CITY AND COUNTY OF DENVER
STATE OF COLORADO
JUDICIAL COMMITTEE MEETING
Held on March 15, 2013
HOUSE BILL 13-1229

REPORTER'S TRANSCRIPT

This transcript was taken from an audio recording by Jana Mackelprang, Certified Realtime Reporter, Registered Professional Reporter, and Notary Public.
MR. SPEAKER: ... appropriations.
Representative Fields.

REPRESENTATIVE FIELDS: Thank you, Mr. Speaker.

I move that the House adopt the first conference report of the first conference committee on House Bill 13-1229, the majority report.

MR. SPEAKER: Okay. Please proceed, Representative Fields.

REPRESENTATIVE FIELDS: Thank you, Mr. Speaker.

And, Committee Members, we had a very thoughtful dialogue. And basically the conference report talks about -- it refers to some grammar that we changed and we put some clarity around a couple of things. Let me explain.

It clearly identifies the transferees. They are not a natural person, but they're entities like a corporation. It makes clear that when an entity buys a gun, not every person with a beneficial interest, like shareholders, have to get a background check, but requires only the people who are authorized to use that gun have to get a background check before they can use
Also, it clarifies the exemption for family members. In the introduced bill, family exemptions only addressed bona fide gifts between family members. And in the conference committee, we made it clear that you can also loan between family members. So that was also an exception that we included in the conference committee.

I urge an aye vote on the conference committee report.

MR. SPEAKER: Further discussion.

Representative Sonnenberg.

REPRESENTATIVE SONNENBERG: Thank you, Mr. Speaker.

Unfortunately, that still doesn't address the issues that need addressed. The gun club example we talked about, every member of that gun club that wanted to use that gun will have to go through a background check if that gun club buys a gun. The 4-H kids, the shooting sports, those kids that have guns that are donated to them for longer than the 72 hours would be illegal. We're making criminals out of 4-H kids.

We're also, as part of the discussion, we excluded stepkids. So my wife could not give, or somebody's wife could not give, their stepchildren in
the house that gun or loan that gun to them because they
are excluded.

What we have seen, ladies and gentlemen, is, in this bill, we have a whole bunch of unintended
consequences that didn't get dealt with. That's why, Mr. Speaker, I move we dissolve the first conference
committee and move that a new conference committee be appointed to go beyond the scope, so we can actually fix
a bill and do something that actually does some good and prevents gun violence.

MR. SPEAKER: Representative Sonnenberg.

Well, I guess the question before the House now is to
dissolve the first conference committee and go into a
second conference committee, with hours to go beyond the
scope. Any discussion on that motion?

Representative Holbert.

REPRESENTATIVE HOLBERT: Thank you, Mr. Speaker. Representative Sonnenberg, thank you so
much for making this substitute motion.

This bill goes beyond, I believe, the intended purpose. This bill starts to touch 4-H
families. I understand there was a comment made, a questioning why a 4-H member would loan another member a
firearm, say a shotgun. And these youth who participate
in these clubs, they're growing boys and girls. And if
you go out and buy a youth-sized shotgun, for instance, for a child and they outgrow that, the question is raised: Well, why would that child loan his or her shotgun to another child? Well, because they've outgrown it and they're not giving it away.

The 4-H clubs share those weapons, the shotguns between kids as they grow. It's like skis or anything else that they would outgrow. These are not "one size fits all." And we don't have -- we don't have crimes associated with this.

When we approach a problem, the first question we should ask ourselves with any legislation is: What's the problem you're trying to solve? Is the problem we're trying to solve with House Bill 1229 violence among 4-H members? No. No.

So why are we pushing through another bill? Why are we shoving this bill over to the governor's desk knowing that there's problems here that are outside the intent of this bill? Why wouldn't we take a few hours a day and fix this? Why? There's no reason.

Again, as I pointed out on a different bill, the effective date, I believe, is July 1st. We have until May 8th. The governor is downstairs. We can fix this. We can remove Representative Sonnenberg's
legitimate concerns that, again, are beyond the scope of this bill. I ask for an aye vote.

MR. SPEAKER: Representative Sonnenberg.

Representative McNulty.

REPRESENTATIVE McNULTY: Thank you,

Mr. Chairman.

Representatives Fields and McCann, the purpose for going to the conference committee was to help -- understanding that our votes probably aren't going to change on this, but to try and address some of the real issues, the consequences of this bill that really weren't intended.

And one of the issues that has been brought up that I don't believe is addressed in the work of the conference committee is the situation where you have a farm, a corporation, an agricultural corporation, farm, ranch. A ranch hand checks out one of the corporation's rifles, goes out, comes back, checks that back in. Three days later, checks the rifle back out, goes back out into the field.

Every time that rifle is checked out, that does -- does the conference committee address the issue that every time that rifle is checked out, the bill would require a background check to be done? Does the conference committee report address the situation where,
if he takes a background check the first time, if he has a background check the first time, how often does he have to have a background check? How often does she have to have the background check? Is it every time the rifle is checked out, or -- checked out so that he or she goes out in the field, or is it at the beginning? When does that happen?

These are the real world situations that people in rural Colorado have to address. And I hope that you're able to tell me that the conference committee addresses that situation.

MR. SPEAKER: Representative Landgraf.

REPRESENTATIVE LANDGRAF: Thank you,

Mr. Speaker.

I rise in support of Representative Sonnenberg's motion. Today I got confirmation that a man who moved to Fountain, brought his family, spent months getting his daughter into the blind and deaf school, started a pawn shop, is shutting down his shop because we cannot get clarification on how this bill will affect him. So I strongly support the motion so that we can figure out some of these other details.

Thank you.

MR. SPEAKER: Representative Gardner.

REPRESENTATIVE GARDNER: Thank you,
Mr. Speaker.

My friend Representative McNulty is absolutely correct. When I read the conference committee report, I asked myself immediately: Well, how often do you have to get a background check? And this doesn't really solve the security company that has armed security guards in which they're required to check their weapons in and out, the farm or ranch operation where they may check out one weapon, carry it back in -- it's going to require that now, with this background check regime.

There was a way to do this. It was with weapons custodians, and there are models to do this. I was sort of amazed that it came back from committee and didn't address that at all because it only has more unintended consequences than we started with when it went to conference committee. So I support this motion.

MR. SPEAKER: Representative McCann.

REPRESENTATIVE McCANN: Thank you,

Mr. Speaker.

And I would urge a no vote on this motion to dissolve the report of the conference committee and convene another one. I think our colleagues raised some legitimate questions when we were debating this bill a couple days ago about the amendment that was done in the
Senate regarding corporations and partnerships and so forth, and would all the shareholders have to get a background check and members of a gun club have to get a background check?

So what the conference committee did was address that legitimate concern by narrowing the definition of the transferee so that a transferee -- if the transferee is not a natural person, in other words, if it's a corporation or a partnership, then only the person who's actually going to take possession of the weapon would need the background check.

So, for example, if you have an incorporated family farm and the farm buys a gun by the corporation, only the person who's going to actually use the gun on the property would need a background check. And that's a legitimate requirement, because we want people who have possession of guns to go through a background check.

So if you have an employee who will be using the gun as part of the work on the farm, they would need one background check, and then they can use that weapon.

The other shareholders who have an interest in the farm don't need to get a background check. For example, if it's a family-owned farm and
some of the members of your family live in another
state, or don't even live -- or live somewhere else in
Colorado, they're not going to use the guns, they don't
need a background check. It's only the people who are
actually going to possess the firearm that need the
background check, and it's only one background check.

Another issue that was raised actually
during the conference call -- or conference itself was
the fact that the exemption for a transfer between
family members is limited to a gift. And the suggestion
was that should be expanded to a loan, so that not -- if
you want to allow your child to use your gun, you don't
have to gift them the gun. We accepted their amendment
to add it as a loan. So you can loan your child the use
of your gun under the conference amendment.

So I want to address a couple other points
that have been raised by the -- by my colleagues on the
other side of the aisle. The gun club question has come
up. The way the amendment reads now, based on the
conference committee report, is that, if you go to a gun
club and you bring your own gun, obviously you don't
have to go through a background check. If the gun club
purchases guns and then uses those to loan out, there is
an exemption already in the bill for a 72-hour transfer
of the gun. So that can occur without a background
So gun club members do not have to get a background check because they're not -- they don't have to get a background check as a member of the corporation or a member of the club because they're not members of the club. They simply pay a fee to go and use the club premises. And the bill does allow for that transfer. So somebody can use the gun to go out and hunt on a gun club location.

With respect to the pawn shop question, that is addressed on page 7 of the bill with the amendment that specifically says that an owner, manager, or an employee of a business that repairs or maintains firearms can rely on the transferor's statement that he or she may legally possess a firearm, unless they have actual knowledge to the contrary. So the owner or manager of a pawn shop can possess weapons that are given to them as long as they have a statement from the transferor that they are legitimately able to possess, legally possess a weapon, unless they have knowledge otherwise, which makes sense.

And with respect to the security officer, security officers get background checks anyway, just to get hired as security officers. So they've already been through background checks. So they would -- if they are
issued -- most security officers, as I understand it, actually purchase their own guns. So they have their own gun, which they would have gone through a background check for. If the security company has guns available, which I don't think happens, but if they do, yes, that person would have to go through a background check if they're actually going to possess the weapon, which is the whole point of this bill, which is the people who are going to possess and use firearms need to have a background check.

