CITY AND COUNTY OF DENVER
STATE OF COLORADO
SENATE HEARING
Held on March 15, 2013
HOUSE BILL 13-1229

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REPORTER'S TRANSCRIPT

This transcript was taken from an audio recording by Elissa Steen, Registered Professional Reporter and Notary Public.
THE CLERK:  House Bill 1229 by
Representatives Fields and McCann and Senator
Carroll concerning criminal background checks
performed pursuant to the transfer of a firearm, and
in connection therewith, making an appropriation.

SENATE PRESIDENT:  Majority Leader.

MAJORITY LEADER CARROLL:  Thank you,
Mr. President.

I move that the Senate adopt the first --
report of the first conference committee on House
Bill 1229.

SENATE PRESIDENT:  And, Majority Leader
Carroll, by that you mean the first majority report?

MAJORITY LEADER CARROLL:  Yes, thank you,
Mr. President, the first majority report of the
first conference committee on 1229.

SENATE PRESIDENT:  Would you like to
describe what the conference committee did?

MAJORITY LEADER CARROLL:  Yeah. Thank
you, Mr. President.

So, Members, an issue was raised when this
was getting debated in the House that I think was
legitimate, and warranted going back and working on
You will recall that one of the amendments we put on in the Senate was addressing a loophole that some gun advocates had pointed out that a criminal could simply set up a trust, do strawman purchases, get around the whole bill on background checks.

We introduced an amendment to close the strawman, sort of entity purchase loophole, in the Senate. But the language that we had originally adopted was brought to the point where, for -- it -- it included language, for example, of anyone with a beneficial interest.

And in -- for example, in the corporate setup, there could include all kinds of shareholders. The gist of the problem is that you could have all kinds of people who would never even come into possession of a firearm that, under an interpretation, would then be going through background checks, which doesn't make sense and wasn't the intention of what we did.

So with that, we agreed to go back to conference committee to get that language correct.

All of you have the committee report on what has -- what we adopted, and I will walk through
very briefly what it is.

In a conference committee, we -- we narrowed to specify that we're only talking about once an actual, natural person comes into possession of a firearm would that background check be needed. So all of the other people who might legally own something, who are never going to see a firearm, aren't going to have to go through a background check. So the narrowing language is that only natural people who, in fact, will take actual possession would undergo a background check. That is what we meant the first time; that is not what we said the first time. So we needed that.

The other thing that we did is we inserted the word "or loan." So you'll remember in the family section of the exemption of gifting to immediate family members, there was some discussion about gift or loan, does it have to be permanent, can you temporarily give it to any number of family members. And so we adopted the insertion of the word "gift," and we added "or loan" into the immediate family members section in the bill. And that's what we did in the majority report in the conference committee. And would ask
for an aye vote on that committee report.

SENATE PRESIDENT: Discussion? Senator Brophy.

SENATOR BROPHY: Thank you, Mr. President.

And -- and at this point, I will offer a substitute motion of sorts -- that's how we do it on conference committee reports -- to move. So I move the minority report of the first conference committee on House Bill 1229.

SENATE PRESIDENT: You want to explain what it did?

SENATOR BROPHY: Thank you, Mr. President.

So what the minority report does, and -- and -- and please listen because the minority report actually enjoyed bipartisan support in the conference committee. The minority report does everything that the Majority Leader explained was part of the majority report.

And then, in addition to it -- and this is the important part -- it also eliminates the discrimination that exists in House Bill 1229 against stepchildren, for instance. Because in -- in House Bill 29 (sic), there still exists -- there still exists a blatant discrimination again your stepson or your stepdaughter, for instance.
You won't be able to loan or gift to your stepson or stepdaughter, under 1229, a firearm without making them go through a background check, and the minority report fixes that. It allows for step-relations to count under the bona fide gift and loan provision exception in the rule, and it also includes your in-laws.

So, for instance, under -- under 1229, if we don't adopt this minority report, I can't loan a hunting rifle to my brother-in-law to take on a week-long hunting trip if -- if he needs the kind of rifle that I have without getting a background check on my brother-in-law.

Of course, if you knew my brother-in-law -- oh, and then -- and then -- he is a Democrat -- and then the -- the -- actually, he's unaffiliated. You should see the mail he gets because he lives in Jefferson County, but that's a side note.

The other thing that we fixed with the minority part -- and listen, this is really important for you rural folks. Right now, the -- the 4-H shooting sports, kids that participate, if they don't have their own shotgun or a family shotgun that they can bring to the -- to the summer
that they participate in 4-H shooting sports, for instance, a lot of times other -- other 4-H members and other community leaders will -- will loan those kids a shotgun for the -- for their -- for their use over the -- for the entire course of the summer, and there's no exemption in 1229 that allows for that without forcing that 4-H kid to obtain and pay for the background check.

So, you know, these kids that are just -- just trying to participate in 4-H shooting sports are now hit by House Bill 1229, and the minority report fixes that. It at least allows these -- these 4-H kids to borrow a shotgun for the course of the entire summer, and -- and use it at the -- at the -- at the practice and then take it home so they can learn the proper way to -- to clean and maintain their shotgun or -- or their .22 rifle -- that's part of shooting sports -- in a -- in a -- you know, in a clean environment at their -- at their own home.

So that's why the minority report actually earned bipartisan support in the conference committee.

And I will ask for you today to vote in favor of the minority report of the first conference
committee of House Bill 1229.

SENATE PRESIDENT: Majority Leader Carroll.

MAJORITY LEADER CARROLL: Thank you, Mr. President.

Members, this was actually -- it was a very good discussion on all the points that were raised here.

The -- there's four other exceptions that exist now that I believe cover the fact pattern, basically, that's been identified here. But more significantly, there were two places in this minority report that brought in new amendments that were in neither the House version nor the Senate version.

And so I'm going to ask for a ruling that is beyond the scope, because two -- at least two of the pieces that are in here within neither the House or the Senate version, and the -- and the Chair had also believed were outside the scope.

SENATE PRESIDENT: We'll take a Senatorial five.

(A recess was taken.)

SENATE PRESIDENT: Senate will come back to order.
I -- I rule that the minority report exceeds the scope of the differences and, therefore, is out of order. So we are back to the majority conference, first conference committee report.

Further discussion, Majority Leader Carroll.

MAJORITY LEADER CARROLL: Thank you, Mr. President.

And I do know there is other discussion. But let me just say that even if there are -- even with the heartfelt desire for this to include more issues than it did, each of the issues that we, in fact, do take up here are ones that have been -- points that have been raised by republicans in both chambers to address. So it may not be the complete package, but it does move the bill closer in the direction. And so I know we'll have a motion to re-adopt the bill, where we can redebate the bill.

But the debate on this particular conference committee is, one, do we narrow the strawman entity loophole exception to avoid an unintended consequence of having people who never possess a firearm arguably having to go through a background check? So we are tightening it to
natural people who come into possession, which was
always the intent.

So do we or don't we tighten that? And do
we or don't we add the words "or loan" to the family
member? And people may wish and want a lot beyond
that, but your vote on this majority report is
whether you want to, in fact, adopt those changes at
this point.

I think both of those made sense. I think
good cases were made for both. Those were passed in
the conference committee report. I think it makes
it a better bill and would ask for an aye vote on
the majority report on the first conference
committee.

SENATE PRESIDENT: Senator Harvey.

And keep in mind we are debating the
conference committee report, so please keep your
remarks there, and then we'll get to the re-adoption
later.

SENATOR HARVEY: Thank you, Mr. President,
for that reminder.

I move that we reject the conference
committee report and that a second conference
committee be re-appointed to go beyond the scope to
deal with the issues that the President just ruled
were outside the scope of the conference committee.

SENATE PRESIDENT: Okay. So that is a

proper motion that is now the motion on the table.

Majority Leader Carroll.

MAJORITY LEADER CARROLL: Thank you,

Mr. President.

I would respectfully ask for a no vote.

SENATE PRESIDENT: So this is on the

motion to reject and set up a new conference

committee.

Senator Brophy.

SENATOR BROPHY: Thank you -- thank you,

Mr. President.

And, Members, I would ask for an aye vote

on this motion to reject this conference committee

report, ask that we form a new conference committee,

and ask that it be allowed to go beyond the scope of

differences and, actually, for more important

reasons than just the -- the discrimination that is

pointed out related to stepchildren.

Members, we have an opportunity with this

bill to -- to do something together, to stop acting

like the dysfunctional Congress in Washington, D.C.,

where things are -- are so hyper-partisan, as these

gun control -- extreme gun control -- bills have
become here in Colorado.

We have the opportunity, if we want to form a conference committee and allow it to go beyond the scope of differences, to craft a bipartisan solution to a problem that's identified, the -- the -- the very real possibility that -- that a gang -- that a gang member can now, under 1229, hand a firearm to another gang member for up to 72 hours to use in crime sprees without a background check, without being penalized additionally for failing to -- to get a background check, for flaunting the law for purposefully handing a firearm to someone who ought not be in possession of the firearm. That 72-hour rule exists now in 1229, and it ought to go away.

But more importantly, we could do something that -- that I've been thinking about quite a bit with a conference committee that goes beyond the scope, and that is this: Institute the stranger-danger rule. Stop with the silly exceptions that result in unintended consequences, criminalizing you giving a -- a hunting rifle to your brother-in-law, for instance, but instead, let the people of Colorado know that. If you're going to sell a firearm to somebody with which you have no
prior relationship, you should get a background check on it. Otherwise you should have known that it was -- that it's too dangerous to do that. The stranger-danger rule. We could do that.

We could modify it by including the -- the right to do the private transfer if the person that you're selling to already has a CCW permit. For crying out loud, they've had a very extensive background check. You can see that if you go through that process yourself.

We have an opportunity. We have an opportunity to bring the desks together, to reach across the aisle, to form a bipartisan coalition to address that problem here in Colorado. But -- but only, only if you vote to allow a conference committee to go beyond the scope of differences and actually start working together, like the Colorado legislatures of old, where we -- where we solved problems in a bipartisan manner with Colorado values instead of these Washington, D.C. values and hyper-partisanship, and just used the power of the majority to ram your agenda all the way home.

Vote yes to dissolve this conference committee and go beyond the scope of differences with a new conference committee that represents
Colorado values.

SENATE PRESIDENT: Majority Leader Carroll.

MAJORITY LEADER CARROLL: Thank you, Mr. President.

