neighbors who just came out and said, you know, something's wrong with our society. But the guns are not the issue, it's the people using the guns and the issues in society related to those guns.

So yes, let's do something. But is what we're doing today the correct thing? And I would say no.

I'd like to remind everybody that 10-round magazines were used repeatedly in Columbine. And that was a gun-free zone. So, you know, they had free rein to keep using one magazine after another.
The question was asked, why do we need more rounds? Well, it's because that criminals have more rounds. So do we think that if we're going to outlaw a larger magazine that the bad guys won't have those magazines. It doesn't work that way. They're going to have the larger magazines and we're not. Again, we're the hunted, and we're just waiting for them to shoot us.

I would remind you that our county sheriffs -- I mean, we're a western state. Our county sheriffs have come out unequivocally opposed to the bills that we're seeing today. They want our help as law-abiding citizens. They need us. They say they need us against the bad guys. And they see these bills, particularly the magazine restriction, as something that gets in the way of their preserving our safety.

So it's been repeated many times, you know, what the criminals are doing in various situations. We can all come up with our little anecdotal stories. But we're not talking about criminals with this bill and effect on criminals. We're talking about is effects on law-abiding citizens, our friends, our neighbors, ourselves.

Vote no on this bill.
THE CHAIRMAN: Mr. Minority Leader.

MINORITY LEADER: Thank you,

Mr. Speaker.

You know, I wasn't going to come back up again and talk, but then, Mr. Speaker, you said something that I felt like I had to come and address. You know, you read the rest of that Denver Post editorial and, you know, I apologize if I in any way tried to infer or my words in any way inferred that the Denver Post editorial board was in opposition to this bill. That's not the point I was trying to make at all.

I was trying to point out the monumental inconsistency associated with creating a manufacturer's exemption in the state of Colorado, yet not allowing Coloradoans to purchase the magazines.

We heard it. And I apologize if that point wasn't clear. So I'm going to try to articulate it a little bit better this time.

We've heard the bill sponsors come down here and say these are tools of war, they belong in the battlefield. In fact, I think the bill sponsor said these belong in the theater of war, not theaters in Colorado or theaters at home.
How can you say they don't belong in theaters at home, but we're going to allow you to purchase them in Arizona.

Mr. Speaker, you came down here and talked about Jared Loughner, tragedy that was committed in Arizona. This bill doesn't do anything to protect him -- or protect the victims in that circumstance.

This bill doesn't do anything to protect the victims in Sandy Hook Elementary, because of the monumental inconsistency that was placed in this bill.

Representative McCann came down here and said, you know what, each state's free to handle this issue on their own. Well, Representative McCann, you had a bill that handled the situation. You had a bill that said these things won't be sold, period, at all. But because we want the tax revenue, and because we want the jobs in the state of Colorado, we were willing to exempt manufacturers to allow these -- as the bill sponsor said, these tools of war to be sold in every theater -- or to be sold in every state in the union, to be sold across the border in Wyoming and then to come back into the state of Colorado.
And I only point out this monumental inconsistency and hypocrisy because I believe we all know the consequence of passing this bill. And that consequence is going to do nothing but make us feel better about ourselves. It's got going to have an appreciable effect on public safety. We all know that. And that's why we're allowing this monumental inconsistency to happen in this piece of legislation.

I hope I made it more clear this time than I did last time. This -- the issue related to this piece of legislation is it's not going to have an impact on public safety, so let's create an exemption for manufacturers and let's create a monumental inconsistency for the rest of the states in this nation.

THE CHAIRMAN: Representative Holbert.

REPRESENTATIVE HOLBERT: Thank you, Mr. Speaker.

Second trip. I want to share a perspective that was e-mailed to me by a gentleman, Robert Montilibono (phonetic). I hope I pronounced his name correctly. But he shared with me a perspective of John Adams. And when Mr. Adams would become passionate about an issue, he would sometimes
take his wig off and throw it onto the floor and get
up on the table and jump up and down. I don't have
a wig, and I think the Speaker would probably gavel
me out of order if I got up on the podium.