And with respect to the 4-H club, if the gun is going to the home of a child, yes, if the parents are going to be using the gun, the parent would need to get the background check. Again, we want people who are in possession of weapons and use them to have background checks.

So this report of the conference committee, the majority report addresses those issues that were raised by our colleagues, and I think it addresses them well and takes away the ambiguity that was rightfully pointed out previously.

So I would ask for a no vote on reconvening another conference committee. Thank you.

MR. SPEAKER: Representative Holbert.

REPRESENTATIVE HOLBERT: Thank you,
Mr. Speaker.

Representative McCann, I wanted to say thank you. We offer a lot of words at this podium, at this microphone, and sometimes we can become numb to the conversation. I describe it to constituents who ask, it's like learning how to drive a car and listen to the radio and do all the things we have to do at the same time. But occasionally there's something said that really matters. And I just want to reach out to my friend Representative McCann for jumping up and coming over and having a conversation away from this spotlight and fixing the problems that you have fixed. I think that there is more that can be done. And that kind of cooperation that we saw yesterday and this morning, I think we need more of that. So thank you for what you've done. Thank you for addressing the multiple background check question.

I remain concerned about the effect on the 4-H families. And there were some words -- I didn't -- I wasn't there, I didn't hear them, but there are 4-H families who are quite upset about the representation that was made about them. And I think this is an opportunity to just take a moment longer and go a step further. And I'd ask your consideration of that, but it shouldn't go without -- we shouldn't go any further
without just offering our thanks for addressing a
legitimate concern that Representative Sonnenberg
raised. Thank you again.

MR. SPEAKER: Representative McNulty.

REPRESENTATIVE McNULTY: Thank you,
Mr. Speaker. And, Representative McCann, thank you for
your answer to that question. But then we circle back
around to where we were before the conference committee
was authorized, and that is, whose responsibility is it
to maintain the records for those background checks?
How long are those background checks valid? How many
times -- under what schedule do those employees need to
revisit this? If they have one background check done,
does that authorize them to use any of the rifles that
are in the stock for the purpose of going out into the
field?

These questions are -- with your answer,
we're back around to these other questions, which --
which I know our friends who are in agriculture, who
farm, who ranch, who spend a great deal of time out in
the country, weeks at a time, sometimes months at a
time, if you have a sheep camp, and are going to be
dealing with the real world consequences of this bill --
so then who -- who is to maintain that? How often do
they have to have a background check done?
Once they have a background check done, is it valid indefinitely, so that ranch hand won't have to have another background check? How do we answer these questions for our friends in rural Colorado that -- that will encounter these challenges?

MR. SPEAKER: Representative Scott.

REPRESENTATIVE SCOTT: Thank you, Mr. Speaker.

You know, I kind of feel like I'm on an island here this afternoon, being basically the only one left from the Western Slope that is apparently willing to stand up and talk about the western part of Colorado. I've gotten tons of e-mails about this 4-H issue, tons of e-mails about this gun tournament issue where they have multiple days of shooting and they loan guns back and forth.

A lot of my constituents are very upset at the fact that we are writing a bill for the metro areas. They understand that. They understand there are issues within the cities of Denver, Boulder, Fort Collins, Colorado Springs, for example, that don't affect us. They are completely perplexed at the idea that one brush stroke fits all. They are very, very concerned that the impact on their families, their 4-H clubs, their gun clubs, their shooting tournaments -- is going to have an
economic impact and an impact on what they can do legally. And they're very concerned because this law sounds as if it's getting -- it's all over the place in the weeds.

It needs more clarification, that they're going to be accused or possibly convicted of something where the intent was not wrong. They were simply just trying to do the right thing. And I don't believe that's the intent of what this law was developed to do. If it's truly developed or was designed to stop criminals, it's gone way too far, way too far. And I would highly support Representative Sonnenberg for a call or his call for a new conference committee, to try to get this right.

We've got one shot at this, folks. Let's just get it right. It won't take that long. It won't be that painful. But give some consideration to other parts of the state of Colorado.

MADAM SPEAKER: Representative Landgraf.

REPRESENTATIVE LANDGRAF: Thank you, Madam Speaker Pro Tem. And thank you, Representative McCann, for that explanation. I still don't see that it explains or helps resolve the problem of my friendly pawn shop owner, because he doesn't take in a gun and strip it down or repair it before he gives it back. He
takes it in, he holds it, and then he returns it. And
my concern is -- Fountain is a small town and he's a
small business. It's not a huge economic loss to our
state, but how many of these small businesses are we
going to see leave our state and close because of this
confusion?

So I again rise in strong support of
Representative Sonnenberg's motion.

MADAM SPEAKER: Representative Everett.

REPRESENTATIVE EVERETT: Thank you, Madam
Speaker Pro Tem.

I think there's another business that
we're not looking at that this bill doesn't cover, and
that's moving companies. Let's illustrate this by an
example.

Let's say Gabby Giffords' husband, who was
here, I believe, last week, wants to move to Colorado
because why wouldn't he? Because we have this great
weather as we're having today. So he decides to move
here and they pack up everything and it gets -- all
their stuff gets put on the truck, including their
brand-new AR that he just bought, and the moving truck
arrives here in Colorado. However, their house isn't
ready. So the moving company has taken possession of
that firearm and they have it here in Colorado for more
than 72 hours. In fact, they may have it for maybe a few weeks before they're ready to move into this home.

So does an officer or an employee of the moving company have to go through a background check, or are they criminally liable? I think that's just a common scenario that's going to happen with families moving here to Colorado that I believe this bill doesn't address. So that's why I rise in support of going back to another conference committee. Thank you.

MADAM SPEAKER: Representative Sonnenberg.

REPRESENTATIVE SONNENBERG: Thank you, Madam Speaker Pro Tem.

Let me just give you some examples, as you've heard the discussion. Let me start with the gun club situation.

Haxtun Gun Club has 104 members. They have a shoot Mondays and Fridays. If you have a shoot Mondays and Fridays, they show up and you borrow a gun on Monday and you're allowed to keep it, go home, clean it, and you come back Friday. You've broken the law because that's beyond the 72 hours.

Now, some might argue there's a statement in there that says maintenance, if you maintain a gun, that it doesn't apply. Obviously, there's confusion about that, which leads me again to say we need to clear
up that confusion.

And I applaud -- Representative McCann has been phenomenal. When we had the discussion yesterday, she listened, she understood that there could be some problems, there was confusion. As we have seen in this bill, there is confusion. We still don't know all the ramifications.

That's just one example of how the 72 hours and the gun club in northeastern Colorado would be affected.

Now let me tell you how the real world works with youth groups and kids in 4-H. Oftentimes -- and it's wonderful, quite frankly; Parks and Wildlife does this, many of our hunting organizations, the bow hunters, the deer folks -- they promote youth activities as well, and where they will take a young kid, teach him how to take care of a gun, teach him how to handle a gun, and then go camping for a week and hunt for a week. I guess now they will limit it to 72 hours so they can still accomplish what they need to accomplish.

But what happens in 4-H as well is, when you sign up for a 4-H project, oftentimes the kids that sign up are curious because their parents have never been with guns. They've never had that experience. And so wisely they put them with somebody to teach them how
to take care of guns. And they may have a class or two, and they talk about gun safety and how to handle a gun and all those things. And then when the instructor or the class leader believes they're ready -- many of them don't have a gun, so they have members in the community that will donate guns. They will offer to loan them guns for the length of their project. Their project may take only 30 days to complete. It may take four or five months, because when this starts in the spring and the weather is good and after they've gone through their training and they send that kid home with that gun to learn about the gun, to practice with the gun, to clean the gun, to do all of those responsible things that are important with understanding how firearms work, they oftentimes then take two, three, four months until the county fair, until the competition at the county fair. And then some of them are even lucky enough to go to the state fair, so they add on another three or four weeks. Obviously, that's past the 72 hours.

Ladies and gentlemen, this bill, as it's written, creates criminals out of 4-H kids. There is confusion on how we need to deal with these specific scenarios.

Let me address just a couple of other things that were brought up. We have talked about the
family exemptions. And I appreciate the work that was
done with regard to family exemptions, but I mentioned
stepkids were left out of the mix. And you know that
over 50 percent of the marriages come -- are multiple
marriages. Many of those have kids, which makes them
stepkids. And the inability to move guns to your
stepchildren or, heaven forbid, my in-laws, if they came
to watch my kids for a week, the inability for a
mother-in-law or a father-in-law to utilize the guns in
my home to protect the kids while I'm here -- Members,
it just goes to the example that there are more issues
here that we haven't addressed, the problem of not
knowing basically how guns work, and we've created a
bill. We have created a bill that has created more
confusion, basically created an unenforceable law which
makes law-abiding citizens criminals.

So, Members, that's why I ask: Let's do
away with the first conference committee report, let's
create a new conference committee, and let's come
together and see if we can find some real-time solutions
that prevent gun violence.

And how do we do that? Members, it's a
simple question. The truth is, if you don't like what
we come up with, we reject the committee report and we
go back to what we had. We offer -- we lose nothing by
going to another conference committee to go beyond the
scope and try and figure out these issues that now have
huge ramifications.

The question on whether or not I have to
have a background check every time someone comes to
utilize a gun, a valid issue. Another part of the
confusion.

Members, I would ask for your support so
we can do the right thing and get this right. Support
the motion to dissolve the conference committee and go
to a conference committee beyond the scope so we can
actually work on solving a problem. Thank you.