Members, a couple of things since it was brought up. One of my frustrations has been that we have -- if we excepted no amendments on this bill, you know, we have been criticized for refusing to work with the other side and just ramming an agenda through, but the facts are that despite over a dozen changes that came at the urging of Republicans, not one of them brought any of your support with it, yet we took it anyway.

So the facts on the process of this bill is: We've listened, we took many of your ideas and input, which I think were valuable, and haven't had any indication that there's any amendment in any form or any stripe of anything we can do on this bill that in Colorado, sadly, would bring bipartisan support.

And I think that is very unfortunate, but they are actually having a bipartisan conversation in D.C. And when D.C. becomes more functional than we are, that's sad. You know, this is -- this is
part of a national conversation to have.

That said, even though none of the changes
to date can or have earned the support, I'm still
grateful for you bringing them up as a matter of
making better public policy despite the fact that it
hasn't and probably can't earn any bipartisan
support of what's there.

So let me just say that I would love this
to be a bipartisan bill.

The most immediate point to bring up is
that on the motion to go form a new conference
committee, Members, you need to know that we
actually already took this up in the first
conference committee. This isn't new. These were
all points that were raised the first time when we
went through, considered, and rejected it. So it
would simply be Ground Hog Day to repeat and extend,
you know, what has already been a five-month debate
on this issue.

So I would just mention in the most
immediate sense that we have already considered
taking this up and would just simply ask for a no
vote on creating a new conference committee.

SENATE PRESIDENT: Senator Lundberg.

SENATOR LUNDBERG: Thank you,
Mr. President.

Members, the arguments that we've just heard about how we just can't come to terms, I must break down a party line always, made by the Majority Leader, I think were very good argument for passing this motion to reject the conference committee report and form a new conference that can go beyond the scope, because that's the only way we were going to get to any concurrence.

And -- and I would note that the minority report that was ruled to be beyond the scope, if you still have that on your desk, I would invite you to look at that and ask yourself: Are these issues that are inappropriate for this bill or not?

I believe it brings up some very valid concerns on what the first conference committee did come to deal with, you know, for example, what of a, you know, a 4-H club simply trying to -- to provide a -- a setting to teach good, responsible handling of firearms and marksmanship and the, you know, other skills for a sportsman that are necessary to have the -- have the rifles there to work with. It -- the -- the law creates such a cumbersome problem that that just won't happen.

And when it comes to -- to defining
immediate family members, let me read to you what --
what apparently goes beyond the scope but is still
good policy to put in this bill: spouses, parents,
children, siblings, grandparents, grandchildren,
nieces, nephews, first cousins, aunts and uncles.
Who in there shouldn't be included as immediate
family members goes on: B, step relations; C,
partners of civil unions or domestic partnerships;
and D, inlaws.

Now, if -- if policy is defining families,
okay, let's not divide it up. I'm not going any
further, anybody, who I can't mention anybody's name
here. It's unfortunate.

But it -- it's, you know, I look at my own
situation. I live a couple of hundred yards away
from my inlaws, and to distinguish between who can
transfer to myself or transfer to my wife, is -- is
an artificial distinction that the law shouldn't --
shouldn't have a part in.

You know, it's -- it's not me loaning to
my brother-in-law, it's me borrowing from my
brother-in-law. He -- he has the -- the better set,
and he can do that to his sister, my wife, but not
to me. He can do that to his sister, my wife, but
not to our children. That doesn't make sense. It
just doesn't make sense at all.

I believe, finally, if we want to talk
about a bipartisan spirit, well, here's your chance.
This conference committee was signed by four
Democrats. The minority report was signed by the
two Republicans. You know how the vote was
initially on the bill. It rings hallow to me for
the claim that we just can't get there if the same
person who's claiming it is insisting that we
continue to vote in a -- in a party-line fashion.

Let's reject this party-line vote for the
first conference committee and see if we can't at
least get a conference committee to put this
together as a team. Can we find some concurrence or
not? Is there any degree of compromise that can be
found at least in the process? Because right now
it's strict party line. That's it.

And it -- and your vote doesn't -- you
know, the fate of the bill doesn't hinge on your
vote on the conference committee, but the fate of
the process does. So if you want to make it party
line, then you'll follow the lead and simply reject
the motion, but if you want to find some common
ground somewhere, somehow, let's start right here,
right now.
I appeal to each one of you Senators on this side of the aisle, Mr. President, and I'm -- and I apologize, I should be speaking to you directly, so I will directly -- Mr. President, I appeal to you to -- to support this measure and show some bipartisan spirit to tackle this one, one more time.

We've already spent, over the course of committee time and floor time, over 30 hours on this issue in general, and much of it on this bill in particular. Is it not worth one more conference committee that can -- that has the authority to deal with all of the details, go beyond the scope? Sure, it may have been discussed in committee, but if the answer was it goes beyond the scope and we don't have the authority, well, there's your fatal flaw to the first conference in the first place. What's it going to hurt to give it one more shot?

I believe this is an opportunity for bipartisan action, at least within the process. And if we can't find it within the process, where in the world are we going to find it within the policy itself?

I urge each and every one of you, all 34
Senators -- because I'm going to support this, I know that -- please consider the same for yourself. Don't lock down. Don't show the dysfunction of 21st Century legislative systems. Break the mold. Take the courage. Do it right. Vote yes.

SENATE PRESIDENT: Senator Cadman.

SENATOR CADMAN: Thank you, Mr. President.

You know, when I ran for office, I -- I kind of had the -- I kind of had the belief that all the predecessors that had come through this process and become members of the legislature are just up here throwing these laws together and tossing them out and that it was pretty easy. I thought creating laws was easy. And I actually ran against creating laws. I ran on the eraser platform of we ought to issue legislators these erasers -- which I still have 14 years now -- we ought to spend more time getting rid of what's in here than adding to it, because I thought they were just being added.

But I have come to find out, as you all know, and even those of you who have been here 65 days or whatever it is -- it feels like 165 -- that it takes a lot to get something in these books. I mean, it is a heck of a process. I have a lot of respect for what it takes to actually create a law.
It's hard. It takes a lot of work, obviously, on the controversial stuff, a lot of debate. I'm sure none of us wants to spend another six hours here on this bill. Anybody interested in that on a Friday? Any day? Especially a Friday.

To that point, though, they're even harder to fix. We need to get this stuff right the first time, especially on something that's significant like this. Let's get it right the first time.

And the Majority Leader mentioned the concessions made over the last few days and the last week or so to the Republicans, to the Republicans, to the Republicans. These aren't laws just for Republicans. These are the laws that the people of the state, the 5-plus million people are going to live by.

These aren't concessions to Republicans. These amendments were made to a bill that had flaws from the very first day. A bill that was so sweeping that we had to create exemptions to our new prohibitions. That's good government speak, isn't it? Exemptions to prohibitions. It's like trying to understand -- understand tax credits. Nobody gets it, but everybody wants them.

It's important that we get this right.
It's important.

So in the conference committee, we did find agreement on some of these points, and then when it got to the contention of is it beyond the scope, that's where the differences were set aside. And the -- actually, that's where the differences came into play -- and the agreement was set aside. Does that really make sense when we actually found a place in conference committee where people understood that some of these problems in this bill weren't being fixed and that others were being identified and also weren't going to be fixed? And now, it's being rejected.

That makes as much sense as hanging somebody even though you found out that they're no longer guilty because of DNA, but it's too late because you already bought the rope. Can't stop now, we bought the rope. They're not guilty, but shoot, we can't let this rope and 13 knots go to waste. Does that make any sense to you?

Absolutely not. Get it right. It's important that we get it right.

And, frankly, what I heard in the committee were ideas that I believe does shrink the space in the aisle, that does bring us together.
And I think the concept of stranger danger is something we could all support. I know I could. If this were really about keeping guns out of the hands of criminals, specifically and exclusively, how would we not support that? Because as someone who is legally allowed to carry a gun and legally owns guns, I hope I never have to use those legal guns to defend myself against somebody else that has a gun in any manner, especially, obviously, a criminal.

We do have a chance to get it right. It doesn't make sense to reject that opportunity. It certainly doesn't make sense to me. I'm fairly sure it doesn't make sense to the 5.3 million people who are paying attention to this.

I would ask for you to vote yes on this motion.

We were this close to having something that would shrink the aisle. And I would make this commitment to the Majority Leader specifically, as the sponsor of the bill, that if we could get to that concept that was alluded to earlier, this isn't about amendments, it's not about concessions to the Republicans, it's about completing the task of governing and doing it right for the people that expect us to get it right the first time.
We don't need to go oops after this is signed. Nobody wants to hear that, and nobody wants to answer those questions that will be raised when the problems start coming in. We don't need a flypaper bill that's designed to entrap law-abiding citizens and turn our neighbors, our friends, our families, our 4-H members, our Boy Scouts, the pack leaders, the troop leaders, do we really want to turn them into criminals? I sure hope we don't. I sure hope we don't.

I would ask for an aye vote.

SENATE PRESIDENT: Senator Harvey.

SENATOR HARVEY: Thank you, Mr. President.

I -- Senator Cadman hit most of my points, but I -- I wanted to put a Ted Harvey spin on them.

The reason the argument given against the minority report, when Senator Brophy offered the minority report, was these are outside of the scope, and the chairman of the committee ruled that they were outside of the scope, and therefore we don't need to hear the minority report because we had a ruling from this Chair, President, saying that they're outside of the scope.

So then, when I make the motion to say, okay, if the Chair in the committee ruled that they
were outside of the scope, and the President rules
that it's outside of the scope, then let's have a
new committee hearing and go outside of the scope.
And then the argument that you hear is: We already
heard this in committee, and it's going to be
rejected in committee, so there's no reason to go
back and repeat it again. Well, which is it? Did
you hear it the first committee, or was it ruled
outside of the scope?

And if it was ruled outside of the scope,
then let's have the discussion.

Do we want to try to fix the ludicrous
issues in this bill that say you can't give your gun
to your stepson or you can't go and -- and -- and
have 4-H kids being able to use guns that are
borrowed from other members, and on and on and on
and on? Why are we afraid to fix this bill? Are we
so wed to this bill that we cannot go and fix this
problem?