But I think John Adams probably didn't
exist in a time where the media sat and tweeted and
talked about how emotional he was. He probably
existed in a time where people cared more about the
fundamental issues that were being discussed on the
floor at that moment.

And I appreciate Representative Vigil.

Thank you so much. What a courageous thing you have
done. And thank you for your words. And
Representative Joshi, and the passion that you had,
and to Representative Duran, as well.

Yes, these are passionate and
important issues for us. We must be clear about
what we're doing. The Second Amendment is not about
hunting. The Second Amendment is not our defense
against pheasants. The Second Amendment is our
defense as free citizens against tyranny.

What is tyranny? Tyranny is an
uncontrolled, unrestrained exercise of power. An
individual confronted by a murderer, a mass murderer
knows tyranny. A woman confronted by a rapist knows
tyranny. Anyone who has experienced assault or theft knows tyranny.

The Second Amendment allows us this great equalizer. Men and women, people of large and small stature, we all have the Second Amendment opportunity to defend ourselves against tyranny. And we can't trust, we can't count on government to do that for us. Because, frankly, we can't carry a law enforcement officer around with us all the time, they're just too doggone heavy and there's not enough of them to go around.

The Second Amendment is fundamental to this nation. It upholds the First.

The measure of safety that would be provided in this bill is directly proportional to the distance between the next mass murderer here in Colorado and the state line. Does anyone here think that the next mass murderer would take pause in thinking, gosh, I have to drive to Wyoming in order to fulfill my devious and dastardly plan? No.

Do you think that this bill would prevent that next mass murderer from breaking into my home or yours to try to obtain those things that he may not be able to buy in 20- or 30-standard round capacity, but would have to go buy it in a
15-round capacity?

Can you understand the silliness that is presented, that this bill would provide some greater level of public safety?

Members, I thank you so much for your time. I thank you for your thoughtfulness. I haven't jumped up on the podium, but I have come once more to ask you to please be thoughtful on this bill.

Unfortunately, this bill does not accomplish its goal. It does not improve public safety. And the right vote is no. I ask you to join Representative Vigil and I and many others in voting no on House Bill 1224.

Thank you.

THE CHAIRMAN: Representative Wright.

REPRESENTATIVE WRIGHT: Thank you, Mr. Speaker.

House Bill 1224 does not limit high-capacity magazines. It limits standard-capacity magazines under the law. House Bill 1224 will limit rifle magazine capacity of 30 rounds that have been considered standard and in common use by sportsmen and in home defense for decades.
Yet this bill will do nothing to limit
the evil in a man's heart. This bill will not keep
that man from committing atrocious acts like the
ones we have seen of late against our society.

Even our law enforcement community, a
community of men and women dedicated to public
safety, a community I was proud to be part of and
serve, have pointed out the negative implications of
this law. They have pointed out that this law, in
fact, will not make our rural communities
specifically safer. It will make them less safe
where law enforcement response times are great and
seconds count.

Regardless of my personal experiences,
as I addressed you on Friday talking about how I've
looked down the wrong end of a loaded gun in the
performance of my duties, regardless of all of those
personal experiences, I have chosen to defend the
right of the people to possess firearms.

And I'm here to tell you that this
bill will not save lives. If anything, specifically
in rural communities like mine, we're at risk of
costing lives.

Now, if I believed for one moment that
this bill would save the life of one child, of one
innocent person, I would vote yes. But it won't.
And I'll be voting no. This bill places a great
deal of burden on the people of the state of
Colorado.

Friends, let me ask you what happens
now when my cousin, a retired lieutenant colonel
with the United States Air Force, happens to be
driving down the road speeding five miles an hour
over, as he's known to, and he gets stopped, and the
officer sees that he has his AR15 and his 30-round
magazine, which he's owned since he was in the
military, for years. What's the procedure here?