MR. SPEAKER: Representative Rankin.

REPRESENTATIVE RANKIN: Thank you,

Mr. Speaker.

I've stood before you, Members, on this
issue before, but I honestly believe that I will be in
front of you next year asking you to repeal this and the
other bills because we will have lost about 25 percent
of a vital industry in this state. And that's what it's
all about. It should be all about for us, is jobs and
the economy.

And I want to address one more segment of
confusion. The outfitters and guides in western
Colorado are booking trips now. They're trying to line
up their summer. And these trips are typically more
than 72 hours. Guests come in from all over the
country. Sometimes they bring their hunting rifle with
them, but there are a lot of -- and they're seasonal
employees who work as hunting guides. These people
often trade their rifles around to try different
calibers, different scopes, and that sort of thing. And
often the guides will actually provide a hunting rifle
for the people who come out.

There is no answer -- I'm being asked by
these people: Now, how will this affect me? How do I
make sure that I'm not violating the law by setting up
these trips? And, ladies and gentlemen, this is a big
industry. This is estimated around $800 million in a
year. So we're talking about leaving questions open for
people who have fulfilled a vital part of our economy.
We have to answer these questions. It's worth going
back into a committee, raising all the questions we can,
taking all the time we can. If we're going to pass this
bill, let's make it workable. Let's not cripple this
vital industry of sportsmen and hunting in our state
just because we don't take the time to get it right.

I urge you to send us back to committee.

MR. SPEAKER: Representative Wilson.

Representative Everett.
Representative Everett: Thank you, Mr. Speaker.

Another scenario that I'd be concerned with this bill is -- let's say you are taking a hunting trip to Texas and you fly through DIA. What happens if, as we know -- even on this 76- or 75-degree weather day, you could still have a 4-foot snowstorm here in Colorado. And you get a three- or four-day layover that's beyond the 72-hour waiting -- or transfer period. So what happens then? Does the baggage handler, United Airlines, are they going to be required to get a background check? How do we deal with that scenario?

This is just part of what I think is an unenforceable law right now. I think it's something -- it's just another piece of the puzzle that we need to go back to conference committee, and another problem that we need to solve, or we can just kill the bill.

So I urge us to go back to conference committee. Thank you very much.

Mr. Speaker: Representative Wilson.

Representative Wilson: Thank you, Mr. Speaker.

Representative McCann, I wanted to go back to what Representative Landgraf brought forward in terms
of the pawn shop and how they would deal with that. And I appreciate -- I appreciate your answer, but this is just another one of those things that are in the bill that we really don't know the answers to because the -- what you have in the situation with the pawn shop is you actually have an FFL dealer. They don't repair and maintain them. It's a totally different process there. So this bill convolutes that. And it's just another one of those pitfalls that's in it. I mean, as I say, I appreciate your attention at explaining how that would work, but that doesn't work that way with an FFL.

And in this whole process of this, Colleagues, is -- I commend all the work we've been trying to do on this. I commend the committee. I commend the Senate. I hate to do that, but I commend the Senate on trying to correct many of the shortcomings in this bill. There are many shortcomings in it. And in trying to correct some of those -- in fact, some of those, Representative McCann, that we talked about on the floor, when the bill was originally on the floor, are addressed.

But this is just the tip of the iceberg, folks. There are so many issues hidden in this bill. When we were debating it on the floor originally, no one had thought about the 4-H. And it's a major issue. No
one has thought about the Olympic shooting sports. No
one has thought about all these pitfalls. What we are
seeing here are the pitfalls that are involved in
hurry-up legislation.

We are trying to create a statute to fix a
problem, and we're trying to push it through in a rapid
manner. We need to specifically identify what we want
to fix and specifically address those issues. This bill
does not do that.

I'll tell you, folks, I did well in math
in public schools. So I can do the math on a second
conference committee. I know where the votes are going
to be. I don't see a danger in that. It will take some
time. It will take less time than we are spending here
spinning our wheels on this thing and discovering more
pitfalls.

So I guess I ask my colleagues on this
side of the aisle: What do we have to lose by spending
a little more time looking for some of these obvious
pitfalls that are there?

This issue is an emotional one in all of
our districts, all of our districts, not just rural.
It's an emotional issue in every one of our 65
districts. We owe it to all of our constituents, all of
our constituents to get it as right as possible. And
I'm not under the delusion that we're going to fix it all in this one, but to get as right as possible.

Our state is speaking loud and clear on this issue on both sides of the aisle. We're going to be held accountable for what we do on it. So let's take the time to get it as close to right as possible. Let's use a second conference committee to find the pitfalls before we fall face first into another one, whether that be 4-H, whether that be pawn shops, whether that be -- fill in the blanks. They are there and they are real pitfalls. We've seen those in the conference committee report, and we've seen them in the amendments coming over from the Senate.

The majority in both houses is not going to change, folks, but I think we can change the number of problems in this bill by going to a second conference committee. And I would urge an aye vote on that. Thank you.

MR. SPEAKER: Representative Fields.

REPRESENTATIVE FIELDS: Thank you, Mr. Speaker.

And I urge everyone to vote no on a second conference committee. What the bill does is it clearly outlines 10 different exceptions to address many of the things that we're talking about here today. There's
five permanent exceptions and there's five temporary exceptions. And if you follow along with me, you can see where they are.

There is a permanent exception regarding the transfer of an antique firearm. There's another permanent exception as it relates to the transfer amongst family members. And in conference committee, and when it came back to the Senate, we expanded that. And in that expansion, we added nephews, first cousins, uncles and aunts, and those kinds of things. You can find that on page 5, line 13 through 16.

We also identify as a permanent exception the transfer due to inheritance. That's on page 5, line 17 through 20.

Also, we identify as a permanent exception a transfer for maintenance and repairs of guns.

Also another, the final permanent exception we have, is those of military and the deployment to family members. The temporary exceptions include a temporary transfer to anyone who legally can possess a gun, which means they cannot be someone who has domestic violence and those kinds of things in their background, for up to 72 hours. So that's kind of a catchall in some situations. You can transfer that gun up to 72 hours. That's on page 6, line 23 to 27.
There's also a temporary transfer that occurs in the presence of owners. So you've been hearing a lot about the -- the 4-H clubs and those kinds of things. If the owner is there, they have a temporary ability to transfer that gun and they can use it. If they're out on a shooting range or they're at a 4-H club or whatever, they can do that.

And there's also the temporary transfer for self-defense. And there's a temporary transfer at a shooting range or a shooting competition. That's on page 6, line 3 to 8.

Also there's -- I mentioned this already, but there's a temporary transfer while fishing, hunting, or trapping.

So the bill does already have in place 10 exceptions where you will not be required to have a background check.

As it relates to the 4-H scenario that we've heard where a child is given a gun and they go home and they're with another adult -- I'm quite sure they're not giving that gun to an -- that child is being supervised by an adult. And so that has to be addressed. And in situations like that, that adult who is supervising that child while he has that gun will require a background check.
MR. SPEAKER: Representative Saine.

REPRESENTATIVE SAINÉ: Thank you,

Mr. Speaker.

Representative Fields, I very much appreciate the exceptions that were made, however, what I don't understand is I can give -- transfer a weapon to a child that's born of me, my child. If I get remarried, I can't do this to my stepchild. I thought we had a lot of conversations that family is family. So I urge us to take another look at this, please. If family is family, let's make that so and let's make it inclusive. Thank you.

MR. SPEAKER: Representative Rankin.

REPRESENTATIVE RANKIN: Thank you,

Mr. Speaker, and thank you, Representative Fields, for clarifying those exemptions.

I'm afraid this still doesn't solve my problem for hunting trips. As I understand it, the temporary exemptions are all 72 hours. Most of these trips are a week or longer. And you might argue that -- you know what I would like to see, Representative McCann, if we go back to conference committee, is -- for example, let's exempt hunters who are hunting in a unit where they have a valid license. But we haven't done that because these issues keep coming up. And that's
the reason that we need to be more careful and clarify
some of these issues.

You might say it doesn't make any
difference, you know, the guys that go out hunting
aren't really going to pay much attention because the
likelihood of a game warden coming out and checking on
them is not great. But we're talking about perception,
the perception that a hunter who comes out for two weeks
really can't -- doesn't qualify to borrow somebody
else's weapon or use another hunting rifle. But the
very perception is causing people not to book their
trip. And that's what I'm concerned about. I'm
concerned about the economic impact of the perception of
this requirement.

So these are things that need to be
clarified to support our businesses and our people. So
I ask for this conference committee.

MR. SPEAKER: Any further --
Representative Sonnenberg.

REPRESENTATIVE SONNENBERG: Thank you,
Mr. Speaker, for my last two minutes.

Representative Fields, you highlighted the
exceptions, except they didn't address any of the
questions we had. It doesn't count to any of those that
we brought forward, the five days, the hunting trips --
yes, hunting for a day, yes. Hunting for 72 hours, yes, that's included, where we backpack into the hills, where the kids take the firearm home -- and, yes, it's given to the kids. But, quite frankly, 4-H kids haven't been the subject of gun violence. So why would we criminalize them? Allow them to learn so they can handle guns safely. We're taking that away. It needs addressed.

Quite frankly, many of the parents of some of those kids, I'm not sure I want supervising them because many of those kids in 4-H programs are looking for a place to go to get that leadership and that direction that they may not be getting at home. I want them to have a chance. I want them to have a chance.