And then, concessions. The argument was
we've already given so many concessions to the
Republicans, yet they don't come on. I don't know
if a Republican is offered a single amendment that
has been accepted. I know that there were a number
of issues that were brought up in the State Affairs
Committee, and the Chair of the State Affairs Committee offered her amendment, but those were issues that were brought up by the citizens of the State of Colorado that came in and talked. There was not one Republican amendment that was accepted.

We spoke for 12 hours on Friday. We didn't have hardly any Democrat come out and discuss the bill, much less accept a Republican amendment. And the amendments that were offered, were offered to fix issues like can I give my wife my gun when I leave town? Can my wife protect herself and my family when I leave town?

And the issue that was accepted was, for 72 hours. For 72 hours. For 72 hours. Any temporary transfer that occurs while in contiguous presence of the owner of the firearm, the temporary transfer, for not more than 72 hours, a person who transfers a firearm pursuant to this paragraph, may be jointly and severally liable for damages proximately caused by the transferee's subsequent use of the firearms.

Nothing in Subsection 6 of this section shall be interpreted to limit or otherwise alter the applicability of Section 8, concurring the unlawful purchase of transferee's of a firearms.
There is no Republican amendments to this bill. These are Democrat-Republican amendments. So if the break -- I mean, these are Democrat-offered amendments -- so if the breakdown is here that you're not getting bipartisan support in support of your bill, and we don't want to look bad to -- to Washington, D.C., well, it was a bipartisan no on the bill. It was a bipartisan no.

I wish we had more of those in Washington, D.C. I wish Washington, D.C., would start following us. But, actually, I hope that they would start killing some bills in Washington, D.C., and I wish we would here in Colorado as well, particularly this unfortunate piece of legislation.

Again, I renew my motion to resolve the conference committee and go to a new conference committee and go beyond the scope so we can solve some of those unfortunate issues.

SENATE PRESIDENT: Motion before the body is the rejection of the majority committee report and the formulation of a second conference committee. Are there any -- okay, roll call has been requested.

Mr. Majors, would you please poll the Senators.
THE CLERK: Aguilar.

SENATOR AGUILAR: No.

THE CLERK: Aguilar, no.

Balmer.

SENATOR BALMER: Yes.

THE CLERK: Balmer, aye.

Baumgardner.

SENATOR BAUMGARDNER: Yes.

THE CLERK: Baumgardner, aye.

Brophy.

SENATOR BROPHY: Aye.

THE CLERK: Brophy, aye.

Cadman.

SENATOR CADMAN: Aye.

THE CLERK: Cadman, aye.

Carroll.

SENATOR CARROLL: No.

THE CLERK: Carroll, no.

Crowder.

SENATOR CROWDER: Yes.

THE CLERK: Crowder, aye.

Giron.

SENATOR GIRON: No.

THE CLERK: Giron, no.

Grantham.
SENATOR GRANTHAM: Aye.

THE CLERK: Grantham, aye.

Guzman.

SENATOR GUZMAN: No.

THE CLERK: Guzman, no.

Harvey.

SENATOR HARVEY: Yes.

THE CLERK: Harvey, aye.

Heath.

SENATOR HEATH: No.

THE CLERK: Heath, no.

Hill, excused.

Hodge.

SENATOR HODGE: No.

THE CLERK: Hodge, no.

Hudak.

SENATOR HUDAK: No.

THE CLERK: Hudak, no.

Jahn.

SENATOR JAHN: No.

THE CLERK: John, no.

Johnston.

SENATOR JOHNSTON: No.

THE CLERK: Johnston, no.

Jones.
SENATOR JONES: No.

THE CLERK: Jones, no.

Kefalas.

SENATOR KEFALAS: No.

THE CLERK: Kefalas, no.

Kerr.

SENATOR KERR: No.

THE CLERK: Kerr, no.

King, excused.

Lambert.

SENATOR LAMBERT: Aye.

THE CLERK: Lambert, aye.

Lundberg.

SENATOR LUNDBERG: Aye.

THE CLERK: Lundberg, aye.

Marble.

SENATOR MARBLE: Aye.

THE CLERK: Marble, aye.

Newell.

SENATOR NEWELL: No.

THE CLERK: Newell, no.

Nicholson.

SENATOR NICHOLSON: No.

THE CLERK: Nicholson, no.

Renfroe.
SENATOR RENFROE: Aye.

THE CLERK: Renfroe, aye.

Roberts.

SENATOR ROBERTS: Aye.

THE CLERK: Roberts, aye.

Scheffel.

SENATOR SCHEFFEL: Aye.

THE CLERK: Scheffel, aye.

Schwartz.

SENATOR SCHWARTZ: No.

THE CLERK: Schwartz, no.

Steadman.

SENATOR STEADMAN: (No audible answer.)

THE CLERK: Tochtrop.

SENATOR TOCHTROP: No.

THE CLERK: Tochtrop, no.

Todd.

SENATOR TODD: No.

THE CLERK: Todd, no.

Ulibarri.

SENATOR ULIBARRI: No.

THE CLERK: Ulibarri, no.

Steadman.

SENATOR STEADMAN: No.

THE CLERK: Steadman, no.
Mr. President.

SENATE PRESIDENT: No.

THE CLERK: Mr. President, no.

SENATE PRESIDENT: With 13 ayes, 20 noes, zero absent, and two excused, that motion fails.

Back to the motion of adopting the majority committee report to the conference committee report on 1229.

Are there any no votes?

Senator Balmer, Senator Lundberg, Senator Marble.

So this is the committee -- the conference committee report. A rejecting -- so a no vote is rejecting it, where adopting -- the motion is to adopt the majority conference committee report.

So are there any no votes?

So Senator Balmer -- okay Senator Balmer wants to be an aye -- no, Senator Balmer is a no. Senator Crowder is a no. Senator Lundberg is a no. Senator Marble. Senator Renfroe.

So with a vote of 28 ayes, 5 noes, zero absent, and two excused, the conference committee report is adopted.

Majority Leader Carroll.

MAJORITY LEADER CARROLL: Thank you,
Mr. President.

I move for the re-adoption of House Bill 1229.

SENATE PRESIDENT: The motion is for the re-adoption of the bill.

Discussion?

Senator Brophy.

SENATOR BROPHY: Thank you, Mr. President.

And, Members, I'll ask for a no vote.

The bill contains now something like nine exemptions. One of them, again, that allows gang members to swap guns around for up to 72 hours without a penalty for breaking the -- the background check rule, still denies people the ability to loan a hunting rifle to their brother-in-law or their next-door neighbor to take on a week-long hunting trip, still makes it illegal for someone to loan a handgun to a friend or neighbor who's going on a week-long backpacking trip.

And the Obama justice department tells us that it does absolutely nothing to improve safety. Nothing. It won't help anything, and it makes common, everyday actions amongst friends and neighbors something that's now illegal in the State of Colorado.
When asking for your support to form a new conference committee to go beyond the scope of -- of differences, I -- I mentioned the unintended consequences.

Now, I'm going to tell you that they are -- that they are absurdities. It is absurd that I can't loan a handgun to a neighbor who's going on a week-long backpacking trip. That's absurd. It's ridiculous that I can't loan the appropriate hunting rifle to my neighbor to take on a week-long elk hunting trip.

The -- the list of absurdities goes on and on and on, and all for what? For what? We get no improvement at all in safety. We take a step towards registration of all firearms and ownership of all firearms. Again, treating law-abiding citizens like they're doing something wrong instead of taking it to the criminals.

Why would you support something like that? Those aren't Colorado values. We don't assume that law-abiding citizens are up to something they shouldn't be up to in a -- in a great libertarian western state like this. We don't do that.

Vote against this bill.

SENATE PRESIDENT: Further discussion?
Seeing none, the motion before the -- oh,
sorry.
Do you want -- so Majority Leader Carroll.

MAJORITY LEADER CARROLL: Thank you,

Members.
So we're obviously back to the passage of
the bill. And I do think that there's room for
obviously legitimate differences of opinion about
whether or not someone should go through a
background check so that law-abiding people go on
with their purchases and possession, and people who
are convicted felons are dangerously mentally ill
don't. I get that there's a difference of opinion
on that.

What does concern me some are really two
points that I want to be clear for the record:

There were many, many, many, many changes
made to this bill in good faith, listening. None of
them brought any difference to a partisan divide,
and frankly, they didn't have to be accepted. So
we're listening. I'm grateful for the suggestions
that were made. They aren't just concessions. That
is the sponsor working in good faith, listening to
members in both chambers on ideas on the bill.

And so you get criticized kind of both
ways, like, hey, you won't work with us. Oh, wait a minute, you took all our ideas, but because you took all our ideas, it must be a flawed bill because, you know, now you've accepted these amendments.

And so it's -- it's kind of a catch-22 in the sense that by working in good faith to actually respond and address many of the issues that colleagues brought up, we're being told that that's proof it's a flawed bill. And every bill goes through its -- its own process, and many bills get amended.

But I want to say, just as a matter of process, that the changes that have been offered, I think reflect the fact that, from my perspective, I would have hoped that some of these might have brought on some bipartisan support, and I'm sorry it didn't, but I understand that.

What does bother me, though, is while people can differ between whether or not you think there should be a background check to keep guns out of the hands of convicted felons, I get that; but I do want to be clear for the record, because there's enough confusion about that the bill does that we at least shouldn't contribute to it. So I want to be very clear here for the record.
There is no 72-hour limitation on the hunting trip example. Among these exceptions, and I put out a fact sheet so that we can all put out, whether you like the bill or not, accurate information to the people we represent.

There is no 72-hour on the immediate family exemption. Those are not time-limited. Out of the exceptions we put in place, only two of them have time limits.

So to be clear, there isn't a time limit on the hunting exception. And there is one, so your brother-in-law may not be defined as a brother-in-law in the family section, but if your brother-in-law is, you know, borrowing a gun for hunting, it doesn't matter who you're loaning it to for hunting, as long as they're not a convicted felon. We know in the bill there's a hunting exception for this.

The 72-hour provision does not qualify just as a grammatical issue to be very clear about what the bill does. It does extend to all of the other exceptions. It is a stand-alone alternative. All of these exceptions are written in alternative. You may satisfy one, you may satisfy more than one.

So I just want to be factually clear that,
you know, your family member exception, that's not
72-hour limited. Your hunting, that's exempted, nor
is that limited to a 72-hour exemption. There is no
registration in the bill. There's no confiscation
in the bill.