I'm here to tell you, as a law
enforcement officer, it's one of two things. That
officer acts on the reasonable suspicion that he's
been presented and arrests my cousin and makes him
go to trial, costing him time, money, and the pain
of going through criminal proceedings. Or law
enforcement doesn't act at all because they
understand that the burden of proof lies with them,
and it's impossible for them to prove that he owned
this 10 years ago or he just bought it after the
passage of this law.

There's potential for abuse here.
There's potential for confusion in the law
enforcement community. That is what we are putting -- that's the burden that we're placing on the people of Colorado.

As this bill is written, the police, having reasonable suspicion of the ownership of a pre-ban magazine or a post-ban magazine, can now arrest our citizens for simply speeding five miles per hour over the speed limit and having their gun displayed in their car. You're kidding me. You're kidding me.

Now, we saw an amendment from one of our Democratic colleagues on Friday that sought to correct the many problems with this bill by adding spouses of currently serving military members -- adding them as exempted parties. We see the need for exempted parties, colleagues, because this legislation is flawed. Well-intended, I understand the intent, but flawed.

Now, House Bill 1224 does not limit our Second Amendment rights. It, in fact, infringes them. Let me define infringement for you. A violation as of law, regulation, or agreement of an agreement or a breach, an encroachment as of a right or privilege. The Second Amendment states, friends, a well-regulated militia necessary to the security
of a free state, the right of the people to keep and
bear arms shall not be infringed. And yet, today,
we're moving towards an infringement.

Article 2, Section 13 of the Colorado
Constitution reads: The right of no person to keep
and bear arms in defense of his home, person, and
property, or in aid of the civil power when thereto
legally summoned shall be called into question. And
yet, here today, we're calling the people's right
into question.

The bill further limits specific types
of firearms for use exclusively by law enforcement
and the military. This is problematic in many ways.
The founders of this great nation gave us the Second
Amendment to allow us to protect ourselves from two
groups, to allow us to defend our families from
those who would do us harm.

And also, the founders knew that our
government, no matter how perfect, arguably the most
perfect system in the world, even our government is
capable of tyranny against its own people. Because
it's made up of human beings, all of us are
imperfect and capable of unthinkable against our
own. Look no further, friends, than the history
books for proof of this.
Now, this fact was recently upheld by our U.S. Supreme Court, when Justice Scalia wrote: The militia, as defined in the Second Amendment, is compromised of those physically capable of acting in concert for the common defense. The anti-federalist feared that the federal government would disarm the people in order to disable the citizens militia, enabling a politicized standing army of their own to rule.

The response was to deny Congress power to abridge the ancient right -- ancient right of individuals to keep and bear arms so that the idea of a citizens militia would be preserved.

This bill does not look towards our state and country's future. We need to look at our state and country's future survival as a free state and consider it here today towards our citizens' ability to defend themselves from an out-of-control power working no longer for them but against them.

Now, I know that seems unbelievable, but didn't it once happen. It may not be 20 years from now, it may not be 100 years from now, but some day, some day in this country's future, our people will be forced into this situation again, where they're
making a decision on whether they band together or
they remain subject to tyranny.

And today, the decision that we make
in Colorado will be in the history books and our
future generations will remember us for this
decision.

Friends, this bill will not make us
safer. It will make us less safe. This law is
unenforceable. I agree with Governor Hickenlooper
when he said that he doubted tougher gun laws would
have stopped the Aurora shooter. It likely would
have not.

I would argue that the criminals in
our community are laughing right now. They're
laughing as they watch us move towards taking away a
right from people who are honest, who obey the laws
that we pass in this room, as we move toward making
our community even more of a fish barrel, the
innocent, taking away the innocent's ability to
protect themselves.

I understand the reason for this law.
I understand the reason that Representative Fields
has brought this, and I respect her for wanting to
do something. But this isn't that something. The
long-term implications for all of us are too great.
Thank you for your thoughtfulness.

Thank you for your statesmanship. It's a pleasure to serve along all of you, even with your different ideas. And I just ask that you consider my thoughts today. Thank you.

THE CHAIRMAN: Any further conversation?

Representative Fields.

REPRESENTATIVE FIELDS: Thank you, Mr. Speaker.