I want to fix the bill. I want to help. And the way we do that is go back to committee. We stand nothing to lose. If you don't like what the committee comes up with, and the committee can't agree, we are no worse off than we are now.

I ask for a yes vote.

MR. SPEAKER: Representative Humphrey.

REPRESENTATIVE HUMPHREY: Thank you, Mr. Speak.

I'd just like to bring back up the issue of movers having possession of firearms for more than
the 72 hours and also the issue of a layover at DIA and
the issues of liability there. I think those still
aren't addressed. And we'd like to hear answers to
those as well. And we'd appreciate that. Thank you.

MR. SPEAKER: Representative Gardner.

REPRESENTATIVE GARDNER: Thank you,
Mr. Speaker.

Representative McCann, Members, I was
amazed and disappointed at this first conference
committee report, because I truly expected when the
issues were raised on the floor that I would see a
comprehensive program that would deal with
organizational entities, whether they be corporations or
nonprofits, hunting clubs -- all sorts of things. In
fact, I offered to some stakeholders some ideas about
how to deal with that.

And one of them -- and I hesitate to say
this in the well because I am not one who favors a lot
of government regulation, but, unfortunately, a
regulation as draconian as this begets a comprehensive
rulemaking. And there isn't an authority in the
committee report or the bill, as drafted and as passed
out of the House and back from the Senate, that really
permits any kind of a rulemaking to deal with what are a
thousand, thousand special kinds of cases, special
issues. And I suspect we haven't thought of all of them yet. That's why there's a rulemaking process to deal with these kinds of issues.

Make no mistake, my preference is that we not have this bill, but if we must, then let's not put ranches out of business or their employees at risk. Let's not put security companies that do have armed security guards out of business or at risk. Let's not make it difficult for hunters, outfitters, and all of those organizations, entities, clubs, nonprofits, boy scouts, girl scouts, all of the myriad of entities that -- some of which we haven't even thought of, situations that we haven't even addressed.

And we sent this to conference committee to get those things addressed, and we get four or five lines back, frankly. And I'm not sure why that was. I wasn't on the conference committee. But to put this into law with as many issues that have been raised, without the authority for DPS or an appropriate body of the executive branch to engage in a comprehensive rulemaking, and to take testimony from the public about how it's going to work and how it's going to affect them, is to disregard the citizens' needs.

Now, I think underlying this is that somehow firearms are inherently evil, so we just have to
keep them out of everybody's hands. But what comes into stark focus, very sharp focus, as we have this discussion is that these are tools. They're items of protection. They're instruments of recreation. There are many, many more legitimate uses of firearms in our communities than there are the illegitimate criminal uses, and that there are many, many, many more citizens out there who possess and use firearms for self-defense, for recreation, for safety and security than there are those who use them illegally.

And the irony is, and in particular with this first conference committee report, is that those who would violate the law, those who would use firearms for criminal purposes are not the least bit concerned with anything that we're doing here today.

It is only those who would obey the law, it is only those legitimate entities that need firearms for safety, security, and recreation that are going to be concerned at all. And instead of making that better at the conference committee, we've raised, as my friend Representative McNulty points out, we've raised still more questions, still more problems, still more uncertainty, as Representative Rankin points out, the kinds of uncertainty that we'll lose jobs, hurt the economy, and make it difficult for farms and ranches,
corporations and nonprofits to do business and exist in
Colorado.

Now, I think there's a tendency, as
Representative Sonnenberg makes this motion to dissolve
the first conference committee and go to a second
conference committee and go beyond the scope, to resist
and defend. But we need to get this right for the
people of Colorado. Everybody says we want to get this
right. I hope no one says we want to get this wrong.
But we're just asking, we're just asking for an
opportunity to get this right. And if that means that
we need the conference committee to have language about
rulemaking, that we need a conference committee to
address the myriad of organizations, entities, and
situations that use firearms, then let's do that, let's
do it right. Let's not have to come back here next year
and fix it five times over and do it time after time
after time to try to tweak it.

I support this motion. Let's support it.
Let's not, for the sake of obstinance or principle or
simple desire to move this bill on because we've said
we're going to move it on -- for heaven's sake, let's do
it right.

We need to get this right. And I defy
anyone over here to my left to tell me that it's okay to
get it wrong or to create more unintended consequences
than we solve, when we could simply go to a conference
committee, go to a conference committee this afternoon,
on Monday afternoon.

This is not day 118 or 19 of the session.
This is day 66. And this bill is almost done. And
we're pretty close to done, whether I'm happy with that
or not. But I would like to get it right. And I have a
lot of ideas about what a good regulatory regime would
look like.

Again, my friend and colleague
representative McNulty raised important issues that are
present on the face of the conference committee report.
And, frankly, they're easily enough fixed. There are
models out there to do it, models of weapon custodians,
background checks --

MR. SPEAKER: Representative Gardner, your
time has expired.

REPRESENTATIVE GARDNER: Thank you,
Mr. Speaker. Vote yes on this motion.

MR. SPEAKER: Representative Saine.

REPRESENTATIVE SAININE: Thank you,
Mr. Speaker.

Since we were talking about being
inclusive earlier, I want to bring up a note that I just
received from my constituent, and he says that he lives
with his partner, but they're unmarried. And what if
that partner has access to his weapons and she uses it
to defend herself against a home invasion, a burglary.
Are they both going to jail under this bill? So I do
have a suggestion. Since we talked about stepchildren
and family is family, maybe there could be some
exception for a homestead as well. And that may clear
up this part of the bill. So just consider that in the
committee. Thank you.

MR. SPEAKER: Any further discussion on
this motion?

Seeing none, the question . . .

UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. SPEAKER: The House will stay in a
brief recess while we wait for the marijuana task force,
the joint marijuana committee, to -- yes, I know -- to
come back and see if they have any comments, and then
we'll vote on this.

(A recess was taken.)

MR. SPEAKER: The House will come back to
order.

Is there any further discussion on the
amendment or the motion to dissolve the first conference
committee and form a second conference committee?
Representative Wilson.

REPRESENTATIVE WILSON: Thank you, Mr. Speaker.

And, Representative Campbell, I've switched hats now. I'm going to put on my HD-60 hat and follow up on what Representative Rankin was talking about with the outfitters.

We face a tremendous challenge with the outfitters and with the sportsmen and women that visit Colorado annually. The word is rapidly getting out that Colorado is not hunter friendly.

My question for you would be, Representative McCann, is it possible, as we look at those people who come to Colorado, that an exception be made because, as Representative Fields pointed out, we've got some exceptions in there -- so that we could have an exception for licensed hunters, which, through the DOW, they have their license, they receive their license -- they're a valid hunter coming for a valid season -- that we could exempt them for the length of that season so that they wouldn't be looking at the background check issue, because, Colleagues, let's not shoot ourself in the foot -- and that pun is intended -- as we do this.

And if we don't make some exception for
those sportsmen, then economically it's really going to hurt us. The Outdoor Channel is already starting to run information that Colorado is not hunter friendly. And as we look at the DOW, the enforcement piece of this is horrendous because now an officer, if they make contact with me in Unit 82, they see that I have a weapon, they're going to have to check to see if I've got a background check to have that weapon. So we're adding that work to them.

We are also in that situation -- then we come across as harassing our tourists because not only do they get checked for the background check, but also they have to get checked for their license and all the other multiple things that we have. And what we're essentially doing is hurting our economy. As we're looking to protect our citizens, we're hurting our economy. And I think we can protect both in this situation.

Visiting sportsmen and women are not the problem that we're trying to deal with. And they're important to our economy and they're important to HD-60. So I think if we can come up with an exception for those who are in the sporting field -- and that doesn't just include the shooting sports, because I've met plenty of mountain bikers in HD-60 that were carrying a weapon,
and they would fall under the same situation.

So I think that if we couple this legislation with some exceptions, we can cover that. If not, we are sending the word that Colorado is not hunter friendly. So I would urge that we go back to conference committee and address these issues. Thank you.

MR. SPEAKER: Representative Fields.

REPRESENTATIVE FIELDS: Thank you,

Mr. Speaker.

And, Representative Wilson, if you look on page 6, the bill celebrates hunting and fishing and those kinds of things in our state. So there is no time limit at all. So the 72 rule does not apply while you're hunting and fishing. So if you're coming to the state of Colorado, you're welcome to do so. There is not a time limit associated with hunting in the state of Colorado with this bill.

MR. SPEAKER: Representative Scott.

REPRESENTATIVE SCOTT: Thank you,

Mr. Speaker, I appreciate it.

The concern about the hunting and fishing industry, I think we really, really have to think about this. There's several representatives in this room that our districts are going to be impacted tremendously. I know Representative Vigil, Representative McLachlan,
myself, Representative Wright, Representative Coram -- wherever you are -- this is a huge impact to our districts, huge.

I don't know -- and, again, I'm going to throw out things that you may not know -- but just recently in the Field and Stream Magazine, Grand Junction, Colorado, was rated No. 6 in the United States for hunting and fishing opportunities. That's a big deal for us. That's a huge deal for us. We cannot afford to lose any revenue stream, perceived or otherwise, from that industry.

We have hunters that come in from all over the world, literally all over the world, that spend tens of thousands of dollars on their hunting adventures. If they, for one second, believe that there's going to be -- something is problematic about them coming to Colorado, there's a lot of places they can go. And for us to take maybe 24 more hours to take one more look with a new conference committee just seems crazy that we would not do that.