So I think the -- the policy discussion is
what you think about whether or not there should be
a criminal background check before you purchase or
possess a firearm. And I go right back to the
original point of the bill, which is: We do have
data that says this makes a difference.

And while no law has a hundred percent
compliance, we, in fact, do detect dangerous
convicted felons in the process of this, even under
our current system, even given the glaring loophole
of up to 40 percent of transactions that are
completely escaping background checks as a result of
this loophole.

And we can use Colorado data to see that
our current system, in fact, detects people who are
criminally ineligible to purchase or possess. But
we also have the benefit of data from other states
that tells us that we, in fact, do keep guns out of
the hands of many, not all, of many, though, of
people who are convicted felons or dangerously
mentally ill, who, in fact, are trying to purchase or possess.

So we know it works, and I think, you know, the honest difference of opinion is whether that background check is unfairly burdensome to those who are law-abiding people who pass through that gate, who have every reason and right to buy the firearm of their choosing. Is it an unfair, undue burden on them to go through the background check system?

And what's interesting to me is, given the background check system we currently do, I personally haven't heard anyone who's buying from an FFL or from a gun show say that it was unduly burdensome. I do think the state has a responsibility to try and keep the wait to a minimum, because there are scenarios where delay, I think, is a legitimate point that would be an unfair burden. And so I do think as we go into implementation, we need to make sure that we're not unfairly holding anyone up.

But at the end of the day, we have already said, as a matter of public policy, that people who are convicted of murder, rape, kidnapping, larceny, you name it, that they're already prohibited from
purchasing or possessing. And if we fail to pass
this bill, each and every convicted felon in the
state of Colorado, who our current law says isn't
supposed to have or purchase this, in reality can.
And we don't even have a mechanism.

So we might as well just delete those laws
and say, you know what, we don't care if convicted
felons, or murderers, or rapists, or burglars, or
whoever else has access to these, because we refuse
to put in an enforcement mechanism. The background
check is the enforcement mechanism. And it is
imperfect.

You know, we have -- you can point to any
law we've got on the books, and you'll find someone
who hasn't complied with it and people who may try
harder not to.

But the fact is, is that the data tell us
in Colorado and elsewhere, that it actually
substantially works, even if imperfectly.

So I'm proud of actually having made some
of these changes in good faith, listening to
Republican colleagues through both chambers. I
think we did the right thing with that.

But at the end of the day, if we actually
believe that certain people that are criminally
prohibited from owning or possessing now, in fact, shouldn't possess, if we mean it, we need to pass this and close this ridiculous loophole. And if we don't mean it, let's repeal it and decide that we really don't care anymore on any limits, on anyone owning a firearm, regardless of their criminal history or regardless of even a severely dangerously mentally ill, dangerous person under court order.

And if we decide that those folks, we don't want to get in their way, and we really don't have any means or interests or ability to be able to enforce that section, then we might as well repeal all background checks and get rid of the prohibition on them holding them because without this, we have zero mechanism to differentiate between those who are law-abiding and those who aren't.

And with that, I would just respectfully request an aye vote on re-adoption of 1229.

SENATE PRESIDENT: Senator Harvey.

SENATOR HARVEY: Thank you, Mr. President.

Ridiculous loopholes, that's the argument for this bill. Ridiculous loopholes.

Are we saying that somebody giving their stepson a gun and not doing a background check on them is a ridiculous loophole?
Are we saying that 4-H members who are
young and want to shoot a .410 and their parents
haven't bought one for them yet because they're just
seeing if they want to participate in 4-H shooting
and that we're doing that now without doing a
background check on them is a -- is a ridiculous
loophole in state law?

Is it ridiculous that if my wife wants to
use my gun to protect our home, or when they go --
she goes on a trip outside of the house with a gun,
that she can't use my gun for fear of being in
violation of this law and putting me and her at risk
of being prohibited from owning a gun ever again?

Do you think that's a ridiculous loophole
that needs to be closed? Well, if you do, vote for
this bill. Vote for this bill, because that's
exactly what this bill does.

If this bill was talking about closing the
loophole for people buying guns outside of the
stores and outside of the gun shows, but through
private sales, that might be a loophole that the
majority of the public would agree with, but that's
not what this bill is.

The sponsor says we're talking about
what -- doing background checks the same way we've
done in gun shows and stores, and there's no undue burden. Ask the 4-H clubs if they think it's an undue burden to have to do a background check on every one of their kids that want borrow a gun. I would argue they would say that's an undue burden. Ask the family members who are having to do background checks on their stepkids. Is that an undue burden?

Remember, it is already against federal law to give a gun to somebody that you know or should know is a felon. I would hope that we would know whether our kids, our stepkids, are felons or not. This is an undue burden.

The reason why this was amended because the drafting of this bill was so poorly done -- not by our staff here in Colorado, I don't believe that's where it was done -- that there was so many ridiculous things in this bill that the -- it was embarrassing. We had to make changes to this bill because it was so poorly drafted in New York City, or Washington, D.C., or wherever it was drafted. That's why there was so many amendments brought to this bill to fix it in the first place.

And why is that? Was it written by somebody who understands gun policy, who understands
gun law here in Colorado? I don't think so. I think it was written by somebody with irrational fear of firearms, because they have no experience with firearms, and they wrote a bill thinking firearms are terrible, the sky is falling, and therefore we must come forward and outlaw firearms as much as we possibly can and as far as we can get today.

Irrational fear. Irrational fear of 4-H kids shooting guns. We've got to do background checks and fix that loophole. Is that what we're afraid of?

Bipartisan support. I have bipartisan support for my position. My position is vote no. I have bipartisan support of that. Can I get one more? I ask for a no vote.

SENATE PRESIDENT: Senator Lundberg.

SENATOR LUNDBERG: Thank you, Mr. President.

Members, I come up here again because it's that important that we look at this one more time. This is the final vote on this bill, and I urge a no vote. No surprise there.

I should hope, though, that you dig a little deeper than just yes or no to the why, to the
what are we doing. Just the discussion we've heard
this morning establishes several things in my mind
as to what this bill will do if it becomes law.

I find it -- if you just look at all the
discussion on who's exempted and who's not exempted,
can anyone in this room, after all of this time,
stand up and just recite exactly who is and who
isn't? Is it possible, even now as it's fresh in
our minds, without looking back and trying to figure
it out and, you know, kind of do the math?

Well, imagine what it's going to be like
for the people of Colorado to figure out where the
exemptions are and where the exemptions aren't.
We've made a dysfunctional mess of -- of these
exceptions, to try to put some rational function to
this concept of universal background checks, for not
only the sale but the transfer, that means the
loaning, that means just handing it off.

You know, if I were to transfer this pen
and just give it to somebody and they -- then they
hold it, that's a transfer. Now, the basic point of
this bill is to say that's illegal without a
background check. And then there are some
exceptions that are put in.

But no one, practically speaking, will be
able to get their arms around it. So, to the average citizen in Colorado, here's the takeaway: Transfers aren't allowed without background checks, and you better check pretty carefully if you want to cross that line. Oh, just go ahead and get the background check.

Oh, by the way, don't forget, there's another bill coming that will put a fee on it. And if you look in this bill that we're voting on right now, there's another fee on it. This is where the dealers are allowed to put up to a $10 fee. And I can kind of see how this will all work its way out. You know, maybe a $10 fee here, a $10 fee for the CBI. I hope it's no more than that, but it's unlimited. Now it's 20 bucks to take and transfer it over from one person to the next. And then, if it's truly a loan, and they went through the background check for the first half of that loan, the returning of the firearm will require the same.

So that's the takeaway that the citizens of Colorado have as far as this little complicated, let's call it unintended consequence, that, as our debate and discussion earlier today proved, there is no willingness on a partisan line to go back and try
to fix some of those problems. No, this has been locked in. And -- and as much as the sponsor wants you to -- to think that this is a -- a product of a bipartisan effort, that is the furthest from the truth of just about any legislation I've ever seen. This is the plan from the majority party, and they own it, unless, of course, a few of you decide, and it doesn't take many, but a few of you decide that this is not good policy.

Shoot, just decide it's not good politics, that will give you good policy, by the way, if you just vote no. And that's what I'm urging you to do, partially because it's dysfunctional.

It's not just for sales, it's for transfers, and that happens all the time. And yet no one will know what that means; hence, you'll find this -- you know, this -- this chilling effect on what should be a very legitimate process of the private property owned by a -- a legal, law-abiding citizen for the State of Colorado will have a fear of breaking some law and being held accountable, you know.

And I think the very best example is -- is when it comes to these 4-H groups or -- or some sort of a Scout program or -- or maybe it's a -- it's a
program within some church where they're trying to
show the proper handling and management of a firearm
and pass it on to not only their kids, but, you
know, the group of kids in their charge there. They
dare not go down there because it would be absurd.

It would be absurd to, you know, assemble
ten shotguns, and then go through the background
check on all of those, and then have to go through
the background check just to get it back to the
rightful owners. But that's what this bill will
require. It's a bad idea, a very bad idea.

But let me go on to where I think the
worst ideas are for this law. The sponsor said this
is not registration, this is not confiscation. I
agree. The language in this bill is not
registration, and the language in this bill is not
concealment. But my own sheriff has told me, we
cannot enforce this without registration; we don't
know how to figure this out.

And it makes perfect sense, especially
when, you know, when it's -- when it's bisecting
which family members are appropriate to loan to and
which are not without a background check. Well, you
come into some circumstances where somebody was in
possession of a firearm, and somebody else says, But
that wasn't my firearm, that was my brother-in-law's. And the brother-in-law says, no, that wasn't mine, that was his. And the law enforcement are looking at this and saying, you know, he said, he said. We don't know.

It boils down to they're not going to be able to enforce much of this law without registration. And I'm going to fight that one more than I'm fighting this one, and I'm fighting this one with about all I've got because the one leads to the other.

And now, let's -- let's take on that registration issue with just a little more focus and -- and look at other countries throughout history who have decided that registration of firearms is necessary.

In far, far too many examples, after they register, they start figuring out who they want to hold firearms or who they don't want to hold firearms. And sure, we can give the worst examples out there of -- of Hitler's Germany, who in 19, I think it was 35, in that -- I believe it was 1935, when announced the registration requirement, and then the confiscation followed shortly thereafter, but you don't have to go down those worst-case
scenarios to see the absurdity of it.

I had a constituent of mine just a few weeks ago describe to me the problem he was having with a shotgun that his father owned, who lived in Spain.