You know, I'm reminded of a quote of Shakespeare, and it goes like this: To be or not to be. That's the question we have today.

We have a responsibility to either lead or not lead. We can either address gun violence or we cannot address it. We can either put a limit on high-capacity clips or we can let you have 100, 50 or 30.

The question is to be or not to be.

It's about being bold and it's about being courageous.

This bill is not about a hunch. This bill is not about feeling good. This bill is about saving lives. And this bill is about public safety.

Since the Sandy Hook shooting, there's
been a loss of lives, 2,045 people have died due to
gun violence. This bill is about making sure our
community is less dangerous. That's what this bill
is about.

When I think about all of the
discussion about Second Amendment rights, this bill
does not infringe on anyone's Second Amendment
right. This bill is just a reasonable approach to
try to help address gun violence.

Would it stop all crime in our state?
No. That's why you're going to see a series of
several bills, because we see this as being an
implemental approach to address gun violence. So
this is just one measure that I personally believe
will save lives.

I stand before you today with a clear
and good conscience because I know on my side I do
have gun-responsible folks who own guns. They
support what I'm doing.

I have support from law enforcement.
We've heard lots of conversation about the sheriffs
and I have support from sheriffs. Not all of them,
but I have support from sheriffs. I have support
from law enforcement. But most importantly, I have
the support of the families that have been impacted
by gun violence.

After the horrible events that happened in Aurora, I was compelled to do something. It was way before there was the White House initiative to address gun violence. So this is not something that's based on some kind of White House, Washington influence. This has been a passion and a commitment that I've had for a very long time.

And it's time for all of us to do something, because to do nothing is no longer acceptable, in my view. When I think about the lives that have been lost over and over and over again, and people saying, you know, well, we can't do anything because the gun lobbyists is too strong or infringed on Second Amendment rights, then I would say not so. Because it's time that we do something.

Thirty-four people die a day because of gun violence. And we can no longer walk around in our society with these blinders on as if nothing is happening and that we need to remain helpless.

Someone said that this bill is about hope. And I said, yeah, it is about hope, because it can't be about despair. It's about hope that we can do something differently to make our community
and our public places safer communities to be in.

I say to you, members, that enough is enough. I'm sick and tired of the bloodshed. Limiting the high-capacity magazine to 15 will make our community less dangerous, because what we have as a common thread in all of these massacres is a high-capacity magazine.

Since 1985, there's been 34 mass shootings, and what they all have in common is a high-capacity magazine. No one needs to have a 100-drum magazine that any can attach to any kind of gun to kill as many people as they can.

Our schools are sacred places. Our malls are sacred places. Our churches are sacred places. No one should be able to have these high-capacity magazines to come in to do as much damage as they can.

So the question is to be or not to be. It is about doing something. And so what you've seen on Friday were four measures, and you'll see more, about doing something to make our community less dangerous.

This is about public safety and it is about saving lives. Thank you.

THE CHAIRMAN: Any further
conversation? Seeing none, the question before the house is the passage of House Bill 1224, and third and final passage.

    Mr. Coler (phonetic), please open the machine. And, members, proceed to vote. Close the machine.

    With 34 aye votes, 31 no votes, zero excused, and zero absent, House Bill 1224 is passed.

    (End of audio file.)
CERTIFICATE

STATE OF COLORADO           )
                        )ss.
CITY AND COUNTY OF DENVER  )

I, Angela Smith, Professional Reporter and Notary Public for the State of Colorado, do hereby certify that the above-mentioned hearing was taken from an audio recording and reduced to typewritten form; that the foregoing is a true transcript of the proceedings had; that the speakers in this transcript were identified by me to the best of my ability and according to the introductions made.

I am not attorney nor counsel nor in any way connected with any attorney or counsel for any of the parties to said action or otherwise interested in its event.

IN WITNESS WHEREOF, I have hereunto affixed my hand and notarial seal this 8th day of July 2013.

My commission expires January 22, 2015.

___________________________
Angela Smith

Reporter, Notary Public

Calderwood-Mackelprang, Inc.