So I'd ask Representative McCann and Representative Fields to really, really consider the impact that they may have, unintended, of course -- I know they don't intend to do that because they don't live over there -- but we are talking billions of
dollars in revenue for the state of Colorado that goes
to all kinds of programs and helps all kinds of people.

So I would just ask that we just take a
few more -- a few more hours, if you will, to make sure
we don't damage this incredibly important industry in
the state of Colorado. Thank you.

MR. SPEAKER: Representative McCann.

REPRESENTATIVE McCANN: Thank you,

Mr. Speaker.

Colleagues, hunting is excepted in this
bill. If you look on page 6, lines 9 through 13, the
bill specifically makes an exception for a temporary
transfer of possession without transfer of ownership,
which takes place while hunting, fishing, or target
shooting or trapping, as long as that's legal in the
places where it's taking place. So your concern about
the hunting camp is totally misplaced. This bill makes
a specific exception for that. And it's very clear on
page 6, lines 9 through 13.

So if you have -- are running a hunting
camp and you have people flying in to hunt and you want
to be able to have them use your guns, all you have to
do is do a temporary transfer. There's no requirement
for a background check. The person can use the gun as
long as they want to, hunting, and there's no problem.
So this is totally a red herring. This is not an issue in this bill. Hunting will continue. We have no intention of preventing outriggers or hunting camps from operating. There's no problem here.

Also, with respect to the idea that Wildlife would be checking hunters for their background checks, Wildlife doesn't enforce the criminal laws. They enforce the regulatory laws. So they'll be checking the guns to make sure they only have three rounds, which is a rule of Wildlife. So they will continue to do their job just as they currently have.

But as far as hunters being able to come in from out of state and hunt and use guns that they don't bring in with them, there's no problem.

If they bring the guns in, there's no problem there either, because they purchased them outside of the state. So you guys aren't listening, but I'm explaining why this is not an issue.

So if you look on page 6, lines 9 through 13, you will see that hunting -- the hunting camp is not an issue under this bill. There's a clear exception for a temporary transfer while somebody is hunting, and there's no time limitation on it.

And while I'm up here, because I can only speak twice, let me just address a little bit the 4-H
issue as well. If there is a temporary transfer of a
weapon to a young person -- I presume the adults in the
family will be supervising the handling of the gun. So,
yes, the adult will be required to get a background
check, because we don't want guns in the homes of people
who don't have background checks. That's the whole
point. So the parent will get the background check
because the parent will be supervising the child while
the gun is being used or handled in the house. So that
should cover the 4-H situation. Or the other way it
could be done is the transfer of the gun could take
place at the shooting range, which is, again, on page 6,
lines 3 through 8. The temporary transfer from one
family to another can take place at the shooting range
or at a target firearm shooting competition.

So if the temporary transfer takes place
at that location, there would not be the necessity for a
background check.

MR. SPEAKER: Representative McCann, your
time has expired.

REPRESENTATIVE McCANN: All right. Thank
you very much. Vote no.

MR. SPEAKER: Representative Gerou.

REPRESENTATIVE GEROU: Thank you,

Mr. Speaker.
And, Members, I'm sorry, we were across the street spending your money for K through 12, and we're doing a good job.

When I came back over, I was asked by one of the members how much money we spend in wildlife expenditures. And let me -- I don't get to read from the appropriation committee's report or the appropriations report much, the bill, so I will do that.

The wildlife subdivision manages the state's 960 game and nongame wildlife species by issuing fishing and hunting licenses, enforcing wildlife regulations, protecting habitat and native wildlife populations, and managing approximately 1.4 million acres, including 352 state wildlife areas.

And the reason I'm coming down here today is I have a very strong interest in maintaining our wild lands. They are very, very important to me. And I think they're all important to everybody here in the room.

Funding for the wildlife subdivision is a mixture of cash funds from license fees, federal funds, Great Outdoors Colorado funds, and various other sources.

Hunting and fishing license sales, approximately 2.3 million in fiscal year '11/'12,
provide more than half of the funding for Wildlife. So when Representative Scott was saying that he was concerned about making sure that we protect our hunting in Colorado, it is with good reason, because it's a huge amount of dollars.

So approximately 65.4 percent of total hunting and fishing license sales are from big game species. And I don't know if the sponsors are listening, but this is mainly from elk and deer. And about half of all revenues from hunting and fishing license sales come from the sale of nonresident big game hunting licenses. The total amount of money that we take in from big game hunting for '12/'13 is estimated to be at $52 million. $52 million. And those dollars, the whole Wildlife revenue budget is 121 million.

So, basically, Representative Scott's concern about going back and examining this to make sure that we aren't going to be putting those dollars at risk makes sense, because if you're talking about just under half of $121 billion budget item, it does give you cause for concern.

I think we need to go back and reexamine this. I support a new committee -- conference committee. Thank you.

MR. SPEAKER: Representative Scott.
REPRESENTATIVE SCOTT: No.

MR. SPEAKER: Representative Murray.

REPRESENTATIVE MURRAY: Thank you,

Mr. Speaker.

As I've been listening, it just seems like there's a long list that we're ticking off of issues that still are unanswered regarding farm family operations, youth organizations, 4-H kids, stepkids, stepchildren, pawn shops. And I can't believe that we're not going to be given the opportunity to talk about these important issues before we send this to the governor's desk. I mean, are we going to send something to the governor with this many holes in it? I guess I would -- you know, if somebody in the governor's office is listening, we need your leadership here. We need you to call down and say, Hold on, we need to talk about these very real issues.

You know, we're talking about a pawn shop in south Colorado that doesn't know whether he's going to go out of business or not because we really can't get a good answer about whether what he is doing now currently is going to be acceptable under this law. The farm family operations and someone within -- if it's a corporation and the use of the gun in that situation. Our youth organizations, our 4-H kids. And that was
offered in a minority report that we have not even
gotten to today to handle that, and yet that was
rejected in the conference committee.

So I would say -- I understand there's
been some polling done, and maybe citizens support the
concept of this bill, but I don't think the citizens of
our state intend for us to be putting people out of
business and telling our 4-H kids that they can't
participate in shooting sports. So let's take a deep
breath here and make sure that we're plugging as many
holes as we possibly can before we send this to the
governor's desk.

I really encourage you to consider going
to another conference committee. Thank you.

MR. SPEAKER: Representative Nordberg.

Representative DelGrosso.

REPRESENTATIVE DelGROSSO: Thank you,

Mr. Speaker.

And, Members, I apologize, I kind of -- we
missed the first part of this debate. So I won't try to
go through a whole long list of stuff because I'm pretty
sure that my colleagues already did a pretty good job of
arguing a lot of the points. In talking with them, it
does sound that the first conference committee -- I was
able to go to that first conference committee, and there
was some headway and some things that were able to get
talked about and hashed out, and there are some things
that have gotten better with this bill. But I don't see
what the hurry is.

What is it going to be if we take one more
day to send this back just one more time and say, Okay,
here's the other list of questions. Here are some other
issues that are there. We take this into a new
conference committee. So that way, when the bill
actually comes out, it's passed. And if the governor
decides to sign it and it goes out to the people, I
mean, I think everybody in this chamber, whether you
support it or not, can legitimately say we had -- we at
least sent it back to that conference committee several
times. We talked about the issues. We tried to fill
all the different holes that were there, instead of
trying to rush this thing through.

I don't see what one more day with sending
this back to a conference committee, how that's going to
harm anybody and why just that extra day, why we won't
just take that extra little step to address -- you know,
the hunting thing definitely is a huge issue. Now, we
hear there is language in there that, well, we think
this covers it, but it's not 100 percent for sure.

We heard from Representative Gerou talk
about the millions of dollars that the industry brings into the state of Colorado. I mean, you've got Montana. You've got Wyoming, Arizona, New Mexico -- there are several other states right around here that, when somebody is booking from Germany or some other country around the world where they're thinking about coming here, and now we've got several different hoops that they have to jump through to come here -- I mean, when they're spending the kind of money that they're spending to come here and they can go to another state around here where they don't have to do any hoops, why would they not go to some other state? What incentive are we giving them to come here by putting these extra burdens into place?

So I think it is a hundred percent appropriate that we go back to that conference committee one last time, try to address these few issues that are still lingering out there. And then I would think that you guys could go back with a straight face to your constituents and say, Hey, we sent this thing back to a conference committee a couple of times. We hashed out all the issues that those crazy republicans kept bringing up, and we talked about all of that stuff. So I urge that we support sending this back to a conference committee again.
MR. SPEAKER: Representative Nordberg.

REPRESENTATIVE NORDBERG: Thank you, Mr. Speaker.

Members, we've heard about 4-H, hunting and fishing -- there's just a lot of holes that still need to be patched up. And one that I will continue to bring up because I'm not sure if it's been addressed or discussed properly, but moving companies. When people come into our state, you know, it's very well reasonable, it's not within the realm of impossibility that a moving company might have a gun for 72 hours or more. Are we going to criminalize them?

Representative DelGrosso brought up the fact of hunting. We're in the four states here; some of the best hunting in the world. We have stiff competition from our neighboring states.

So I just ask that we go back to conference committee, address some of these issues.

Thank you.

MR. SPEAKER: Representative Humphrey.

REPRESENTATIVE HUMPHREY: Thank you, Mr. Speaker. Thank you to the majority party for indulging us here. It's after 3 o'clock now.

I just want to bring back this issue with the airports, DIA, airlines. What's going on there?
Seventy-two hours, layover, snowstorm, how does that get dealt with? I think that's an important issue. I'm sure they'd like to have that answered.

