

1 CITY AND COUNTY OF DENVER

2 STATE OF COLORADO

3 JUDICIAL COMMITTEE MEETING

4 Held on March 15, 2013

5 HOUSE BILL 13-1229

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REPORTER'S TRANSCRIPT

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12 Reporter, Registered Professional Reporter, and
13 Notary Public.

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1 P R O C E E D I N G S

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3 MR. SPEAKER: . . . appropriations.

4 Representative Fields.

5 REPRESENTATIVE FIELDS: Thank you,

6 Mr. Speaker.

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

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

12 REPRESENTATIVE FIELDS: Thank you,
13 Mr. Speaker.

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

19 It clearly identifies the transferees.
20 They are not a natural person, but they're entities like
21 a corporation. It makes clear that when an entity buys
22 a gun, not every person with a beneficial interest, like
23 shareholders, have to get a background check, but
24 requires only the people who are authorized to use that
25 gun have to get a background check before they can use

1 the gun.

2 Also, it clarifies the exemption for
3 family members. In the introduced bill, family
4 exemptions only addressed bona fide gifts between family
5 members. And in the conference committee, we made it
6 clear that you can also loan between family members. So
7 that was also an exception that we included in the
8 conference committee.

9 I urge an aye vote on the conference
10 committee report.

11 MR. SPEAKER: Further discussion.

12 Representative Sonnenberg.

13 REPRESENTATIVE SONNENBERG: Thank you,
14 Mr. Speaker.

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

23 We're also, as part of the discussion, we
24 excluded stepkids. So my wife could not give, or
25 somebody's wife could not give, their stepchildren in

1 the house that gun or loan that gun to them because they
2 are excluded.

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

11 MR. SPEAKER: Representative Sonnenberg.
12 Well, I guess the question before the House now is to
13 dissolve the first conference committee and go into a
14 second conference committee, with hours to go beyond the
15 scope. Any discussion on that motion?

16 Representative Holbert.

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

20 This bill goes beyond, I believe, the
21 intended purpose. This bill starts to touch 4-H
22 families. I understand there was a comment made, a
23 questioning why a 4-H member would loan another member a
24 firearm, say a shotgun. And these youth who participate
25 in these clubs, they're growing boys and girls. And if

1 you go out and buy a youth-sized shotgun, for instance,
2 for a child and they outgrow that, the question is
3 raised: Well, why would that child loan his or her
4 shotgun to another child? Well, because they've
5 outgrown it and they're not giving it away.

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

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

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

22 Again, as I pointed out on a different
23 bill, the effective date, I believe, is July 1st. We
24 have until May 8th. The governor is downstairs. We can
25 fix this. We can remove Representative Sonnenberg's

1 legitimate concerns that, again, are beyond the scope of
2 this bill. I ask for an aye vote.

3 MR. SPEAKER: Representative Sonnenberg.
4 Representative McNulty.

5 REPRESENTATIVE McNULTY: Thank you,
6 Mr. Chairman.

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

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

21 Every time that rifle is checked out, that
22 does -- does the conference committee address the issue
23 that every time that rifle is checked out, the bill
24 would require a background check to be done? Does the
25 conference committee report address the situation where,

1 if he takes a background check the first time, if he has
2 a background check the first time, how often does he
3 have to have a background check? How often does she
4 have to have the background check? Is it every time the
5 rifle is checked out, or -- checked out so that he or
6 she goes out in the field, or is it at the beginning?
7 When does that happen?

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

12 MR. SPEAKER: Representative Landgraf.

13 REPRESENTATIVE LANDGRAF: Thank you,
14 Mr. Speaker.

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

24 MR. SPEAKER: Representative Gardner.

25 REPRESENTATIVE GARDNER: Thank you,

1 Mr. Speaker.

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

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

18 MR. SPEAKER: Representative McCann.

19 REPRESENTATIVE McCANN: Thank you,
20 Mr. Speaker.

21 And I would urge a no vote on this motion
22 to dissolve the report of the conference committee and
23 convene another one. I think our colleagues raised some
24 legitimate questions when we were debating this bill a
25 couple days ago about the amendment that was done in the

1 Senate regarding corporations and partnerships and so
2 forth, and would all the shareholders have to get a
3 background check and members of a gun club have to get a
4 background check?

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

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

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

23 The other shareholders who have an
24 interest in the farm don't need to get a background
25 check. For example, if it's a family-owned farm and

1 some of the members of your family live in another
2 state, or don't even live -- or live somewhere else in
3 Colorado, they're not going to use the guns, they don't
4 need a background check. It's only the people who are
5 actually going to possess the firearm that need the
6 background check, and it's only one background check.

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

16 So I want to address a couple other points
17 that have been raised by the -- by my colleagues on the
18 other side of the aisle. The gun club question has come
19 up. The way the amendment reads now, based on the
20 conference committee report, is that, if you go to a gun
21 club and you bring your own gun, obviously you don't
22 have to go through a background check. If the gun club
23 purchases guns and then uses those to loan out, there is
24 an exemption already in the bill for a 72-hour transfer
25 of the gun. So that can occur without a background

1 check.

