

1 CITY AND COUNTY OF DENVER

2 STATE OF COLORADO

3 Judicial Committee Meeting

4 Held on February 14, 2013

5 HOUSE BILL 13-1229

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7 REPORTER'S TRANSCRIPT

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P R O C E E D I N G S

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3 THE CHAIRWOMAN: Committee, we do have another
4 bill, House Bill 1229. It is 9:50. They are waiting for
5 us on the floor. I do want to allow questions to be
6 answered, but it is my prerogative to limit the time we
7 spend, and if questions are repetitive, I will cut those
8 questions off.

9 I just -- I'm not going to establish a time
10 limit right now because I do think we need to get into the
11 bill, but at the point where the questions become
12 repetitive and just dragging this out, I will cut them off,
13 and we can resume discussion on the floor.

14 Thank you for being with us this morning,
15 Representative Fields and Representative McCann. Please
16 tell us about House Bill 1229.

17 REPRESENTATIVE FIELDS: Thank you, Mr. Chair --
18 Ms. --

19 THE CHAIRWOMAN: Madam.

20 REPRESENTATIVE FIELDS: Thank you.

21 THE CHAIRWOMAN: I am --

22 REPRESENTATIVE FIELDS: Basically this bill
23 creates an opportunity for us to close a loophole as it
24 relates to the transfer of a private gun.

25 And so what you see here is the funds that it

1 will take to implement a --

2 THE CHAIRWOMAN: Representative Duran.

3 REPRESENTATIVE DURAN: Thank you, Madam Chair.

4 I move J-003.

5 REPRESENTATIVE LABUDA: Second.

6 THE CHAIRWOMAN: Second by Representative
7 Labuda.

8 Is there any objection to J-003?

9 Members, this is the appropriations clause which
10 sets up an alternative that if House Bill 1228 becomes law,
11 then Section 9 of the appropriations clause will not be
12 become effective, and Section 10 will be in effect.

13 THE CHAIRWOMAN: Representative Sonnenberg.

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15 REPRESENTATIVE SONNENBERG: I'm objecting,
16 Madam Chair.

17 THE CHAIRWOMAN: Pardon me?

18 REPRESENTATIVE SONNENBERG: I'm objecting.

19 THE CHAIRWOMAN: Okay.

20 Then, Mr. Harper, would you please call the
21 roll.

22 MR. HARPER: Representative DelGrosso?

23 REPRESENTATIVE DELGROSSO: No.

24 MR. HARPER: Representative Dore?

25 REPRESENTATIVE DORE: No.

1 MR. HARPER: Representative Gardner?
2 REPRESENTATIVE GARDNER: Pass.
3 MR. HARPER: Representative Gerou?
4 REPRESENTATIVE GEROU: Pass.
5 MR. HARPER: Representative Hamner?
6 REPRESENTATIVE HAMNER: Yes.
7 MR. HARPER: Representative Labuda?
8 REPRESENTATIVE LABUDA: Yes.
9 MR. HARPER: Representative Pabon?
10 REPRESENTATIVE PABON: Yes.
11 MR. HARPER: Representative Singer?
12 REPRESENTATIVE SINGER: Yes.
13 MR. HARPER: Representative Sonnenberg?
14 REPRESENTATIVE SONNENBERG: No.
15 MR. HARPER: Representative Tyler?
16 REPRESENTATIVE TYLER: Yes.
17 MR. HARPER: Representative Young?
18 REPRESENTATIVE YOUNG: Yes.
19 MR. HARPER: Representative Gardner?
20 REPRESENTATIVE GARDNER: No.
21 MR. HARPER: Representative Gerou?
22 REPRESENTATIVE GEROU: No.
23 MR. HARPER: Representative Duran?
24 REPRESENTATIVE DURAN: Yes.
25 MR. HARPER: Madam Chair?

1 THE CHAIRWOMAN: Yes.

2 So J-003 passes on a vote of eight to five.

3 And a motion would be in order.

4 Representative Pabon.

5 REPRESENTATIVE PABON: Thank you, Madam Chair.

6 I move House Bill 1229 to the (inaudible) with a
7 favorable recommendation.

8 REPRESENTATIVE DURAN: Second.

9 THE CHAIRWOMAN: Moved by Representative Pabon.
10 Seconded by Representative Duran.
11 Representative Sonnenberg.

12 REPRESENTATIVE SONNENBERG: Thank you, Madam
13 Chair.

14 I don't know how to do this without talking
15 about another bill, but the previous bill includes a \$10
16 fee. How will that work with this if this bill is passed?