And as a gun owner, as a hunter, I just think about people coming here for tourism, for hunting. And if they have to come here and deal with these transfer issues, I'm afraid that we could lose business, that that could hurt our state. Why not exempt them during hunting season? We need to address that.

And I'd really appreciate some answers to that and would like to call for that conference committee to deal with those issues. Thank you.

MR. SPEAKER: And, Representative Humphrey, both Representative McCann and Representative Fields have talked twice on this motion, so they cannot speak again.

Is there any further discussion?

Representative Priola. Please be in the well if you want to discuss something.

REPRESENTATIVE PRIOLA: Thank you,

Mr. Speaker.

I rise in support of the motion to send this to another conference committee. Members, this bill, in my opinion, was poorly conceived in the beginning and continues to be poorly written. The fact
that the lion's share of folks that have worked on this
and voted on this have little or no experience with
firearms, with hunting, have never been to the wilds of
this state during hunting season. And understand --

MR. SPEAKER: Representative Priola,
please talk about the bill, not about the members.

REPRESENTATIVE PRIOLA: Thank you,
Mr. Speaker. This is to the functionality of the --

MR. SPEAKER: And please talk about the
bill, Representative Priola.

REPRESENTATIVE PRIOLA: This bill, as it
is currently written and currently conceived, will have
very bad ramifications for the hunting industry as well
as the Second Amendment rights of Coloradans. I have
been hunting -- we don't hunt there any longer because
of the change with the Division of Wildlife on the
herds, but for about 10 years, I hunted in northwest
Colorado. And the Division changed the rules on price
of out-of-state tags. That drastically cut back the
number of out-of-state hunters.

I submit to you that this bill, especially
with the current language of it, will be yet another
item that will affect folks' decisions from out of
state, out of country, on coming to the state of
Colorado. And maybe that's the hope from one side of
the aisle. But this is bad policy from the get-go, and
I support sending it to another conference committee.

MR. SPEAKER: Seeing no further
discussion, the question before the House is to dissolve
the first conference committee and form a second
conference committee to go beyond the scope of
differences.

Mr. Kolar, please open the machine and
members proceed to vote.

Representative Scott, you're fined $2 for
not having your jacket.

Representatives Buckner, Duran, Fields,
Gardner, Gerou, Lebsock, Stephens.

Representatives Gerou, Lebsock, you're
excused.

Close the machine. With 27 aye votes, 34
no votes, four excused, and zero absent, the motion to
dissolve the first conference committee report and to
proceed to a second conference committee report is lost.

Representative McNulty.

REPRESENTATIVE McNULTY: Thank you,
Mr. Speaker. And that's unfortunate. There was a time,
oh, yesterday or the day before, whenever it was, that
the majority allowed this bill to go to conference to
address the issues that were present. The conference
committee report that we received didn't address those 
issues, so I don't know why we went through the 
conference committee. I mean, it's all well and good and 
fine for the majority to tell us that we'll address -- 
we recognize your concerns, we'll address your concerns, 
let's go to a conference committee. Isn't this great? 
Those of the conference committee railroads the minority 
party, comes back with a committee report that doesn't 
address the issues that were present.

So now we have in front of us a bill with 
the same problems that it had before it went to 
conference committee. We have tried to send this to 
another conference committee to address those issues. 
My fear is that when this bill is passed, when it is put 
into the books and when law enforcement goes out to --

MR. SPEAKER: Representative McNulty -- 

REPRESENTATIVE McNULTY: -- make sure -- 

MR. SPEAKER: Representative McNulty, we 
are talking about the conference committee report. 
Please keep your remarks to the conference committee 
report and what is contained within it. 

REPRESENTATIVE McNULTY: And make sure -- 

MR. SPEAKER: Representative McNulty. 

REPRESENTATIVE McNULTY: Thank you, 

Mr. Speaker.
And make sure that the provisions are enforced, that they will find it confusing, that they will find it difficult to implement. And so when I say that we missed an opportunity, we really did. And when I say that our votes weren't likely to change, but we have an obligation to provide clear direction and to provide clear legislation, we do.

MR. SPEAKER: Representative McNulty, we can debate the issues of the conference committee report on the bill, but the question before the House is the adoption of the conference committee report and what is contained within the conference committee report. Please keep your remarks to that topic.

REPRESENTATIVE McNULTY: But this conference committee report doesn't do it. This conference committee report does not provide the clarity that was intended when we all voted to send this to conference. So what have we accomplished? What have we accomplished in the pursuit to provide clarity, in the pursuit to draft a bill that is understandable by not only law enforcement, but understandable by the people that will now be asked to live under it?

We had hoped, I had hoped, that when we sent this bill to conference that you would at least address the issues that were present. Even though we
disagree on the fundamental -- underlying fundamentals of the issue, that you would at least fix the bill through this conference committee report so that normal people wouldn't be hurt. And particularly and unfortunately, the problems are focused in rural Colorado. The challenges are focused in rural Colorado. And this committee report does nothing to address those issues. And I believe that to be unfortunate. I'm not going to vote for this committee report. Vote your conscience.

MR. SPEAKER: Any further discussion on the committee report?

Representative Waller, senate minority leader.

REPRESENTATIVE WALLER: Thank you, Mr. Speaker.

And while I would like to adopt most of the comments made by Representative McNulty, I do have one slight disagreement. I think we should adopt this conference committee report because, while it didn't do everything we wanted to do -- and we appreciate the majority party recognizing that there were some problems associated with the bill, and appreciate the ability to go back to the conference committee to fix those problems -- we didn't quite get there. We didn't quite
get to do the things that we had hoped would happen in that conference committee. Some more things were identified later on down the road that we just had a pretty significant debate about.

However, this conference committee did do -- the things that it did, while they were not enough, did do good things. The things that they did were right and just and proper. It addressed the issue of the family farm corporation purchasing a gun and not having to go through all of the checks for every single family member. It addressed those issues. It addressed some of those other corporate issues, the gun club being able to purchase the guns and not having to have every single member of the gun club then go through a background check in order for the gun club to purchase its own weapons.

And so it did do some good stuff. I mean, I wish it had done more, I wish it had gone further, but it did do some good stuff. So I would ask that we vote yes on this conference committee report and still no on the bill.

MR. SPEAKER: Representative Murray.

REPRESENTATIVE MURRAY: Thank you, Mr. Speaker, and I appreciate the minority leader's comments about the good things that were included in the
report, but in the minority report, there are a couple
of additional things that I just can't understand why
they're not in there. One is members of youth
organizations, that we clarify the use of the firearms
in those shooting kinds. Are we trying to stop shooting
sports with our children's organizations, with 4-H? Is
that what we're trying to do with this bill?

Also, clarifying what family members are.
Why would we not further clarify family members to
include spouses, parents, children, siblings,
grandparents, grandchildren, nieces, nephews, first
cousins, aunts and uncles, step relations, partners of
civil unions or domestic partnerships and in-laws? Why
would we not include that definition in this conference
report?

Vote yes, but realize that we've left out
some important points that need to be included in this
bill.

MR. SPEAKER: Representative Holbert.

REPRESENTATIVE HOLBERT: Thank you,

Mr. Speaker.

Members, I join in the Colorado for an aye
vote on the conference committee report. I am
frustrated that there wasn't more done, but I do
appreciate, again, the concerns that Representative
Sonnenberg brought up about the gun club. And as I said earlier, I think Representatives McCann and Fields deserve our thanks for addressing that issue.

It does continue to seem to be frustrating. If you look out on social media, you can see the questions start to arise. One of the problems that we have here with the conference committee report is that the loaning now of a firearm to an immediate family member, say a father to a son, that would be permitted. However, it isn't permitted from a father to a stepson. And with the number of blended families we have in our culture, it just seems shortsighted and unnecessary that we would put families in that kind of position and effectively create sort of second-class children. And I just think that's unnecessary.

In my neighborhood, we have several blended families, and we consider those kids just to be part of the family, part of the neighborhood. And I have to believe that it's an unintended consequence, but that is one of the things that keeps popping up, the questions that I start getting in e-mail and phone calls and Twitter and Facebook and people asking, Well, what about this?

And I'm sure that the bill will never be in a perfect form, but, you know, it's a frustrating,
awkward situation to say, Thank you, can't we do better? And I suppose that is a subtle question. We, I guess at this point, can't go to a conference committee. It would have been so -- so nice to be able to fix some of those problems.

I remain a yes on the conference committee report. I'll be a no on the bill. But also to the question, the subject that I spoke of earlier, the 4-H families, something over 100,000 kids in Colorado participate in 4-H. And those who are in the shooting program -- you know, I certainly appreciate that Representative Salazar, thank you, sir, had some questions about that. It is encouraging when folks from the other side of the aisle start taking up those conversations and, you know, what is this problem, really? But it does seem that we had the opportunity to do a better job, but something is better than nothing.

So I ask for an aye vote on the committee report because at least it did address partially the concerns raised by my friend Representative Sonnenberg.

MR. SPEAKER: Representative Sonnenberg.

REPRESENTATIVE SONNENBERG: Thank you,

Mr. Speaker and Members.

I'm going to ask for a yes vote as well.

I appreciate -- I appreciate the opportunity to go to a
conference committee. Although I was a little
disappointed in the conference committee and
disappointed that some of the discussion was shut off
and not allowed to happen, this does make it a little
better. It allows for the ability for my wife to grab a
gun 72 hours after I leave the house, and if I've got a
skunk or a rattlesnake, to deal with that. I appreciate
that.