2 So gun club members do not have to get a
3 background check because they're not -- they don't have
4 to get a background check as a member of the corporation
5 or a member of the club because they're not members of
6 the club. They simply pay a fee to go and use the club
7 premises. And the bill does allow for that transfer.
8 So somebody can use the gun to go out and hunt on a gun
9 club location.

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

22 And with respect to the security officer,
23 security officers get background checks anyway, just to
24 get hired as security officers. So they've already been
25 through background checks. So they would -- if they are

1 issued -- most security officers, as I understand it,
2 actually purchase their own guns. So they have their
3 own gun, which they would have gone through a background
4 check for. If the security company has guns available,
5 which I don't think happens, but if they do, yes, that
6 person would have to go through a background check if
7 they're actually going to possess the weapon, which is
8 the whole point of this bill, which is the people who
9 are going to possess and use firearms need to have a
10 background check.

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

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

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

24 MR. SPEAKER: Representative Holbert.

25 REPRESENTATIVE HOLBERT: Thank you,

1 Mr. Speaker.

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

18 I remain concerned about the effect on the
19 4-H families. And there were some words -- I didn't --
20 I wasn't there, I didn't hear them, but there are 4-H
21 families who are quite upset about the representation
22 that was made about them. And I think this is an
23 opportunity to just take a moment longer and go a step
24 further. And I'd ask your consideration of that, but it
25 shouldn't go without -- we shouldn't go any further

1 without just offering our thanks for addressing a
2 legitimate concern that Representative Sonnenberg
3 raised. Thank you again.

4 MR. SPEAKER: Representative McNulty.

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

17 These questions are -- with your answer,
18 we're back around to these other questions, which --
19 which I know our friends who are in agriculture, who
20 farm, who ranch, who spend a great deal of time out in
21 the country, weeks at a time, sometimes months at a
22 time, if you have a sheep camp, and are going to be
23 dealing with the real world consequences of this bill --
24 so then who -- who is to maintain that? How often do
25 they have to have a background check done?

1 Once they have a background check done, is
2 it valid indefinitely, so that ranch hand won't have to
3 have another background check? How do we answer these
4 questions for our friends in rural Colorado that -- that
5 will encounter these challenges?

6 MR. SPEAKER: Representative Scott.

7 REPRESENTATIVE SCOTT: Thank you,
8 Mr. Speaker.

9 You know, I kind of feel like I'm on an
10 island here this afternoon, being basically the only one
11 left from the Western Slope that is apparently willing
12 to stand up and talk about the western part of Colorado.

13 I've gotten tons of e-mails about this 4-H
14 issue, tons of e-mails about this gun tournament issue
15 where they have multiple days of shooting and they loan
16 guns back and forth.

17 A lot of my constituents are very upset at
18 the fact that we are writing a bill for the metro areas.
19 They understand that. They understand there are issues
20 within the cities of Denver, Boulder, Fort Collins,
21 Colorado Springs, for example, that don't affect us.
22 They are completely perplexed at the idea that one brush
23 stroke fits all. They are very, very concerned that the
24 impact on their families, their 4-H clubs, their gun
25 clubs, their shooting tournaments -- is going to have an

1 economic impact and an impact on what they can do
2 legally. And they're very concerned because this law
3 sounds as if it's getting -- it's all over the place in
4 the weeds.

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

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

19 MADAM SPEAKER: Representative Landgraf.

20 REPRESENTATIVE LANDGRAF: Thank you, Madam
21 Speaker Pro Tem. And thank you, Representative McCann,
22 for that explanation. I still don't see that it
23 explains or helps resolve the problem of my friendly
24 pawn shop owner, because he doesn't take in a gun and
25 strip it down or repair it before he gives it back. He

1 takes it in, he holds it, and then he returns it. And
2 my concern is -- Fountain is a small town and he's a
3 small business. It's not a huge economic loss to our
4 state, but how many of these small businesses are we
5 going to see leave our state and close because of this
6 confusion?

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

9 MADAM SPEAKER: Representative Everett.

10 REPRESENTATIVE EVERETT: Thank you, Madam
11 Speaker Pro Tem.

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

16 Let's say Gabby Giffords' husband, who was
17 here, I believe, last week, wants to move to Colorado
18 because why wouldn't he? Because we have this great
19 weather as we're having today. So he decides to move
20 here and they pack up everything and it gets -- all
21 their stuff gets put on the truck, including their
22 brand-new AR that he just bought, and the moving truck
23 arrives here in Colorado. However, their house isn't
24 ready. So the moving company has taken possession of
25 that firearm and they have it here in Colorado for more

1 than 72 hours. In fact, they may have it for maybe a
2 few weeks before they're ready to move into this home.

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

10 MADAM SPEAKER: Representative Sonnenberg.

11 REPRESENTATIVE SONNENBERG: Thank you,
12 Madam Speaker Pro Tem.

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

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

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

1 up that confusion.