17 THE CHAIRWOMAN: Representative Sonnenberg, I
18 appreciate your sensitivity to that issue, and I do think
19 the two are intertwined by virtue of the appropriations
20 clause, so I will allow that question.

21 Representative McCann.

22 REPRESENTATIVE SONNENBERG: Thank you.

23 REPRESENTATIVE McCANN: Thank you, Madam Chair.

24 Representative Sonneberg, as you can see in
25 J-003, there are two different appropriations clauses. So

1 if 1228 passes, then Section 10 of the appropriations
2 clause will apply and the funding for the private-sale
3 background checks will be recovered through the fee that
4 was discussed in 1228. So it will come from the cash fund
5 that's established by 1228.

6 If 1228 does not pass, then Section 9 of the
7 appropriations clause will apply, and there will be an
8 appropriation out of the general fund.

9 THE CHAIRWOMAN: Representative Sonnenberg.

10 REPRESENTATIVE SONNENBERG: Okay. Thank you,
11 Madam Chair.

12 Then, if I give my -- give a couple of my guns
13 to my son-in-law, which is not direct family, if I
14 understand this correctly, how will that money be collected
15 or paid for?

16 THE CHAIRWOMAN: Representative McCann.

17 REPRESENTATIVE McCANN: The transfer of a
18 private -- a private sale of a firearm will have to be done
19 through a federally licensed dealer. So you go to a
20 federally licensed dealer, and the dealer, as was discussed
21 previously, will actually collect the fee if 1228 passes.

22 If not, it will -- the background check would be
23 done through the federally licensed dealer and the fee
24 would be paid from the general fund.

25 THE CHAIRWOMAN: Representative Sonnenberg.

1 REPRESENTATIVE SONNENBERG: One last question.

2 Is there a difference between a federally
3 licensed dealer or -- let me say it this way: Are all gun
4 dealers federally licensed dealers?

5 THE CHAIRWOMAN: Representative McCann.

6 REPRESENTATIVE McCANN: I -- I think they are,
7 but honestly, I'm not absolutely sure.

8 Do you know, Representative Fields?

9 THE CHAIRWOMAN: Representative Fields.

10 REPRESENTATIVE FIELDS: I believe so.

11 REPRESENTATIVE SONNENBERG: Thank you.

12 THE CHAIRWOMAN: Representative Gardner.

13 REPRESENTATIVE GARDNER: Thank you, Madam
14 Chair.

15 And I want to formulate this carefully, so
16 please bear with me.

17 Representative Fields, I heard on several
18 occasions in the committee the other evening, and I heard
19 you again this morning refer to this as the closing of a
20 loophole, and that's sort of a vernacular term that is used
21 a lot. It sort of implies that somehow there's an
22 unintended way that someone might do something that's used
23 in the tax code and so forth, are using the concept.

24 But right now this is not a misunderstanding in
25 the law. There, heretofore, has been a conscious decision,

1 or at least a legislative decision, not to impose a
2 requirement for background checks on private transfers. So
3 it's not like somebody is kind of doing something shady
4 right now when they do a private transfer. At least maybe
5 you don't intend that at all, but "loophole" sort of
6 imparts the notion that somebody is doing something shady.

7 It's not shady at all right now if I go and hand
8 my next-door neighbor a gun for him to go hunting with or
9 to protect himself. They are not doing anything shady
10 right now, are they?

11 THE CHAIRWOMAN: Representative Fields.

12 REPRESENTATIVE FIELDS: Thank you, Madam Chair.

13 Representative Gardner, no. In the scenario
14 you just described, that would not be anything shady, but I
15 just got -- shared some results that showed that we had
16 over 968 felons, fugitives, domestic violation abusers.
17 Close to 1,000 were denied access to a gun.

18 And so what criminals do is they skirt sometimes
19 around the rules of law to access guns. So the loophole
20 that I am trying to close is for those who are felons, for
21 those who may be involved in domestic violence where they
22 have restraining orders. And they can bypass our
23 background system by just going on the Internet buying a
24 gun, or they can just look in a classified ad, or they can
25 buy from their neighbor, because right now it's legal to

1 buy a gun from a private seller, and you don't have to
2 perform a background check.

3 So felons know that, and they are skirting
4 around that. So this would close that loophole and save
5 lives.

6 THE CHAIRWOMAN: And so, Representative Fields,
7 I think what Representative Gardner was concerned about is
8 that the term loophole, which he did note we use in the
9 vernacular, that implied that maybe somebody was doing
10 something to try to get around the law, but I think what
11 you've pointed out is that there is -- it's a gap in the
12 law.