Now, it's curious how this worked out, and I think it's -- it's important to -- to consider this in the context of this legislation that we're about to vote on. His dad has this shotgun, and apparently it was very important to both of them, and a fairly expensive firearm. He owns it. He lives in Spain.

Spanish law requires that shotguns not only be registered, but be held at the local police station, and that with your registration or your license, essentially, that you have to be in good health.

Well, this guy's dad had a heart problem, so the Spanish government told him you can't own this anymore and you can't give it to your son because of the mechanisms between Spain and the U.S. on all of that.

And he was just expressing his extreme frustration on how just the bureaucracy of not necessarily the most tyrannical government in the
world, but just the bureaucracy that literally was
going to force the -- the destruction of this
firearm that was highly valued by this family
because the guy flipped over just an odd nuance of
it, and that is his doctor said you've got a heart
problem, so now you can't own it and we can't -- you
can't give it away; we're going to have to destroy
it.

Now, I'll go back to what the sponsor said
that I agree this is not confiscation, this is not
registration, but what it is is the first step and a
very clear step. And the sponsor may not be
thinking that's -- that's where she's headed with
this, but I can find multiple advocates for
registration and confiscation, and law enforcement
today that insists that you pass this bill and you
set that course in action -- in -- in place.

This is a bill that's dysfunctional for
the average citizen who does own a firearm, if they
ever want to loan it to somebody, they have no idea
except they're probably breaking the law and
jeopardizing both they and themselves in the
process, you know, themselves and the person to whom
they want to loan the firearm. That's one.

Secondly, this puts a fee in place of $10
per transfer, to be charged by the dealer who
administrates that. Also it does put an undue burden
on far too many people. And I've had too many
people talk to me about the undue burden the current
system has in place over the last few months with
its, you know, they say three to seven days. Well,
it's two weeks plus is what I've been shown.
It leads to a system of regulation that
violates the Second Amendment of the U.S.
Constitution. It violates the Colorado Constitution
very clearly because of all of the bureaucratic and
expensive processes put in place for simply
possessing and bearing arms here in Colorado.
This is one of the worst bills we've seen
this year, and that's why we've spent so many hours
on it, and that's why I trust we're going to spend a
few more hours on it, so that the people of Colorado
will be at least assured that some people are
looking after their constitutional rights, and just
the practical realities of ownership within the
State of Colorado.
Vote no.

SENATE PRESIDENT: Senator Marble.

SENATOR MARBLE: Thank you, Mr. President.

If this bill was so crystal clear and so
well-written, we wouldn't be having this debate.

And what I really fear, and what we all fear,
especially the citizens of this great state, is that
here we're asking law enforcement to enforce a law
that, one, they don't support, and two, they don't
even believe it to be enforceable, and that's the
problem.

When we have the Constitution, it gives
us the reason why we are a country. Our Bill of
Rights gives us the outline of how to keep us a
country, and then the Federalist Papers are there so
we know the intent behind all -- all of these great
documents.

When we see the package of gun bills that
have gone through, you know, it would have been in
hopes, I think, from the people that I represent,
and also all the people in the State of Colorado,
those law-abiding citizens, that there would have
been bills come through focusing on the real
problem, and that is the criminal.

This bill doesn't increase penalties for a
felon or a criminal, who's going out to purchase a
gun or who has possession of a gun. There's nothing
that will actually make them think twice about going
through with the transaction, and that bothers a lot
of people because all this is doing is focusing on regular -- regular citizens.

What about the criminals that we're trying to trap and really get, you know, ahold of and get that gun away from? There's no mention. This is just focusing on an inanimate object. And people, millions of people, who own these guns, who are law-abiding, are the ones that are going to get caught in the crossfire. That's where the real battle is. It's the innocent people caught in the crossfire of this debate.

I can't support this bill. I can support criminalizing criminals more. You know, taking time to really look at how are we going to get them to pay for the actions that they do, and all this bill does is exactly the opposite. It makes law-abiding citizens pay for the actions that they have done all their lives with no consequence because it was never -- it was never unlawful.

I know none of us want to over-criminalize America, and I know that you're saying we have to do something, but why this? There are other ways and other avenues that haven't been looked at, and it has to be fair. We always talk about being fair, being fair in our schools, be fair in our education,
be fair in our taxation, be fair and do this and do
that, and fair, fair, fair, and then we come up with
this.

The implications that this have are
devastating, and it is not a shining star of what
we've done to curtail crime. This has indeed
increased crime and criminalized the wrong people.

Let's get a bill that really focuses on
crime and the true people who are intent on creating
crime and death and destruction, who are intent on
getting their names in the media to outdo the other
and to kill more than the last person.

We all know about the underground black
markets. We all know that this is where people are
going to go and they can go and they will go. This
bill doesn't address that. None of the bills do.

I would just like to see something focus
on criminals, penalties for those criminals, just to
make sure they do not do this, and if they do, they
will pay.

But I'm not into asking anybody who is a
law-abiding citizen to pay for something that they
haven't done wrong. And this is exactly what this
bill does. The intent of the bill you say doesn't,
but the outcome of the bill, actually it does. It
is overcriminalizing, and it's asking our law
enforcement to actually interpret and enforce a law
they don't support or believe in and were not
consulted about when they wrote it -- when it -- not
when they wrote it, when it was written and drafted
by the Democratic side of the aisle, and we have to
stop this.

When you look at all these bills, all --
the main theme that I hear, it's the demonization
of law-abiding citizens and of guns. It's not guns;
it is the people -- it is criminals. It is the
people who decide to do evil that are -- that are
the demons, the horrible portion of our society that
we're trying to get control of. And we're not doing
that. We aren't controlling criminals through these
bills.

And so that gives people -- it makes them
give pause to thinking, do they even care about the
criminals, or is it just control? Because that's
all these bills do, is control. Control who?
doesn't make sense. There's no reason to focus the
way that these bills do on law-abiding citizens. It
would have been nice to focus on the crime and the
criminals who really perpetrate these horrible acts.
And I urge a no vote.

And let's really get together and see what we can do to focus on that small portion of our society that we need to focus on and get a handle on and really make penalties for what they do so stiff and so -- you know, so written in their minds that they will lose everything, perhaps even their life, if they go through with it and mean it. The catch-and-release system that we have encourages crime, and this is going to overcriminalize the wrong people. Vote no.

SENATE PRESIDENT: Senator Baumgardner.

SENATOR BAUMGARDNER: Thank you, Mr. President.

One of the things that has not been talked about a lot, and at times has been talked about, is the cost to the state of this one piece of legislation, about $1.7 million, and the increase of about 28 full-time employees.

Now, the reason for this increase is they say that we need to do this to relieve the federal background check system. So CBI's going to do part of this. Well, again, the feds are already doing this.

And I understand that it's been said that
this is not a way to make a database on who has a firearm and who doesn't have a firearm.

And I also heard this bill was not about registration or -- or anybody is going to keep track or a database of who has a firearm, but it says right here that reporting and updating of records on which background checks are based. So updating of reports. Are we not at that point making a database on who has a firearm?

It was also said that, you know, we talked about 4-H projects, we talked about, you know, the Scout's projects on shootings and things like that, and it was mentioned that well, you can borrow your shotgun or whatever from your parents -- your parents, probably. And in most rural areas, the parents do have guns.

But you know what? Those shotguns doesn't fit those kids; those kids are smaller, so they have to borrow a shotgun or get a shotgun from somewhere else, from another child. Is that a transfer? Absolutely. And if they keep that for the entire time of that program, is that over 72 hours that that person has the possession of that firearm? Absolutely.

And we talked about the responsible
person, the parent, that will be now in charge of
that child with that shotgun or firearm that was
loaned to them.

So, now, do we not only have to do a
background checked on the child but now the parents
of that child because they are in possession of that
firearm for over 72 hours? And if they are the
parent or guardian of that child, are they not
responsible for that child?

Again, this is another piece of
legislation that turns law-abiding citizens into
criminals. Criminals will never, ever, whether they
buy a firearm -- they can't buy a firearm at a gun
show. Why would they? Why would they go to an FFL
dealer and buy a firearm? They're not going to
because they know they have to go through a
background check.

A law-abiding citizen that goes to buy a
firearm, they don't mind going through that
background check, but to transfer a weapon to use on
a hunting trip or to take a vacation and leave that
gun with someone makes absolutely no sense.

And, I, see that it does generate money
for the state. I do see that. It's right here.
And I do see that, you know, that, you know what, it
does have to do with jobs, because you know what?

We are going to supply 25 more government jobs.

   We've talked, we've asked. And we have,
we've worked, we've worked, and we've asked for
help, and there's been some relief given, and there
has been amendments on this, but still, it's not
where we need to be. It's not where we should be.

   This is just another piece of legislation
in a packet of legislation that's going through the
process to make sure that we can, through law,
through statute, make sure that, one, criminals
can't have -- and again, this bill does absolutely
nothing to address that issue -- but just another
avenue that a law-abiding citizen cannot possess a
firearm.

   This is our last chance to address several
of the issues that have been brought up on this
piece of legislation that is flawed. And I'm sure
I'm not going to be the last one to speak on this.
And you may hear many of the same things over and
over and over again, because we have to make the
point that this is just another attempt to restrict
your constitutional right to take -- to hang on to
your firearms.

   Vote no on House Bill 1229. Show the
people of the State of Colorado that we are
listening, that we really do care, because I think,
from what I said the other day and what you might
hear later today, and -- is that the people of the
State of Colorado are listening. Through e-mails,
through phone calls, they're pleading with their
representatives to please listen to us. And I
guarantee you, I'm listening to mine. And I hope
everybody here today is listening to theirs.

Please vote no on House Bill 1229.

Thank you, Mr. President, Members.

SENATE PRESIDENT: Senator Brophy.

SENATOR BROPHY: Thank you, Mr. President.

I -- I want to come up and give you guys a
handful of other just bizarre consequences of
passing this bill. And -- and in starting with this
one, I want to call to your attention today's Denver
Post, a little story by Ryan Parker, where he
mentions that a lot of firearms dealers will be
refusing to perform these background checks for
walk-ins off of the street.

And again, the problem here is, is that
the bill was not crafted by people who have an in
depth knowledge of how firearms transactions
actually occur, because the bill limits an FFL,
dealer, to only charge $10 to perform these
background checks for people who walk in off of the
street into their -- into their gun shop, if they
have one, or -- or call them up to arrange for the
meeting, as you'll have to do in Wrey, Colorado.