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

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

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

21 But what happens in 4-H as well is, when
22 you sign up for a 4-H project, oftentimes the kids that
23 sign up are curious because their parents have never
24 been with guns. They've never had that experience. And
25 so wisely they put them with somebody to teach them how

1 to take care of guns. And they may have a class or two,
2 and they talk about gun safety and how to handle a gun
3 and all those things. And then when the instructor or
4 the class leader believes they're ready -- many of them
5 don't have a gun, so they have members in the community
6 that will donate guns. They will offer to loan them
7 guns for the length of their project. Their project may
8 take only 30 days to complete. It may take four or five
9 months, because when this starts in the spring and the
10 weather is good and after they've gone through their
11 training and they send that kid home with that gun to
12 learn about the gun, to practice with the gun, to clean
13 the gun, to do all of those responsible things that are
14 important with understanding how firearms work, they
15 oftentimes then take two, three, four months until the
16 county fair, until the competition at the county fair.
17 And then some of them are even lucky enough to go to the
18 state fair, so they add on another three or four weeks.
19 Obviously, that's past the 72 hours.

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

24 Let me address just a couple of other
25 things that were brought up. We have talked about the

1 family exemptions. And I appreciate the work that was
2 done with regard to family exemptions, but I mentioned
3 stepkids were left out of the mix. And you know that
4 over 50 percent of the marriages come -- are multiple
5 marriages. Many of those have kids, which makes them
6 stepkids. And the inability to move guns to your
7 stepchildren or, heaven forbid, my in-laws, if they came
8 to watch my kids for a week, the inability for a
9 mother-in-law or a father-in-law to utilize the guns in
10 my home to protect the kids while I'm here -- Members,
11 it just goes to the example that there are more issues
12 here that we haven't addressed, the problem of not
13 knowing basically how guns work, and we've created a
14 bill. We have created a bill that has created more
15 confusion, basically created an unenforceable law which
16 makes law-abiding citizens criminals.

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

22 And how do we do that? Members, it's a
23 simple question. The truth is, if you don't like what
24 we come up with, we reject the committee report and we
25 go back to what we had. We offer -- we lose nothing by

1 going to another conference committee to go beyond the
2 scope and try and figure out these issues that now have
3 huge ramifications.

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

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

13 MR. SPEAKER: Representative Rankin.

14 REPRESENTATIVE RANKIN: Thank you,
15 Mr. Speaker.

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

23 And I want to address one more segment of
24 confusion. The outfitters and guides in western
25 Colorado are booking trips now. They're trying to line

1 up their summer. And these trips are typically more
2 than 72 hours. Guests come in from all over the
3 country. Sometimes they bring their hunting rifle with
4 them, but there are a lot of -- and they're seasonal
5 employees who work as hunting guides. These people
6 often trade their rifles around to try different
7 calibers, different scopes, and that sort of thing. And
8 often the guides will actually provide a hunting rifle
9 for the people who come out.

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

23 I urge you to send us back to committee.

24 MR. SPEAKER: Representative Wilson.

25 Representative Everett.

1 REPRESENTATIVE EVERETT: Thank you,
2 Mr. Speaker.

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

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

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

21 MR. SPEAKER: Representative Wilson.

22 REPRESENTATIVE WILSON: Thank you,
23 Mr. Speaker.

24 Representative McCann, I wanted to go back
25 to what Representative Landgraf brought forward in terms

1 of the pawn shop and how they would deal with that. And
2 I appreciate -- I appreciate your answer, but this is
3 just another one of those things that are in the bill
4 that we really don't know the answers to because the --
5 what you have in the situation with the pawn shop is you
6 actually have an FFL dealer. They don't repair and
7 maintain them. It's a totally different process there.
8 So this bill convolutes that. And it's just another one
9 of those pitfalls that's in it. I mean, as I say, I
10 appreciate your attention at explaining how that would
11 work, but that doesn't work that way with an FFL.

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

22 But this is just the tip of the iceberg,
23 folks. There are so many issues hidden in this bill.
24 When we were debating it on the floor originally, no one
25 had thought about the 4-H. And it's a major issue. No

1 one has thought about the Olympic shooting sports. No
2 one has thought about all these pitfalls. What we are
3 seeing here are the pitfalls that are involved in
4 hurry-up legislation.

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

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

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

21 This issue is an emotional one in all of
22 our districts, all of our districts, not just rural.
23 It's an emotional issue in every one of our 65
24 districts. We owe it to all of our constituents, all of
25 our constituents to get it as right as possible. And

1 I'm not under the delusion that we're going to fix it
2 all in this one, but to get as right as possible.

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

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

19 MR. SPEAKER: Representative Fields.

20 REPRESENTATIVE FIELDS: Thank you,
21 Mr. Speaker.

22 And I urge everyone to vote no on a second
23 conference committee. What the bill does is it clearly
24 outlines 10 different exceptions to address many of the
25 things that we're talking about here today. There's

1 five permanent exceptions and there's five temporary
2 exceptions. And if you follow along with me, you can
3 see where they are.