13 The law currently does not cover private sales
14 and requiring background checks and your -- and using
15 loopholes, whether they are tax loopholes or any other, is
16 perfectly legal, but there is a gap in the coverage of the
17 background checks. Your bill would close that gap so that
18 private sales would be covered subject to the exceptions in
19 your bill.

20 And are there other questions about the
21 appropriations for this bill?

22 Representative DelGrosso.

23 REPRESENTATIVE DelGROSSO: Thank you, Madam
24 Chair.

25 And since we are talking about money here, I'm

1 looking at this bill, and on page 3 it talks about a person
2 who manufacturers a large-capacity magazine in Colorado
3 commits a Class 2 misdemeanor, and they are punishable by
4 law.

5 Currently we have some companies in Colorado
6 that produce these magazines, and some significantly large
7 ones. One does over \$400 million sales to people around
8 the world. They employ over 700 Coloradoans -- we're
9 talking about 700 families here -- and bring in about \$46
10 million into Colorado's economy. So --

11 THE CHAIRWOMAN: Excuse me. Representative
12 DelGross, are you talking about House Bill 1229?

13 UNIDENTIFIED SPEAKER: Uh-huh.

14 REPRESENTATIVE DelGROSSO: Oh, am I in the
15 wrong one?

16 UNIDENTIFIED SPEAKER: That was a great speech,
17 though.

18 UNIDENTIFIED SPEAKER: I think --

19 REPRESENTATIVE DelGROSSO: I pulled up the
20 wrong one on my folder.

21 UNIDENTIFIED SPEAKER: Keep it going. You had
22 me -- captivated me.

23 THE CHAIRWOMAN: I think you want to make that
24 speech -- thank you for a purview of coming attractions.
25 We'll look forward to the rest of that speech when we

1 address House Bill 1224.

2 Representative Gardner, yes, I can see you.

3 REPRESENTATIVE GARDNER: Thank you, Madam
4 Chair.

5 I have questions about this bill, although I
6 can understand why one would be confused. We spent 12
7 hours the other evening, but I don't think we exhausted all
8 of the questions that we had. There are so many around
9 this and about the appropriation or about the money.

10 One of the things I heard the other evening
11 that's really caused me a great deal of concern is that the
12 fee that is imposed or that an FFL is entitled to impose is
13 limited at \$10. And I think that's a good thing, on the
14 one hand, but there -- there was some implication in that
15 an FFL operating in the state of Colorado would then be
16 required, if someone went to him or her with a private
17 transaction, to do the background check on that, that FFL
18 would, by virtue of operating in Colorado, be required to
19 perform a background check.

20 And the concern caused me to introduce an
21 amendment that was rejected, which caused me even more
22 alarm because it sounded to me like we have, in essence,
23 turned FFLs in Colorado into public utilities in that
24 they're required to provide a service even if they do not
25 wish to.

1 And I've had many, many people say that this \$10
2 fee was not -- if you were not selling, if you were not the
3 dealer, so that it was an accommodation to your customer,
4 but rather that I and my neighbor would have to go down to
5 -- to the corner gun store and ask our local FFL before I
6 loaned the weapon to my -- to my neighbor so he could go
7 hunting with his brother-in-law; that we'd have to, you
8 know, pay \$10, but that that would not be enough.

9 So is there -- is there some intent that FFLs
10 are going to be required to do this, or are you willing to
11 state that that is absolutely not the intent of this bill?
12 And if so, why is there such resistance to an amendment to
13 say so?

14 THE CHAIRWOMAN: Representative McCann.

15 REPRESENTATIVE McCANN: Thank you, Madam Chair.

16 Representative Gardner, there is nothing in
17 this bill that requires a specific FFL to perform a
18 background check for -- in a private-sale situation. That
19 would be completely up to FFL.

20 The private buyer and seller do have to get --
21 get it done through an FFL, but there's nothing in the bill
22 that would require a specific FFL to provide that service.

23 THE CHAIRWOMAN: And, members, I am going to
24 call for a vote at the hour of 10:16. That allows -- by
25 the clock there, I'm looking at about 11 more minutes of

1 questioning.

2 And so I would ask the committee members to
3 please try to make your questions a little more concise so
4 that if you are actually interested in getting an answer to
5 the question, you and the other committee members can have
6 the benefit of that answer.

7 And so at 10:15 I will call for the vote. And
8 so -- just so the committee is aware of that.

9 Representative Sonnenberg.

10 REPRESENTATIVE SONNENBERG: Thank you, Madam
11 Chair.

12 And my question goes to page 1 of the canary
13 sheet where it talks about if House Bill 1228 is enacted,
14 the \$1,612,006 in cash fund from the instant criminal
15 background check cash fund.