What you don't realize -- and that's why
this story is important in the Denver Post -- is
that the typical dealer, when performing a
background check for an individual who isn't one of
his customers, charges $25, not 10.

So your bill cuts their -- their cost,
their charges by well over 50 percent. You --
you -- you're making them donate their time to do
this as opposed to paying them for what they -- what
they actually have to do on behalf of the people of
the State of Colorado.

I have purchased firearms that have been
delivered through the mail, and you -- you pay
your -- your dealer who handles that transaction for
you and the background check for you $25, not $10.
It's just bizarre that no one thought to ask someone
that question.

Let me give you another one that is --
it's just ludicrous. If there's a -- a friend or
neighbor of -- of ours in Wrey who is going through
a really contentious divorce, and she feels threatened and feels like she ought to have a shotgun or a handgun in her home to protect herself and her family.

She can't -- under this bill -- she can't come over to our house to borrow a gun unless we do a background check on her. She can't. The bill only allows that type of transfer if it occurs while in the home of the person who feels threatened. So she can't come to my house to borrow one. I have to take it over to her house to give it to her.

Oh, and it's also limited by Roman numeral II. She has to reasonably believe that possession of the firearm is necessary to prevent imminent death. So I guess we have to wait until the person she's afraid on is banging on the door, and then we can make the transfer.

Absurd, grotesque, preposterous.

I'll give you the other example, the hunting example. And two members, who are proponents of this bill, have said my hunting example is not accurate. Well, yes, it is. I said a friend or neighbor, who's going elk hunting on a week-long trip, cannot come to my house and borrow the appropriate rifle to take elk hunting on his
trip under this bill unless we get a background check. That is absurd, and it's accurate. If you don't understand that that is accurate, then I would ask you to read the bill.

Why don't we just do it together. Pull it out. It's the re-revised bill. It's on page 6. Starting at the top of page 6, exemption E, small E. You got to read and understand these bills because it's important policy.

A temporary transfer of possession without transfer of ownership or title to ownership, which transfer takes place, semicolon, while hunting. While hunting.

My friend or neighbor is not hunting for elk in my living room where we make the transfer. We don't have any elk in my living room. We don't have any elk in Wrey. He's taking the firearm somewhere to the Western Slope. We are not engaged in hunting. That transfer does not occur while hunting.

So he cannot come and borrow a .300 Winchester Magnum from me because he doesn't think his .243 is big enough to take elk hunting for his traditional week-long elk-hunting trip. Please, page 6. Read the bill, then vote no.
SENATE PRESIDENT: Further discussion?

Senator Cadman.

SENATOR CADMAN: Thank you, Mr. President.

We keep hearing that background check for purchasing guns outside of the current requirement is all that this bill is about, but it's not. It's not all that this bill is about. It's virtually about, as you have heard, handling, touching, using, transporting guns, which we are now calling transfers. Virtually every possessive part of a gun is going to be called a transfer.

But when it keeps getting back to keeping guns out of criminals' hands, of course none of us want guns in criminals' hand -- in their hands. There is no opposition to that. Nobody wants criminals to obtain guns, period.

But this bill is so broad, it's been called flypaper law. We've used that before, but it's worth reiterating. It's been called -- it's been a flypaper law by an attorney for the Outdoor Channel, because it is encompassing, it is so broad, they're afraid to even record for the Outdoor Channel here now. They're afraid to encourage hunters, sports people, skiers even, from coming to Colorado, people who might want to protect
themselves with the legal use of a firearm.

And it doesn't make us safer.

We talked about amendments being the corrections for oops. And the Majority Leader is right, that's part of the process. Good ideas aren't great ideas until we all have a shot to put an amendment on them.

But what was never answered here, and what is yet to be answered, was how many other oops are missing. How many other amendments should we have gotten added to the bill that we did not get on.

I mentioned to the Majority Leader after the discussion, either on Friday or Monday, how do we do our normal Scout trip? How do we do our normal trip, where one person collects 10, 15, 20 shotguns or .22's, loads them in a car, takes the day or two-day drive to camp, and then helps do the Scout training?

And her response was, Can they get there in 72 hours? Okay. Hopefully they do. But now they're a criminal if it takes 73 hours, or 72 hours and two minutes, or 72 hours and seven minutes, or 74 hours, or four days, or nine days, or it takes two days to get there and they don't do the training for two days. So now I'm illegally possessing guns
that I've been loaned by others to take to a
training.

I have a friend that goes on a mission
trip every year, and they don't want to leave their
weapons in their house. I offer them storage.
Under this bill, when I'm trying to protect them and
their interests, and frankly others from accessing
their weapons in their home, under this bill I guess
I won't comply either because I will store their
firearms, and I don't envision myself getting a
background check to protect them and the public from
the six weapons that they own when we store them in
our safe, because under this bill I would have to
clear a background check to store their weapons, and
then when they return, they would have to get a
background check to get them back.

Oops, oops. Is that when we intended? Is
that really what we intended?

We are creating a new title slash transfer
component to items that virtually have no titles.
Remember get the gunfax? We don't have them. We're
creating a lot of grey area in the law.

And I think, when our laws turn common
citizens into criminals, that is not government of
the people and by the people and for the people,
that's tyranny. That's tyranny.

Thomas Jefferson wrote -- you remember him. He's our party patriarch, at least on this side he is.

"Rightful liberty is unobstructed action according to our will within limits, drawn around us by the equal rights of others."

Our rights stop where your rights begin.

He goes on to say, "I do not add 'within the limits of the law,' because law is often but the tyrant's will, and also so when it violates the rights of the individual."

And that's what we're talking about here.

Oops. How many amendments. Oops. How many things have we forgot? How many exceptions to the prohibitions were left out? How many rights of the individual -- of the individuals are we violating with this bill? More than we can count so far.

And, you know, the really sad part, we're reading this stuff, we're getting exposed to this.

Most of us aren't the ones that are going to be saying oops. It's the Colorado citizen or the visitor to Colorado who's going to be trapped and entrapped, the flypaper, and they're going to be making that phone call after going through the
attorney pages and saying, I don't know what I did.
I'm not sure what I did wrong, but I'm pretty sure I need your help. I'm going to court. I'm being charged for a crime. I'm being charged for a crime.
I've done this every year for 40 years.
I'm being charged for a crime for something I've never -- that -- that I've always done, and I answered truthfully when the police man pulled me over and said, where did you get these, who do they belong to, where are you going? And I told him, and now I'm a criminal. So what, should he have lied?
Should he have lied to protect himself from the tyranny of this legislation?

Here's my son in a Boy Scout uniform shooting a shotgun. How many Boy Scouts do we have to arrest before we feel safer? How many Boy Scouts do we have to lock up before we feel safer? How many 4-H members do we have to put in jail before we feel safer? All of them? Do we want them all in jail? I hear we have excess capacity in the prisons. How many kids are we going to lock up?

It was suggested yesterday by one of your colleagues in committee that the 4-H'ers should turn in their guns, or actually he said have a supervisor stop by their home or return to their supervisor
every 72 hours under that program so that we would feel safer.

It was also suggested -- it was also suggested by one of our colleagues in that committee yesterday that everyone in the household of that 4-H member should get a background check. Sheriff, you got one gun, four people? Background check, background check, background check. Is that what's going to make us any safer? No.

This is the full-employment act for defense lawyers. And we're doing this to our citizens. We're doing this to our neighbors. We're doing this to our families. Defense lawyers against the tyranny of the Colorado government.

I hope I don't need bail money for my son this year. Vote no.

SENATE PRESIDENT: Further discussion?

Senator Renfroe.

SENATOR RENFROE: Thank you,

Mr. President.

Members, I'd also rise, and, Mr. President, I'd rise and ask for a no vote on this bill.

Nine different sections of exemptions are put in this bill for things that we've found wrong
that we can't fix or that we have to exempt because
it wouldn't be reasonable or -- or common sense to
have the law apply to them.

Today we've even brought up more. But
yet, on the 66th day of this session, we don't care
that we've found more problems with this bill.
We've listened is what the sponsor of this bill has
said. We obviously didn't debate the bill, we just
listened.

We've heard several additional things that
should be exempted in this bill today, but yet the
majority is going to pass this bill, send it to the
Governor, and put the people in Colorado in a
position of do I -- how do I comply with the law, is
going to be the question that they have to ask.

In my seven years here, I've seen a lot of
bills that have been pushed through this process on
a fast pace without debate. Every single time there
has been unintended consequences of things that
we've found that have come back to haunt and to have
to be tried to be fixed in the -- in the future
years.

We've already got them here on this bill,
and we haven't even got it out of this chamber. Is
that really representing the people of Colorado, to
pass a bill that you know has problems that are
going to put legal, law-abiding citizens in the
position of breaking the law? And that's what this
bill does.

So vote no on this bill. I'm ashamed at
this chamber for what we're doing today.

SENATE PRESIDENT: Senator Grantham.

SENATOR GRANTHAM: Thank you,

Mr. President.

We have a choice before us. Do the right
thing and send this bill into the dustbin of
history.

This is -- you know, we -- we've talked
about the process. We've talked about one side
apparently listening and making changes, as if
acquiescing to -- to us.

You know, we often refer to this process
down here as the sausage factory and making sausage.
If you actually saw it, you would probably never eat
it again, and those that are watching this may have
the same taste in their mouth over this process over
the last couple of weeks.

Folks, I don't think we're coming out with
sausage on the tail end of this, I think we're
coming out with a moldy block of Swiss cheese. It's
full of holes. It's full of oops. It's full of,

oh, yeah, what about this? Oops, we have one more

thing we need to change. Oh, yeah, there's also

that -- the 4-H thing. Oh, yeah, there's also that


Someone once wrote, "If the laws be so

voluminous that they cannot be read, or so

incoherent that they cannot be understood; if they

were to be repealed or revised before they are

promulgated, or undergo such incessant changes that

no man, who knows what the law is today, can guess

what it will be tomorrow. Law is defined to be the

rule of action, but how can that be a rule, which is

little known, and less fixed?"

It's kind of where we're at. And we look

at this bill when we have so much that we're

apparently trying to fix, but we still don't know

the -- if we actually did fix anything, and which I
don't think we did. And then we have all these

holes in here that, yeah, but what about this? What

about this?