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

12 We also identify as a permanent exception
13 the transfer due to inheritance. That's on page 5, line
14 17 through 20.

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

17 Also another, the final permanent
18 exception we have, is those of military and the
19 deployment to family members. The temporary exceptions
20 include a temporary transfer to anyone who legally can
21 possess a gun, which means they cannot be someone who
22 has domestic violence and those kinds of things in their
23 background, for up to 72 hours. So that's kind of a
24 catchall in some situations. You can transfer that gun
25 up to 72 hours. That's on page 6, line 23 to 27.

1 There's also a temporary transfer that
2 occurs in the presence of owners. So you've been
3 hearing a lot about the -- the 4-H clubs and those kinds
4 of things. If the owner is there, they have a temporary
5 ability to transfer that gun and they can use it. If
6 they're out on a shooting range or they're at a 4-H club
7 or whatever, they can do that.

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

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

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

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

1 MR. SPEAKER: Representative Saine.

2 REPRESENTATIVE SAINÉ: Thank you,
3 Mr. Speaker.

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

13 MR. SPEAKER: Representative Rankin.

14 REPRESENTATIVE RANKIN: Thank you,
15 Mr. Speaker, and thank you, Representative Fields, for
16 clarifying those exemptions.

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

1 the reason that we need to be more careful and clarify
2 some of these issues.

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

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

18 MR. SPEAKER: Any further --
19 Representative Sonnenberg.

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

22 Representative Fields, you highlighted the
23 exceptions, except they didn't address any of the
24 questions we had. It doesn't count to any of those that
25 we brought forward, the five days, the hunting trips --

1 yes, hunting for a day, yes. Hunting for 72 hours, yes,
2 that's included, where we backpack into the hills, where
3 the kids take the firearm home -- and, yes, it's given
4 to the kids. But, quite frankly, 4-H kids haven't been
5 the subject of gun violence. So why would we
6 criminalize them? Allow them to learn so they can
7 handle guns safely. We're taking that away. It needs
8 addressed.

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

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

20 I ask for a yes vote.

21 MR. SPEAKER: Representative Humphrey.

22 REPRESENTATIVE HUMPHREY: Thank you,
23 Mr. Speak.

24 I'd just like to bring back up the issue
25 of movers having possession of firearms for more than

1 the 72 hours and also the issue of a layover at DIA and
2 the issues of liability there. I think those still
3 aren't addressed. And we'd like to hear answers to
4 those as well. And we'd appreciate that. Thank you.

5 MR. SPEAKER: Representative Gardner.

6 REPRESENTATIVE GARDNER: Thank you,
7 Mr. Speaker.

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

17 And one of them -- and I hesitate to say
18 this in the well because I am not one who favors a lot
19 of government regulation, but, unfortunately, a
20 regulation as draconian as this begets a comprehensive
21 rulemaking. And there isn't an authority in the
22 committee report or the bill, as drafted and as passed
23 out of the House and back from the Senate, that really
24 permits any kind of a rulemaking to deal with what are a
25 thousand, thousand special kinds of cases, special

1 issues. And I suspect we haven't thought of all of them
2 yet. That's why there's a rulemaking process to deal
3 with these kinds of issues.

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

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

24 Now, I think underlying this is that
25 somehow firearms are inherently evil, so we just have to

1 keep them out of everybody's hands. But what comes into
2 stark focus, very sharp focus, as we have this
3 discussion is that these are tools. They're items of
4 protection. They're instruments of recreation. There
5 are many, many more legitimate uses of firearms in our
6 communities than there are the illegitimate criminal
7 uses, and that there are many, many, many more citizens
8 out there who possess and use firearms for self-defense,
9 for recreation, for safety and security than there are
10 those who use them illegally.

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

16 It is only those who would obey the law,
17 it is only those legitimate entities that need firearms
18 for safety, security, and recreation that are going to
19 be concerned at all. And instead of making that better
20 at the conference committee, we've raised, as my friend
21 Representative McNulty points out, we've raised still
22 more questions, still more problems, still more
23 uncertainty, as Representative Rankin points out, the
24 kinds of uncertainty that we'll lose jobs, hurt the
25 economy, and make it difficult for farms and ranches,

1 corporations and nonprofits to do business and exist in
2 Colorado.

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

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

24 We need to get this right. And I defy
25 anyone over here to my left to tell me that it's okay to

1 get it wrong or to create more unintended consequences
2 than we solve, when we could simply go to a conference
3 committee, go to a conference committee this afternoon,
4 on Monday afternoon.

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

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

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

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

21 MR. SPEAKER: Representative Saine.

22 REPRESENTATIVE SAINÉ: Thank you,
23 Mr. Speaker.

24 Since we were talking about being
25 inclusive earlier, I want to bring up a note that I just

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

11 MR. SPEAKER: Any further discussion on
12 this motion?

13 Seeing none, the question . . .

14 UNIDENTIFIED SPEAKERS: (Inaudible.)

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

20 (A recess was taken.)