I also appreciate the attempt to try and
address the corporate. Even though we didn't get where
I think we needed to go for other situations, I
appreciate the effort. The others, however, I think we
fall short. That's why I'll still be a no on the bill.
And I'll talk about that in a moment, but I would urge
you to vote yes on the conference committee report.

MR. SPEAKER: Seeing no further
discussion, the question before the House is the
adoption of the first report of the first conference
committee on House Bill 1229.

Mr. Kolar, please open the machine and
members proceed to vote.

Representatives DelGrosso, Dore, Duran,
Pabon, Rankin.

DelGrosso excused.

Close the machine.
With 55 aye votes, six no votes, four excused, and zero absent, the first report of the first conference committee to House Bill 1229 is adopted.

To the bill.

UNIDENTIFIED SPEAKER:  (Inaudible.)

MR. SPEAKER:  Actually, yes -- Madam --

UNIDENTIFIED SPEAKER:  (Inaudible.)

MR. SPEAKER:  Representative Fields.

REPRESENTATIVE FIELDS:  Thank you,

Mr. Speaker. And I move for the repassage of House Bill 1222.

MR. SPEAKER:  Seeing no -- okay, yeah.

(Laughter.)

REPRESENTATIVE FIELDS:  1229.

MR. SPEAKER:  1229. She changed the bill number. Is there still a discussion? Okay, I guess so.

Representative Sonnenberg.

REPRESENTATIVE SONNENBERG:  Thank you,

Mr. Speaker.

Members, we still have confusion. We still have misunderstandings on what this bill does or does not do. I have stepchildren. Actually, I don't have stepchildren; my wife has stepchildren. My wife could not allow -- the way this is now, my wife could not give my son or my daughters a gun, unless they get a
background check. But their brothers, she can.

My in-laws cannot come over to the house
and watch the kids or the grandkids and have access to
my guns without a background check.

Is that really, really what you're after?
Are you after my in-laws? I mean, Lord knows the
definition -- and I tell this story -- the definition of
mixed emotions is watching my mother-in-law drive off a
cliff in my new pickup. That being said, I love my
mother-in-law and I love her to watch my kids, but she
doesn't have access with this bill. Now she has to have
a background check to protect my children and
grandchildren when she is at my house.

The holes that we have created here of
law-abiding citizens, of those that we're not worried
about, quite frankly, because we know for a fact that
whatever law we pass, criminals don't care. That's what
makes them criminals. Criminals don't care that we pass
a background check when they're doing the back-alley
deals. Those that cause the damage, do you really think
that they will get a federal licensed dealer to do the
background check? You know the answer to that. I know
the answer to that. This bill does nothing to help
prevent gun violence.

All you have done is made 4-H kids,
stepchildren, and in-laws criminals. For that, I urge a
no vote.

MR. SPEAKER: Representative Dore.

REPRESENTATIVE DORE: Thank you,

Mr. Speaker.

Members, we are called and tasked down
here to make legislation. I know to get to perfect is
tough, but we need to work to get there as close as we
can. And I appreciate the conference committee and the
process, the attempt, but we're farther from perfect
than we are towards perfect. And when we do that, we
have those gray areas. And those gray areas will be
family members in this case. The gray areas will be
pawn shops, small business owners, and tourists who are
coming to Colorado to enjoy what we have to offer. And
because those haven't been addressed, I'll be a no vote.
And when we don't address those areas, what it means is
we lose tourism money to Colorado, we lose jobs in
Colorado, and that is bad for Colorado.

So I thank you for the efforts. We aren't
there. I wish we had taken more time to come to the
place where we could to make this better. And because
we haven't, I will be a no vote. Thank you.

MR. SPEAKER: Representative Rankin.

REPRESENTATIVE RANKIN: Thank you,
Mr. Speaker.

Representative McCann, thank you for clarifying the hunting issue. I'm sorry that I was confused over the 72-hour limit on loaning a gun in a hunting situation, but unintended consequences point out that if I was confused, what about my hunting guides and the hunters in Colorado? The uncertainty, the uncertainty in this bill creates -- uncertainty is a killer of business and the economy. It always is. And, you know, that is what I am concerned about.

And I realize we're probably going to pass -- but I want to make you a promise. I want to make you a promise. Next year I'm going to be back up here, hopefully here, if I can get it out of committee, I'm going to be here talking about a bill, to either repeal or to dramatically clarify this background check bill. Background checks are not that unpopular, if we do them right. A lot of NRA members, a lot of hunters, a lot of people would go for a really good background check bill. But this bill has so much uncertainty -- I want to make you a promise that when I come down here with a bill to either repeal or clarify this, I'm going to bring with me a report on how many jobs were lost, how many jobs were lost in the hunting community, how many in tourism. It's going to be detailed. And I'm
going to do it by county. I'm going to point out your

counties and how many jobs were lost because of this

bill.

MR. SPEAKER: Representative Rankin, if

you'll hold on --

REPRESENTATIVE RANKIN: You can count on

it.

MR. SPEAKER: Representative Rankin, hold

on one second.

Members, we are sitting as a house. Can

you please not have outside conversations and return to

your desks. Thank you.

Representative Rankin, please continue.

REPRESENTATIVE RANKIN: Mr. Speaker, I'll

just repeat, since everybody was talking, I will be here

with a report on the jobs lost because of the

uncertainty created by this bill. Thank you,

Mr. Speaker.

MR. SPEAKER: Representative Saine.

REPRESENTATIVE SAINÉ: Thank you,

Mr. Speaker.

Well, Colleagues, we've had some

discussion on some of the unintended consequences of

this bill, including folks that live together that may

have access to firearms. And especially women are the
most vulnerable in the case of a burglary or a break-in.

And if she uses those firearms, is she now liable for
protecting herself because she didn't go through a
background check?

In general, background checks, there's a
lot of myth. There's a lot of myth about background
checks, that they stop criminals. Well, in 2010,
Senator Chuck Schumer said that we stopped 1.7 million
people from obtaining firearms. However, what he didn't
mention was almost 95 percent of those were dropped in
initial denial.

Consider Senator Ted Kennedy was stopped
from going on a plane five times because his name keeps
popping up on a list. Well, that didn't stop five
criminals or five terrorists from flying on the plane.
There are a lot of folks out there named Ted Kennedy
that apparently had some kind of issue with the law.

Background checks, especially a transfer
between family members, stepchildren, members of a
household, shouldn't be considered a crime. Again, most
background checks are dropped, and only .1 percent
involve strong enough evidence for a consideration for
prosecution. .01 percent, I mean, that's a very small
number. Because, again, Representative Sonnenberg had
mentioned, criminals don't follow the law because
they're criminals. That's why they're criminals. They can transfer to each other as much as they want, and they're probably doing it laughing, thinking about the folks that have to go through background checks to be legal.

So I urge careful consideration of this bill, urge a no vote. This will not increase public safety, and it certainly sounds like it's going to hurt our 4-H kids and some of these other hunters that come in, and we're certainly losing some of these industries that have vowed not to come to Colorado because we're not friendly to them. We are not friendly to their values. We're not friendly to their family values or to their western heritage. I urge a no vote. Thank you.

MR. SPEAKER: Representative Holbert.

REPRESENTATIVE HOLBERT: Thank you, Mr. Speaker. And I appreciate your patience in this long day. These are important topics for me and a lot of us, all of us in the chamber, and I do appreciate your patience.

Members, I do ask for a no vote once again on House Bill 1229. Have we created law? Will this law make a positive effect, have a positive effect, influence in our society? If this law was on the books in Connecticut, would it have prevented, in any way
helped prevent the tragedy at Sandy Hook? No. A young
man murdered his mother and stole guns and committed a
just unspeakable tragedy. This bill, these requirements
would not have affected that tragedy.

   How about Aurora, the theater shooting?
   Have we done anything to prevent that from happening
again? No. As I understand, the shooter there passed a
background check.

   Columbine -- what tragedy, what shooting
event would have been prevented, deterred by this law?
I can't find one.

What we have created are requirements for
law-abiding citizens, people who follow the rules,
follow the law, will now get more background checks.
We've heard declarations both in the building and
outside from people who have said they just won't
comply. But it does put those people under greater
burden.

Why do we do that as a legislature? Why
do we pass laws that put greater burden on the people
who follow the law, follow the rules, pay the money? We
do that because that's all that we can do. Simply, we
can't legislate morality. We can't put words on a piece
of paper and next year have them in a set of statute
books back here in the bookcase. We can't put words in
those books next year that will make bad people not do
bad things. We don't have that ability.

So what we do have the ability to do is
put words in those books that require business people to
follow new rules and pay fines, law-abiding citizens to
go through -- jump through more hoops to stay within the
law and not do anything wrong. We do it because that's
all we can do.

It's frustrating that we have this bill in
a package of legislation that was brought, I believe,
for all the right intentions. What can we do as 65
elected leaders in this state, what can we do to
encourage, to motivate, to be examples to the 5 million
plus people who live in this state? What can we do that
might encourage fewer tragedies to occur in our state?
Because we've had more than our share, I agree.

What we do is we fail to provide
leadership and we pile on words in the books that will
be printed and put on those shelves. We make laws and
rules more confusing and burdensome and more expensive,
because sadly that's all we can do.