We're putting our -- our law-abiding

citizens in jeopardy, who are today doing something

completely fine, completely legal, and now,
tomorrow, when, if this is passed, and -- and if
this goes all the way through to the Governor's
desk, we will make them criminals. We turn our
citizens into criminals.

That quote said: Law is defined to be a
rule of action. How can that be a rule which is
little known or less fixed?

We look at the details of this bill, and
we're still questioning whether or not some of these
things are doing what they're supposed to be doing.
We talk about collaboration and talking and
listening on this. When did that start?

You know, I -- I look at this quote again,
and I -- I wonder if this person has been watching
us from the -- from the lobby or -- or from the
gallery, or maybe online. It's almost as if they --
they knew that this would be happening this week.

That quote comes from Federalist 62, from
James Madison: So many laws, so voluminous that
they cannot be read, they cannot be understood. And
that's just within this one bill, folks. Just
within this one bill.

We had an opportunity to go back and at
least fix a couple of the absurdities that an
earlier Senator mentioned. These are absurdities:
the hunting, the 4-H, the simple transfers. We
could fix these absurdities if we had gone back to a second conference. We don't have that opportunity now. Maybe we still do.

Will the majority acquiesce? Will they thunder on and take the rights away from our citizens, turn our citizens, the citizens of the districts that we represent, normal, law-abiding, everyday Joes, everyday Janes, and turn them into criminals? Turn us -- turn us into criminals?

That's what we're doing here.

We are not -- we are not taking on the law breakers. We are not taking on the criminal element with this bill, folks. We are attacking our own law-abiding citizens, and putting them through the -- a bureaucratic nightmare of trying to decipher what they can and cannot do because of this bill.

Please vote no. Vote no.

MADAME PRESIDENT: Senator Crowder.

SENATOR CROWDER: I guess what I need to say on this bill is what I thought it was -- what I thought it meant to represent people, what I thought it meant to go with the majority of your district.

I still believe that very strongly. But I do not realize, and I do not understand, since you had such an overwhelming dissension upon the -- the people of
the State of Colorado, why people would continue to
do this.

This is, in my opinion, this whole gun
deal is not about legislation at all, it's about
agenda. That's why I ran. I got tired of agendas.
And I -- you know, I'm going to tell you something.
This is an important item to the state of -- the
people of the State of Colorado. And look at us
right now, we're not even paying attention to what
the -- the business of the people is about. And I
think it's high time that we realize that the people
of the State of Colorado deserve better. They
deserve more.

I think the agendas are a thing of the
past, and I think they ought to stay in the past.
You know, I -- I think we ought to pay attention to
this and get this right.

I'm going to oppose this bill. There's no
doubt in my mind that this will pass.

But I will tell you this: The people of
the State of Colorado deserve better than this.
It's not about safety, it's about agenda. And I
think it's time we got to the point where we can
start dealing as people on a bipartisan level. I
have no problem representing my district, but I do
have a problem that people represent agendas over
their districts.

Vote no on this. Thank you.

MADAME PRESIDENT: Mr. Scheffel.

SENATOR SCHEFFEL: Thank you, Madame
President.

Colleagues, as we discuss really what will
probably be the final time this bill and vote for
the final time on this, I wanted to again discuss it
briefly and reflect on my own position with this. I
will not be supporting this bill.

There's been a lot of discussion about the
genesis and origin of this bill, some of which is
unfortunate.

For sake of discussion, I would assume,
going back to the basics, and I know when I first
saw this legislation and when I began to read it and
go over it and go over the testimony in -- in
committee and whatnot and -- and reflect on it, I
assume that the goal was to increase public safety,
to somehow inhibit the -- the activities of bad
people that intend to do harm on our citizenry, on
the people we represent. That is not what this bill
does.

Somebody mentioned we've debated this for
well over 30 hours. That could be conservative. I know we've all been in here a long time and that there's been much discussion about this, and most of the discussion, or at least a good part of it, has been on trying to figure out what this bill says.

It's had many labels put on it: grotesque, ludicrous, absurd, preposterous. None of those seem to be hyperbole. The one that resonates with me the most, however, assuming the best of motives for people that come into this room, is unintended consequences.

What a strong and inappropriate indictment on this body if something we do here in the purported name of good ends up with unintended, negative consequences. The fact that we've spent so much time here talking about some of our best and our brightest, the 4-H, the different kids' groups, the Boy Scouts, and how harm may come to them as a result of this. Those are chilling effects, chilling consequences of a law that's intended to do good, of a law that's intended to inhibit crime.

As I reflect on the testimony and all the discussion that's taken place, I must reiterate for myself in my own mind, and that's that there's been no what I see as -- as legitimate proof that this
will increase public safety. It seems the very opposite; it will have a chilling effect on law-abiding citizens.

   And as we've heard scenario after scenario and the specifics of the bill laid out before us, as we've read and considered this, that resonates with me, and it seems to me that's going to be the result.

   We've heard letter after letter of -- of people that are concerned now about coming to Colorado.

   I was someplace and -- and a citizen, a constituent, actually, said, what are we doing to the reputation of our state? We've always been known as this healthy living, outdoors, attractive state that -- that prides itself on our tourism, on our industries that bring people in, that we have so much to offer here that we want to share it with outsiders, and so many people take us up on that bargain. And yet now we're hearing that people are chilled, afraid, disquieted, discomforted by coming to our state, because they don't know the consequences that will be waiting for them here.

   The possibility, as one of my colleagues raised, that a perfect, law-abiding citizen could
come here, do something that they've done for many, many years, and yet be held criminally accountable for that. I fear that what will happen will be a chilling effect, a closing in, a drawing inside, so that activities that have been perfectly legal and normal will seize to operate; that our Scouts will not have the same opportunity as Scouts in other states; that our 4-H people, which is a foundation of our society here in Colorado -- so many of -- of people in this room have come out of that system -- that they will not be able to pursue the interests that they have done in the past because of this. Because of that, because of the lack of -- of evidence that public safety will be increased -- there's no disagreement, criminals do bad things. They've used weapons to do bad things. And we've talked about this, but unspeakable harm and hurt has been -- has been put on our society because of criminals, but this is not going to help it. Criminals are going to be the least interested.

As we sit around this place, and as we opine and reason and debate and -- and try to wrangle over this and figure out, we will do that, law-abiding citizens will do that, the criminals will not. They won't give this law a second
thought. They won't waste a bit of time. They'll simply maneuver in, around, and about it. They won't skip a beat in their day because of this, but law-abiding citizens will. And the chilling effect we've talked about, those are the folks that are going to get caught up in this.

They're going to find themselves on the wrong side of the law.

It's been talked about, and I just want to reiterate, the criminalization of law-abiding citizens is awful for our society. We should be truly sobered by the fact that that can happen with this law: public safety not being increased, the unintended consequences of criminalizing law-abiding citizens, that they will be caught in the net of unintended consequences of this law.

It will be our volunteers that will be hit hardest by this. Some of the very people we value most. We talk about the -- the underpinnings of our society, and -- and -- and our, what makes us, us, the specialness and the uniqueness of our state and our nation is in many ways based on our volunteer core. They're going to be the most confused, the most hurt, the most affected by this, I fear.

All that sums up for me, and the
conclusion I've come to and continue to come to, that this represents an inappropriate infringement on the Second Amendment; therefore, should not move forward from this body.

Therefore, I will be voting no, again, and encourage you to do so as well.

SENATE PRESIDENT: Is there any further discussion?

Seeing none, Majority Leader Carroll -- well, I'm sorry --

MAJORITY LEADER CARROLL: Thank you,

Mr. President.

SENATE PRESIDENT: -- so -- so come on down, Senator Lundberg.

SENATOR LUNDBERG: Thank you,

Mr. President.

The good Senator from Wrey admonished us to read the bill. A novel idea. You might as well get it out and read it. You've got time.

I dug a little bit deeper into it and discovered one corner of it that -- that I found -- didn't realize was there. And -- and that's, so what if some law-abiding citizen, or at least they think they're law-abiding citizens, endeavors to -- and we've heard so many examples of people who want
to store their, you know, somebody else's weapons when they're out of town, or -- or somebody's in charge of looking after the shotguns for the local Boy Scout troop that's -- that's going to have some -- some in-the-field training on the proper use and handling of -- of a -- of a rifle or a shotgun; or you didn't realize that your brother, you could loan that gun to, but your brother-in-law, you couldn't; or a step situation; or my father-in-law. You didn't realize that you broke the law, and then somebody turned you in, and so you're guilty.

Now, it's a Class I misdemeanor, and -- and judges have prerogative on how they a can apply that. It's -- it can -- it can mean a lot of serious jail time. I trust it won't for most people in a situation like that, where it was obvious that there was just an honest mistake because we made it so complicated.

But let us read on. Sometimes it's good to read the bill. Page 7. Let's see, this is the re-revised version. Under line 27 -- well, let's start at line 25. We've got time.

A person who violates a provision of this section commits a Class I misdemeanor and shall be punished in accordance with Section 18-1.3-501,
period. Ah, but it goes on. The person shall, not
maybe, shall. So there's no prerogative here. The
judge can't say, well, it could be this, could be
that. No, the judge shall -- the person shall also
be prohibited from possessing a firearm for two
years, beginning on the date of his or conviction.

Furthermore, when a person is convicted of
violating a provision of this section, the state
court administrator shall report the conviction to
the bureau and to the National Instant Criminal
Background Check System, created by the Federal
Brady Handgun Violence Prevention Act, publication
L. 103-159, the relevant portion of which is
codified at 18 USC Section 922(t).

The report shall include information
indicating that the person is prohibited from
possessing a firearm for two years beginning on the
date of his or her conviction.

So let's see what happens here. A simple
mistake. Somebody turns them in. They're
convicted. Maybe the judge realizes this is not
that big a deal. I mean, surely, the legislature
didn't intend on making every honest scout master
who didn't quite figure out the -- the precise
detail of the law, that they'd return them in 75
hours or whatever. But then the judge shall have to
enforce not only a prohibition for two years, but
secondly, they turn you over to the -- to the -- to
all of the background check lists. And I don't see
anything in here that says, and that goes away in
two years. What I strongly suspect is that becomes
a permanent part of your record.

Now, if we were talking about the core
essence of this legislation, which everybody out
there thinks is the point, you know, you hear the
news reports: universal background check will be
required for all gun purchases. Then, if you
violate that, you sort of knew you did that, and
maybe you're, you know, one of the -- one of the bad
guys at that point.