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

23 Is there any further discussion on the
24 amendment or the motion to dissolve the first conference
25 committee and form a second conference committee?

1 Representative Wilson.

2 REPRESENTATIVE WILSON: Thank you,
3 Mr. Speaker.

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

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

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

25 And if we don't make some exception for

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

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

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

1 and they would fall under the same situation.

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

7 MR. SPEAKER: Representative Fields.

8 REPRESENTATIVE FIELDS: Thank you,
9 Mr. Speaker.

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

18 MR. SPEAKER: Representative Scott.

19 REPRESENTATIVE SCOTT: Thank you,
20 Mr. Speaker, I appreciate it.

21 The concern about the hunting and fishing
22 industry, I think we really, really have to think about
23 this. There's several representatives in this room that
24 our districts are going to be impacted tremendously. I
25 know Representative Vigil, Representative McLachlan,

1 myself, Representative Wright, Representative Coram --
2 wherever you are -- this is a huge impact to our
3 districts, huge.

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

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

21 So I'd ask Representative McCann and
22 Representative Fields to really, really consider the
23 impact that they may have, unintended, of course -- I
24 know they don't intend to do that because they don't
25 live over there -- but we are talking billions of

1 dollars in revenue for the state of Colorado that goes
2 to all kinds of programs and helps all kinds of people.

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

7 MR. SPEAKER: Representative McCann.

8 REPRESENTATIVE McCANN: Thank you,
9 Mr. Speaker.

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

20 So if you have -- are running a hunting
21 camp and you have people flying in to hunt and you want
22 to be able to have them use your guns, all you have to
23 do is do a temporary transfer. There's no requirement
24 for a background check. The person can use the gun as
25 long as they want to, hunting, and there's no problem.

1 So this is totally a red herring. This is not an issue
2 in this bill. Hunting will continue. We have no
3 intention of preventing outriggers or hunting camps from
4 operating. There's no problem here.

5 Also, with respect to the idea that
6 Wildlife would be checking hunters for their background
7 checks, Wildlife doesn't enforce the criminal laws.
8 They enforce the regulatory laws. So they'll be
9 checking the guns to make sure they only have three
10 rounds, which is a rule of Wildlife. So they will
11 continue to do their job just as they currently have.
12 But as far as hunters being able to come in from out of
13 state and hunt and use guns that they don't bring in
14 with them, there's no problem.

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

19 So if you look on page 6, lines 9 through
20 13, you will see that hunting -- the hunting camp is not
21 an issue under this bill. There's a clear exception for
22 a temporary transfer while somebody is hunting, and
23 there's no time limitation on it.

24 And while I'm up here, because I can only
25 speak twice, let me just address a little bit the 4-H

1 issue as well. If there is a temporary transfer of a
2 weapon to a young person -- I presume the adults in the
3 family will be supervising the handling of the gun. So,
4 yes, the adult will be required to get a background
5 check, because we don't want guns in the homes of people
6 who don't have background checks. That's the whole
7 point. So the parent will get the background check
8 because the parent will be supervising the child while
9 the gun is being used or handled in the house. So that
10 should cover the 4-H situation. Or the other way it
11 could be done is the transfer of the gun could take
12 place at the shooting range, which is, again, on page 6,
13 lines 3 through 8. The temporary transfer from one
14 family to another can take place at the shooting range
15 or at a target firearm shooting competition.

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

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

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

23 MR. SPEAKER: Representative Gerou.

24 REPRESENTATIVE GEROU: Thank you,
25 Mr. Speaker.

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

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

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

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

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

24 Hunting and fishing license sales,
25 approximately 2.3 million in fiscal year '11/'12,

1 provide more than half of the funding for Wildlife. So
2 when Representative Scott was saying that he was
3 concerned about making sure that we protect our hunting
4 in Colorado, it is with good reason, because it's a huge
5 amount of dollars.

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

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

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

25 MR. SPEAKER: Representative Scott.

1 REPRESENTATIVE SCOTT: No.

2 MR. SPEAKER: Representative Murray.

3 REPRESENTATIVE MURRAY: Thank you,
4 Mr. Speaker.

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

18 You know, we're talking about a pawn shop
19 in south Colorado that doesn't know whether he's going
20 to go out of business or not because we really can't get
21 a good answer about whether what he is doing now
22 currently is going to be acceptable under this law. The
23 farm family operations and someone within -- if it's a
24 corporation and the use of the gun in that situation.
25 Our youth organizations, our 4-H kids. And that was

1 offered in a minority report that we have not even
2 gotten to today to handle that, and yet that was
3 rejected in the conference committee.