Oh, but we could pull back from this slate
of bills and start over again. But I fear that's not to
happen. We're about to take the final, final, final
vote on House Bill 1229 and probably send it downstairs.
Social media will light up once again, as it has with another bill that's gone downstairs, with people asking: Why didn't they think of this? And a whole new series of e-mails will start dropping into our e-mail boxes. Why didn't you fix this? Didn't you talk to each other? Didn't you listen to each other? Why didn't you take the opportunity to get this right?

Once again, I'll be -- my aide will be answering: Well, we did have that conversation. And I promise you, we will take the opportunity to say thank you, that at least there was one example of where the majority stopped and listened and made an effective change, but that was it.

And people will ask: Well, don't you understand that this will only make my life more difficult, that you're giving me more rules and more cost and more of a burden? I'm a law-abiding citizen. Why are you picking on me? Why do I have to take the blame for doing nothing wrong?

And we'll say, Yes, we understand. We tried, but the answer was no. We're going to do this because this is all we can do. And I think we're better than that. The people of Colorado deserve better from us. And I ask for a no vote on House Bill 1229.

MR. SPEAKER: Representative McCann.
REPRESENTATIVE McCANN: Thank you, Mr. Speaker.

And, Colleagues, this is an important bill. And I think -- it's still hard for me to understand the opposition to universal background checks. This is something that I think the majority of Americans support and the majority of Coloradans support.

It isn't right that those of us who are law-abiding, responsible citizens have to get background checks before we can purchase weapons, but someone who couldn't pass a background check can easily go on the Internet and purchase one. You can look at these sites. I think it's armslist.com. You can purchase a gun on those Internet sites without any information about who you are or your background.

And some folks have said, Well, criminals -- criminals won't go through the process. Well, actually they do. Just in January alone, our CBI statistics showed that they denied 956 background check applications for firearms purchases. That was just in one month. So I think it was -- I know it was Governor Hickenlooper, at the debate that they were doing on gun issues, said some of the criminals are stupid. And I guess he's right, because they do go and try to get guns
through the background check.

And if you go on the Internet and you try
to purchase a weapon, and the person that's selling you
the weapon knows that there has to be a background
check, they're not going to sell you that weapon without
one, because this is enforceable. The police can go on
the Internet and attempt to purchase weapons and see if
in fact background checks are required. So this is an
enforceable public safety issue for us.

And I know other people say, Well, it's
not going to stop anyone. The criminals are still going
to get guns. Well, you can say that about any of the
criminal laws we pass down here. I mean, we have murder
laws. Do people still commit murder? Yes. Are they
going to get punished and caught if we have a law
against it? Yes, or at least it's more likely they'll
be punished and held responsible if there's a law
against it.

So I worked with a psychologist a while
ago who used to do the police evaluations for the Denver
Police Department. I don't know if he still does them.
It's Dr. John Nicoletti. Let me be very clear that I've
not talked to him about these gun bills, so I have no
idea what his position is there. But he used to talk
about workplace violence. And what he would say is the
more barriers that you can put in people's way as they
begin to escalate, the less likely they are to actually
commit the violence. And that's kind of the way that I
look at this bill.

Are we going to stop all criminals from
getting guns? No, but are we going to put a barrier
there, make it more difficult for them? Yes. And
that's going to stop some of them from getting guns.
And that's going to save lives. And that's going to
stop crimes. And that's really all this bill is about.
It's about requiring everyone who purchases a weapon,
ot just those who buy at gunshows or those who buy from
dealers, to pass a background check. It's a
common-sense, well-supported solution to this problem of
so many guns in the hands of people who shouldn't have
them.

And I've given you the statistics before,
so I'm not going to go through them again, but we do
show that criminals do try to background -- buy guns
even when they have to get background checks. So they
will continue to do that. We will stop more of them
from getting guns. We will save more lives.

I think we've addressed the hunting issue.
And I think we probably do need to have a public
education effort because, obviously, there's confusion.
But this bill does not have any effect on our hunting clubs and their ability to have people come from out of state, hunt on their property, use guns that are possessed by the hunting club or bring their own guns. It's going to have no impact on that.

So this bill is a good bill. It will help our public safety in this state, and I would ask for a yes vote. Thank you.

MR. SPEAKER: Representative Fields.

REPRESENTATIVE FIELDS: Thank you, Mr. Speaker. And I want to thank everyone for their attention and the thoughtful dialogue that we've had on House Bill 1229.

Members, I truly believe that background checks save lives. It has already done so. When you think about, we already have it in place for new gun sales, we have it in place for gunshows -- this background check program is already in existence. It's proven to work. And so what this bill does is it just extends a program that has already proven to be effective. And we're closing that loophole as it relates to private gun sales. 40 percent of all guns that are transferred are done in the private market. And this is going to close that loophole.

And you might say, Well, how is it going
to save lives? I can tell you one example, and that's
with children and women. If you were involved --
involved in a relationship where there is some abuse
going on, and that intimate partner wants to buy a gun
and he knows that he can't, all he has to do is to
advertise to buy one or he can go online and purchase
that gun.

So this bill will save lives. So I say
vote yes on House Bill 1229.

MR. SPEAKER: Seeing no further
discussion, the question for the House is the repassage
of House Bill 1229.

Mr. Kolar, please open the machine and
members proceed to vote.

Close the machine.

With 36 aye votes, 27 no votes, two
excused, and zero absent, House Bill 1229 is repassed.

Co-sponsors. Close the machine.

Madam Majority Leader.

MADAM MAJORITY LEADER: Thank you,

Mr. Speaker.

I move to lay over the balance of the
calendar until Monday, March 18th.

MR. SPEAKER: Seeing no objection, the
balance of the calendar will be laid over as requested
by the majority leader.

Announcement and introductions.

Representative Schafer.

REPRESENTATIVE SCHAFER: Thank you,

Mr. Speaker.

We have a very important birthday today,

so I'm going to ask the capitol choir to please come
down very quickly. Three birthdays. I know one is for

Representative Hamner, our choir director.

REPRESENTATIVE HAMNER: Thank you,

Mr. Speaker. And also, Colleagues, there are three of

us who share the same birthday tomorrow, Representative

Landgraf and also Representative Fischer and me. So

thank you.

(People sing happy birthday. Applause.)

MR. SPEAKER: Representative Hamner.

REPRESENTATIVE HAMNER: Thank you,

Mr. Speaker.

And, Colleagues, I forgot about my

birthday tomorrow, but, anyway, thanks for reminding me

that I'm getting older. But I did want to remind -- the

house education committee meeting, that we have one

extra bill added to our calendar on Monday, at 1:30.

We'll be hearing Senate Bill 138, sponsored by Senator

King and Representative Garcia. It's on school resource
officers.

MR. SPEAKER: Representative Sonnenberg and Fischer together?

UNIDENTIFIED SPEAKER: Yes, in harmony.

MR. SPEAKER: Sing that. Which one is ebony, which one is ivory?

UNIDENTIFIED SPEAKER: Thank you, Mr. Speaker.

Members, we just wanted to come down and remind you that next week is a very special week for one of the major industries in our state, and that would be agriculture. It's National Agriculture Week. And to commemorate that, there's a number of events going on here at the capitol and around the area. So, Representative Sonnenberg, would you like to describe some of those?

MR. SPEAKER: Representative Sonnenberg.

REPRESENTATIVE SONNENBERG: Thank you, Mr. Speaker.

Members, make sure that, the 19th, you do not plan anything for lunch. We have wonderful chefs coming up, teaming up, with legislators and farmers and ranchers and preparing Colorado-grown food for you for lunch. And if any of you were here last year, you will know that it is a phenomenal event, with some of the
best food you'll ever want to taste. So feel free to join us next Tuesday. We'll remind you again Monday. But make sure that you put agriculture on your schedule to be thankful for next week.

Members, have a great weekend.

MR. SPEAKER: Representative Fischer.

REPRESENTATIVE FISCHER: Thank you, Mr. Speaker.

And just one thing I wanted to announce. Representative Ginal brought to my attention that there's a 40-acre, probably -- maybe larger by now -- wildfire burning in Lory State Park, just west of Fort Collins. And for those -- I could see -- I can see Lory State Park from my backyard. And last year during the Hyde Park fire, there were flames burning there, there were homes threatened and some lost in that same area. So, unfortunately, we have another situation with high winds fanning the flames of the wildfire in Lory State Park. So please keep those folks in your thoughts over the weekend, and hopefully it will be contained soon. And, again, it's perhaps timely that Representative Levy has brought her bill forward for us to consider today.

MR. SPEAKER: Further announcements or introductions?

Seeing none, Madam Majority Leader.
MADAM MAJORITY LEADER: Thank you, Mr. Speaker.

I'll move that the House stand in recess until 4:15 p.m., that approximate time. We will adjourn until March 18th, next Monday, at 10 o'clock.

MR. SPEAKER: Seeing no objection, the House will stand in recess until 4:15.

(WHEREUPON, the audio recording was concluded.)
CERTIFICATE

STATE OF COLORADO )

)ss.

CITY AND COUNTY OF DENVER )

I, Jana Mackelprang, Certified Realtime Reporter, Registered Professional Reporter, and Notary Public 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 and the information provided; that the foregoing is a true transcript of the conversations; that I am not an 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 hereunto affix my hand and notarial seal this 31st day of July, 2013. My commission expires January 24, 2016.

___________________________
Jana Mackelprang
CRR, RPR, Notary Public
Calderwood-Mackelprang, Inc.