But we have spent much of the time
wrestling over all of the exceptions that are so
necessary for that other side to this bill that says
not just a background check for a sale, but for a
simple transfer. Remember the pen?

A simple transfer. Oh, this one's loaded.

Just a simple transfer, which means a loan, which
happens all the time under a variety of very
legitimate, proper, and necessary circumstances.

Well, we've made some of them necessarily too
complicated by saying you need to get this background check both coming and going, and we're putting on a $10 fee here, and we're putting on hopefully no more than a $10 fee for the CBI, so it's 20 bucks per transfer.

So let's see, if I loan my firearm to somebody, and it's one of those areas that isn't covered under the -- the exceptions, then just the -- not to mention the trouble -- just the cost is probably 40 bucks.

I'm not sure that anybody who might be supporting this bill cares, but let me talk to you folks back out in -- in the State of Colorado, hopefully, the State of reality. I'm not sure we have that hear all the time. But -- but, nonetheless, that's a $40 fee for a simple loaning of your shotgun to your neighbor because they want to go hunting, unless, of course, you're in the field. But, no, that's not the way the law works.

And when we tried to -- and have tried innumerably, many, many times, to amend and correct some of these problems, what did we find? Just a brick wall. Just a brick wall.

So we're left with our final debate and discussion here on House Bill 1229, up or down vote,
no changes, no amendments, no nothing, just up or
down. And the honest, law-abiding citizen will find
themselves in a spot of either, if you own firearms,
you better keep them because you can't loan them to
anybody or they may get you.

It may be one of those gotcha moments,
where this is illegal, and then you go to court, and
then you do the time or you pay the fine, or, maybe
the judge just says, you know, I understand. But
then the judge says, oh, by the way, do you have any
other weapons? We want them now for two years, and
then we'll put you on the list nationally for having
broken the law.

Is that really what we're trying to
accomplish for the citizens in the State of
Colorado? Is that really what we're trying to do
here today?

Well, let me leave you with you this final
point. No, we don't have to. You can't vote no.
And I'll bet, I'll just bet, that this idea won't go
away, because the proponents seem rather determined.
But maybe they'll fix those problems. If all you're
concerned with is -- is the unintended consequence
that we've pointed out again and again and again, we
could fix it. Vote no today.
What are we, day 64, 65, something like that? Plenty of time left. 55 days left in this session.

A vote -- vote no today can make better law, even if you think this -- the essence of this is a good idea. Don't lock down. Don't display more of the my-way-or-the-highway, party-line vote that we've seen again and again and again and again and again and again and again and again this session. We can break that mold. You can vote no. You can send this back to get it cleaned up at the minimum.

You know the people of Colorado have spoken very clearly. They have done all they can.

I -- I got an e-mail from somebody yesterday over -- there was another bill, and I won't discuss what the bill was, it was just, in my opinion, a very bad bill, and a lot of other people -- but there was no one testifying against the bill. And when I noted that, I got a response of, we're tired; we have been fighting these gun-control bills to the best of our ability. And you know that's the case. You've received, I'm sure, the thousands of e-mails that I've received.

Must we end with the same strident, partisan, rigid, doctrinaire vote? Doesn't take
everybody, but it takes enough to add up to a no
vote on 1229. I implore you, I plead with you, make
better law than what we have before us today. Vote
no on House Bill 1229.

SENATE PRESIDENT: Senator Renfroe.

SENATOR RENFROE: Thank you,

Mr. President.

I'd like to thank my good friend and
colleague from Larimer County for his words, but I
want to correct him and the body a little bit there
on his lockdown of the bill and -- and the
partisanship of this. It is bipartisan opposition
of this bill. So we are working together to end
this taking of our freedoms.

You know, we talked earlier -- I talked
earlier -- about loopholes. We've talked about that
a lot, and how what we just keep trying and trying
to do is just fix all the loopholes and how we seem
to be listening so that we can fix the loopholes.
We're never going to get them all, let's be honest,
because this bill is so poorly written that you
can't get there.

You're going to entrap legal citizens,
law-abiding citizens, and cause them to break the
law just because of the way this is. There's no
other way around it.

And, of course, then we will have to have a second step. How far will that go?

But on this bill, just sitting here while we're debating today, let me bring another example. We have nine provisions that this section does not apply to. And -- and the esteemed sponsor of the bill gave us a -- a printout sheet that kind of summarizes that for us also and goes through transfer of an antique firearm, transfer amongst family members, due to inheritance a transfer, the maintenance or repair.

And these are permanent ones: a transfer by a member in the military with a 30-day employment; temporary ones for a 72-hour transfer; a transfer that occurs in the continual presence; a transfer for self-defense; a transfer at a shooting range or competition or while hunting or trapping. So those are the ones that the sponsor even admits that what we had to find ways to let this still happen legally.

Well, let me -- let me give you another example, even though we've already had a couple up here today. And here's another one that this I don't think covers and will make illegal in
Colorado.

Say -- say you live in another state, and -- and you want to move to this state. So you -- you hire, you know, Ten Broke Students or whatever moving company, ABC Moving, and they pack up all your possessions, and they move them to Colorado here. And then, with your job, you're not ready to come yet, and so they store your stuff for you. Uh-oh is right. Say you're someone that -- that loves the direction, the progressive movement of our state and what we're doing with these bills, and say you even come and you testify on bills here, and you're from Arizona or someplace, and your name's Mark Kelly. And say he wants to move here.

You know, he recently just purchased an AR-15. And so if he wanted to move here, even though he testified against the magazine bill, and he wanted to move here, and he wanted to -- have a moving company move his stuff and that moving company stores that, his equipment, his -- his -- all of his furniture -- until he is able to move here, and say they store it more than 72 hours, that moving company is in violation of the law.

How do you fix that one? We're apparently not going to go beyond the scope and -- and try to
look into more areas and more things that come up.
How is someone from another state going to know the specifics of our law, or how is every moving company from across the nation going to know the specifics? You know, you have those companies now that you can fill a -- a cargo trailer that they dump at your door, and then they come back and pick it up and move it where ever you want. Is that really still in your possession, or is that in their possession? I don't know.

This is a -- a bill that is filled with problems that we are unwilling to fix. And that is a shame. Shame on you. Shame on us. Vote no on this bill.

SENATE PRESIDENT: Further discussion?

Seeing none, the motion before the body is the adoption of -- the re-adoption, I'm sorry -- of House Bill 1229. A roll-call vote has been requested.

Mr. Majors, would you please poll the Senators?

THE CLERK: Aguilar.

SENATOR AGUILAR: (No audible response.)

THE CLERK: Balmer -- Aguilar, aye.

Balmer.
SENATOR BALMER: No.

THE CLERK: Balmer, no.

Baumgardner.

SENATOR BAUMGARDNER: No.

THE CLERK: Baumgardner, no.

Brophy.

SENATOR BROPHY: No.

THE CLERK: Brophy, no.

Cadman.

SENATOR CADMAN: No.

THE CLERK: Cadman, no.

Carroll.

SENATOR CARROLL: Aye.

THE CLERK: Carroll, aye.

Crowder.

SENATOR CROWDER: No.

THE CLERK: Crowder, no.

Giron.

SENATOR GIRON: Aye.

THE CLERK: Giron, aye.

Grantham.

SENATOR GRANTHAM: No.

THE CLERK: Grantham, no.

Guzman.

SENATOR GUZMAN: Aye.
THE CLERK: Guzman, aye.
Harvey.
SENATOR HARVEY: No.
THE CLERK: Harvey, no.
Heath.
SENATOR HEATH: Aye.
THE CLERK: Heath, aye.
Hill, excused.
Hodge.
SENATOR HODGE: Aye.
THE CLERK: Hodge, aye.
Hudak.
SENATOR HUDAK: Aye.
THE CLERK: Hudak, aye.
Jahn.
SENATOR JAHN: Aye.
THE CLERK: Jahn, aye.
Johnston.
SENATOR JOHNSTON: Aye.
THE CLERK: Johnston, aye.
Jones.
SENATOR JONES: Aye.
THE CLERK: Jones, aye.
Kefalas.
SENATOR KEFALAS: Aye.
THE CLERK:  Kefalas, aye.

Kerr.

SENATOR KERR:  Aye.

THE CLERK:  Kerr, aye.

King, excused.

Lambert.

SENATOR LAMBERT:  No.

THE CLERK:  Lambert, no.

Lundberg.

SENATOR LUNDBERG:  No.

THE CLERK:  Lundberg, no.

Marble.

SENATOR MARBLE:  No.

THE CLERK:  Marble, no.

Newell.

SENATOR NEWELL:  Aye.

THE CLERK:  Newell, aye.

Nicholson.

SENATOR NICHOLSON:  Aye.


Renfroe.

SENATOR RENFROE:  No.

THE CLERK:  Renfroe, no.

Roberts.

SENATOR ROBERTS:  No.
THE CLERK: Roberts, no.
Scheffel.
SENATOR SCHEFFEL: No.
THE CLERK: Scheffel, no.
Schwartz.
SENATOR SCHWARTZ: (No audible answer.)
THE CLERK: Schwartz, aye.
Steadman.
SENATOR STEADMAN: Aye.
THE CLERK: Steadman, aye.
Tochtrop.
SENATOR TOCHTROP: No.
THE CLERK: Tochtrop, no.
Todd.
SENATOR TODD: Aye.
THE CLERK: Todd, aye.
Ulibarri.
SENATOR ULIBARRI: Aye.
THE CLERK: Ulibarri, aye.
Mr. President.
SENATE PRESIDENT: Aye.
THE CLERK: Mr. President, aye.
SENATE PRESIDENT: With a vote of 19 ayes, 14 noes, zero absent, and two excused, House Bill 1229 is re-adopted.
Cosponsors, we've got you if you did it the first time.

(Whereupon, the recording was concluded.)
CERTIFICATE

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

I, Elissa Steen, Professional Shorthand Reporter and Notary Public in and for the State of Colorado, do hereby certify that this transcript was taken in shorthand by me from an audio recording and was reduced to typewritten form by computer-aided transcription; that the speakers in this transcript were identified by me to the best of my ability and according to the introductions made; that the foregoing is a true transcript of the proceedings had; that 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 5th day of August, 2013.

________________________________
Registered Professional Reporter

and

Notary Public