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

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

15 MR. SPEAKER: Representative Nordberg.

16 Representative DelGrosso.

17 REPRESENTATIVE DelGROSSO: Thank you,
18 Mr. Speaker.

19 And, Members, I apologize, I kind of -- we
20 missed the first part of this debate. So I won't try to
21 go through a whole long list of stuff because I'm pretty
22 sure that my colleagues already did a pretty good job of
23 arguing a lot of the points. In talking with them, it
24 does sound that the first conference committee -- I was
25 able to go to that first conference committee, and there

1 was some headway and some things that were able to get
2 talked about and hashed out, and there are some things
3 that have gotten better with this bill. But I don't see
4 what the hurry is.

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

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

25 We heard from Representative Gerou talk

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

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

1 MR. SPEAKER: Representative Nordberg.

2 REPRESENTATIVE NORDBERG: Thank you,
3 Mr. Speaker.

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

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

17 So I just ask that we go back to
18 conference committee, address some of these issues.
19 Thank you.

20 MR. SPEAKER: Representative Humphrey.

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

24 I just want to bring back this issue with
25 the airports, DIA, airlines. What's going on there?

1 Seventy-two hours, layover, snowstorm, how does that get
2 dealt with? I think that's an important issue. I'm
3 sure they'd like to have that answered.

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

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

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

17 Is there any further discussion?

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

20 REPRESENTATIVE PRIOLA: Thank you,
21 Mr. Speaker.

22 I rise in support of the motion to send
23 this to another conference committee. Members, this
24 bill, in my opinion, was poorly conceived in the
25 beginning and continues to be poorly written. The fact

1 that the lion's share of folks that have worked on this
2 and voted on this have little or no experience with
3 firearms, with hunting, have never been to the wilds of
4 this state during hunting season. And understand --

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

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

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

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

21 I submit to you that this bill, especially
22 with the current language of it, will be yet another
23 item that will affect folks' decisions from out of
24 state, out of country, on coming to the state of
25 Colorado. And maybe that's the hope from one side of

1 the aisle. But this is bad policy from the get-go, and
2 I support sending it to another conference committee.

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

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

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

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

14 Representatives Gerou, Lebsock, you're
15 excused.

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

20 Representative McNulty.

21 REPRESENTATIVE McNULTY: Thank you,
22 Mr. Speaker. And that's unfortunate. There was a time,
23 oh, yesterday or the day before, whenever it was, that
24 the majority allowed this bill to go to conference to
25 address the issues that were present. The conference

1 committee report that we received didn't address those
2 issues, so I don't know why we went through the
3 conference committee. I mean, it's all well and good and
4 fine for the majority to tell us that we'll address --
5 we recognize your concerns, we'll address your concerns,
6 let's go to a conference committee. Isn't this great?
7 Those of the conference committee railroads the minority
8 party, comes back with a committee report that doesn't
9 address the issues that were present.

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

16 MR. SPEAKER: Representative McNulty --

17 REPRESENTATIVE McNULTY: -- make sure --

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

22 REPRESENTATIVE McNULTY: And make sure --

23 MR. SPEAKER: Representative McNulty.

24 REPRESENTATIVE McNULTY: Thank you,
25 Mr. Speaker.

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

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

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

23 We had hoped, I had hoped, that when we
24 sent this bill to conference that you would at least
25 address the issues that were present. Even though we

1 disagree on the fundamental -- underlying fundamentals
2 of the issue, that you would at least fix the bill
3 through this conference committee report so that normal
4 people wouldn't be hurt. And particularly and
5 unfortunately, the problems are focused in rural
6 Colorado. The challenges are focused in rural Colorado.
7 And this committee report does nothing to address those
8 issues. And I believe that to be unfortunate.

9 I'm not going to vote for this committee
10 report. Vote your conscience.

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

13 Representative Waller, senate minority
14 leader.

15 REPRESENTATIVE WALLER: Thank you,
16 Mr. Speaker.

17 And while I would like to adopt most of
18 the comments made by Representative McNulty, I do have
19 one slight disagreement. I think we should adopt this
20 conference committee report because, while it didn't do
21 everything we wanted to do -- and we appreciate the
22 majority party recognizing that there were some problems
23 associated with the bill, and appreciate the ability to
24 go back to the conference committee to fix those
25 problems -- we didn't quite get there. We didn't quite

1 get to do the things that we had hoped would happen in
2 that conference committee. Some more things were
3 identified later on down the road that we just had a
4 pretty significant debate about.

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

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

22 MR. SPEAKER: Representative Murray.

23 REPRESENTATIVE MURRAY: Thank you,
24 Mr. Speaker, and I appreciate the minority leader's
25 comments about the good things that were included in the

1 report, but in the minority report, there are a couple
2 of additional things that I just can't understand why
3 they're not in there. One is members of youth
4 organizations, that we clarify the use of the firearms
5 in those shooting kinds. Are we trying to stop shooting
6 sports with our children's organizations, with 4-H? Is
7 that what we're trying to do with this bill?

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

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

19 MR. SPEAKER: Representative Holbert.

20 REPRESENTATIVE HOLBERT: Thank you,
21 Mr. Speaker.

22 Members, I join in the Colorado for an aye
23 vote on the conference committee report. I am
24 frustrated that there wasn't more done, but I do
25 appreciate, again, the concerns that Representative

1 Sonnenberg brought up about the gun club. And as I said
2 earlier, I think Representatives McCann and Fields
3 deserve our thanks for addressing that issue.

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

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

24 And I'm sure that the bill will never be
25 in a perfect form, but, you know, it's a frustrating,

1 awkward situation to say, Thank you, can't we do better?
2 And I suppose that is a subtle question. We, I guess at
3 this point, can't go to a conference committee. It
4 would have been so -- so nice to be able to fix some of
5 those problems.

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

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

21 MR. SPEAKER: Representative Sonnenberg.

22 REPRESENTATIVE SONNENBERG: Thank you,
23 Mr. Speaker and Members.

24 I'm going to ask for a yes vote as well.
25 I appreciate -- I appreciate the opportunity to go to a

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

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

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

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

22 Representatives DelGrosso, Dore, Duran,
23 Pabon, Rankin.

24 DelGrosso excused.

25 Close the machine.

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

4 To the bill.

5 UNIDENTIFIED SPEAKER: (Inaudible.)

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

7 UNIDENTIFIED SPEAKER: (Inaudible.)

8 MR. SPEAKER: Representative Fields.

9 REPRESENTATIVE FIELDS: Thank you,

10 Mr. Speaker. And I move for the repassage of House Bill
11 1222.

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

13 (Laughter.)

14 REPRESENTATIVE FIELDS: 1229.

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

17 Representative Sonnenberg.

18 REPRESENTATIVE SONNENBERG: Thank you,

19 Mr. Speaker.

20 Members, we still have confusion. We
21 still have misunderstandings on what this bill does or
22 does not do. I have stepchildren. Actually, I don't
23 have stepchildren; my wife has stepchildren. My wife
24 could not allow -- the way this is now, my wife could
25 not give my son or my daughters a gun, unless they get a

1 background check. But their brothers, she can.

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

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

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

25 All you have done is made 4-H kids,

1 stepchildren, and in-laws criminals. For that, I urge a
2 no vote.

3 MR. SPEAKER: Representative Dore.

4 REPRESENTATIVE DORE: Thank you,
5 Mr. Speaker.

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

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

24 MR. SPEAKER: Representative Rankin.

25 REPRESENTATIVE RANKIN: Thank you,

1 Mr. Speaker.

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

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

1 going to do it by county. I'm going to point out your
2 counties and how many jobs were lost because of this
3 bill.

4 MR. SPEAKER: Representative Rankin, if
5 you'll hold on --

6 REPRESENTATIVE RANKIN: You can count on
7 it.

8 MR. SPEAKER: Representative Rankin, hold
9 on one second.

10 Members, we are sitting as a house. Can
11 you please not have outside conversations and return to
12 your desks. Thank you.

13 Representative Rankin, please continue.

14 REPRESENTATIVE RANKIN: Mr. Speaker, I'll
15 just repeat, since everybody was talking, I will be here
16 with a report on the jobs lost because of the
17 uncertainty created by this bill. Thank you,
18 Mr. Speaker.

19 MR. SPEAKER: Representative Saine.

20 REPRESENTATIVE SAINÉ: Thank you,
21 Mr. Speaker.

22 Well, Colleagues, we've had some
23 discussion on some of the unintended consequences of
24 this bill, including folks that live together that may
25 have access to firearms. And especially women are the

1 most vulnerable in the case of a burglary or a break-in.
2 And if she uses those firearms, is she now liable for
3 protecting herself because she didn't go through a
4 background check?

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

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

18 Background checks, especially a transfer
19 between family members, stepchildren, members of a
20 household, shouldn't be considered a crime. Again, most
21 background checks are dropped, and only .1 percent
22 involve strong enough evidence for a consideration for
23 prosecution. .01 percent, I mean, that's a very small
24 number. Because, again, Representative Sonnenberg had
25 mentioned, criminals don't follow the law because

1 they're criminals. That's why they're criminals. They
2 can transfer to each other as much as they want, and
3 they're probably doing it laughing, thinking about the
4 folks that have to go through background checks to be
5 legal.

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

15 MR. SPEAKER: Representative Holbert.

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

21 Members, I do ask for a no vote once again
22 on House Bill 1229. Have we created law? Will this law
23 make a positive effect, have a positive effect,
24 influence in our society? If this law was on the books
25 in Connecticut, would it have prevented, in any way

1 helped prevent the tragedy at Sandy Hook? No. A young
2 man murdered his mother and stole guns and committed a
3 just unspeakable tragedy. This bill, these requirements
4 would not have affected that tragedy.

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

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

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

19 Why do we do that as a legislature? Why
20 do we pass laws that put greater burden on the people
21 who follow the law, follow the rules, pay the money? We
22 do that because that's all that we can do. Simply, we
23 can't legislate morality. We can't put words on a piece
24 of paper and next year have them in a set of statute
25 books back here in the bookcase. We can't put words in

1 those books next year that will make bad people not do
2 bad things. We don't have that ability.

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

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

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

22 Oh, but we could pull back from this slate
23 of bills and start over again. But I fear that's not to
24 happen. We're about to take the final, final, final
25 vote on House Bill 1229 and probably send it downstairs.

1 Social media will light up once again, as it has with
2 another bill that's gone downstairs, with people asking:
3 Why didn't they think of this? And a whole new series
4 of e-mails will start dropping into our e-mail boxes.
5 Why didn't you fix this? Didn't you talk to each other?
6 Didn't you listen to each other? Why didn't you take
7 the opportunity to get this right?

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

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

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

25 MR. SPEAKER: Representative McCann.

1 REPRESENTATIVE McCANN: Thank you,
2 Mr. Speaker.

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

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

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

1 through the background check.

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

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

19 So I worked with a psychologist a while
20 ago who used to do the police evaluations for the Denver
21 Police Department. I don't know if he still does them.
22 It's Dr. John Nicoletti. Let me be very clear that I've
23 not talked to him about these gun bills, so I have no
24 idea what his position is there. But he used to talk
25 about workplace violence. And what he would say is the

1 more barriers that you can put in people's way as they
2 begin to escalate, the less likely they are to actually
3 commit the violence. And that's kind of the way that I
4 look at this bill.

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

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

23 I think we've addressed the hunting issue.
24 And I think we probably do need to have a public
25 education effort because, obviously, there's confusion.

1 But this bill does not have any effect on our hunting
2 clubs and their ability to have people come from out of
3 state, hunt on their property, use guns that are
4 possessed by the hunting club or bring their own guns.
5 It's going to have no impact on that.

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

9 MR. SPEAKER: Representative Fields.

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

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

25 And you might say, Well, how is it going

1 to save lives? I can tell you one example, and that's
2 with children and women. If you were involved --
3 involved in a relationship where there is some abuse
4 going on, and that intimate partner wants to buy a gun
5 and he knows that he can't, all he has to do is to
6 advertise to buy one or he can go online and purchase
7 that gun.

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

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

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

15 Close the machine.

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

18 Co-sponsors. Close the machine.

19 Madam Majority Leader.

20 MADAM MAJORITY LEADER: Thank you,
21 Mr. Speaker.

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

24 MR. SPEAKER: Seeing no objection, the
25 balance of the calendar will be laid over as requested

1 by the majority leader.

2 Announcement and introductions.

3 Representative Schafer.

4 REPRESENTATIVE SCHAFER: Thank you,
5 Mr. Speaker.

6 We have a very important birthday today,
7 so I'm going to ask the capitol choir to please come
8 down very quickly. Three birthdays. I know one is for
9 Representative Hamner, our choir director.

10 REPRESENTATIVE HAMNER: Thank you,
11 Mr. Speaker. And also, Colleagues, there are three of
12 us who share the same birthday tomorrow, Representative
13 Landgraf and also Representative Fischer and me. So
14 thank you.

15 (People sing happy birthday. Applause.)

16 MR. SPEAKER: Representative Hamner.

17 REPRESENTATIVE HAMNER: Thank you,
18 Mr. Speaker.

19 And, Colleagues, I forgot about my
20 birthday tomorrow, but, anyway, thanks for reminding me
21 that I'm getting older. But I did want to remind -- the
22 house education committee meeting, that we have one
23 extra bill added to our calendar on Monday, at 1:30.
24 We'll be hearing Senate Bill 138, sponsored by Senator
25 King and Representative Garcia. It's on school resource

1 officers.

2 MR. SPEAKER: Representative Sonnenberg
3 and Fischer together?

4 UNIDENTIFIED SPEAKER: Yes, in harmony.

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

7 UNIDENTIFIED SPEAKER: Thank you,
8 Mr. Speaker.

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

17 MR. SPEAKER: Representative Sonnenberg.

18 REPRESENTATIVE SONNENBERG: Thank you,
19 Mr. Speaker.

20 Members, make sure that, the 19th, you do
21 not plan anything for lunch. We have wonderful chefs
22 coming up, teaming up, with legislators and farmers and
23 ranchers and preparing Colorado-grown food for you for
24 lunch. And if any of you were here last year, you will
25 know that it is a phenomenal event, with some of the

1 best food you'll ever want to taste. So feel free to
2 join us next Tuesday. We'll remind you again Monday.
3 But make sure that you put agriculture on your schedule
4 to be thankful for next week.

5 Members, have a great weekend.

6 MR. SPEAKER: Representative Fischer.

7 REPRESENTATIVE FISCHER: Thank you,
8 Mr. Speaker.

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

23 MR. SPEAKER: Further announcements or
24 introductions?

25 Seeing none, Madam Majority Leader.

1 MADAM MAJORITY LEADER: Thank you,
2 Mr. Speaker.

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

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

8 (WHEREUPON, the audio recording was
9 concluded.)

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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.