16 I'm curious as to -- this may be someone from
17 the fiscal step. Are they assuming, then, that there will
18 be 161,200 transfers? Is that -- is that how they came up
19 with that number? And if so, how did they end up with
20 6-odd dollars in a \$10 fee?

21 UNIDENTIFIED SPEAKER: Private transfers. It's
22 just the money for the staff handle --

23 REPRESENTATIVE SONNENBERG: JBC thing.

24 THE CHAIRWOMAN: Okay. They forgot to carry
25 the 1, Representative Sonnenberg.

1 Representative McCann.

2 REPRESENTATIVE McCANN: Thank you.

3 And the fiscal analyst has assisted me. The
4 number is based on an estimate of 200,000 transactions,
5 private transactions.

6 Over what time period? A year?

7 One year.

8 So that's based on the projected purchases that
9 will go through the private sale.

10 THE CHAIRWOMAN: Representative Sonnenberg.

11 REPRESENTATIVE SONNENBERG: Thank you.

12 And that includes the criminals that are
13 currently illegally getting guns paying \$10 as well, then?

14 THE CHAIRWOMAN: Representative McCann.

15 REPRESENTATIVE McCANN: It will include
16 everyone who attempts to purchase a gun through a private
17 sale.

18 THE CHAIRWOMAN: Representative Gerou.

19 REPRESENTATIVE Gerou: Thank you, Madam Chair.

20 And I don't know if it does anything, but I did
21 notice that on the fiscal note the difference between page
22 1, when it talks about the 1,612,006 number, is different
23 than the 1,000,007 number on the fiscal note, but that
24 doesn't matter.

25 What I was curious about, ladies -- and I

1 appreciate your time here this morning because -- and I
2 don't want to talk about a previous bill, but we are
3 talking about the FTEs, in reference to the FTEs on this.

4 When we were talking to the director of the
5 department, he was talking about the amount of full-time
6 and part-time staff that are required in order to provide
7 the background checks for the gun shows and all the
8 different gun sales that take place in the state.

9 So my first question to you is if you could give
10 me a breakdown of what you anticipate, how much of the FTEs
11 you are anticipating being overtime rather than regular
12 time. Because my concern in -- in -- this bill is
13 attempting to solve a problem with the background checks, I
14 believe. I'm going to take it at that, face value. But --
15 so I want to know what percentage of full-time, part-time,
16 and overtime employees you expect to see within the FTEs.

17 My second question is: Just by way explanation,
18 I don't want to take up time that I know is important. But
19 I grew up in a -- in a ranching family. I'm from Wyoming.
20 Guns are a part of my past. It's part of the culture. I'm
21 actually more heavily armed than my husband, which
22 sometimes scares him; sometimes doesn't.

23 But I have guns that I've inherited from family
24 members that are intact. I have guns that are not quite
25 restored yet. For instance, I have a gun stock that is not

1 complete. And -- and what my goal is, because those were
2 inherited from family members that I very much care about
3 and I want to make sure that I pass those on to my
4 children, because they want them and it's part of the
5 heritage of our family. And -- and that's what a lot of
6 people in Colorado and in Wyoming feel, is that guns are a
7 part of our heritage.

8 So when I take those pieces and parts of my guns
9 to a gunsmith and ask him to create a gun out of the pieces
10 and parts that I have, will it be -- will he have to do a
11 background check on me before he hands the gun over to me,
12 or do I do a background check on him because he's touching
13 my guns? I -- what -- how does this all work together?
14 And if you could answer the FTE question and then my second
15 question, I would appreciate it.

16 THE CHAIRWOMAN: Representative McCann.

17 REPRESENTATIVE McCANN: I think we would ask
18 that Director Sloan come back for the first part of the
19 question regarding part time and overtime and full time, if
20 he's still here.

21 He is here.

22 THE CHAIRWOMAN: We can certainly do that,
23 Committee. We do have five more minutes left on this bill.

24 Director Sloan, you're welcome to come forward.

25 Representative McCann -- or Gerou, it was the

1 other bill that actually created the mechanism to pay for
2 this bill and --

3 UNIDENTIFIED SPEAKER: But we don't want to talk
4 about another bill.

5 THE CHAIRWOMAN: Right. But there are FTEs in
6 this. I think it's going to be up to Director Sloan to
7 manage his staff within the resources that are allowed
8 under this bill.

9 But, Director Sloan, if you could answer
10 Representative Gerou's question.

11 DIRECTOR SLOAN: Thank you, madam.

12 Thank you, Madam Chair.

13 And to be very succinct, the staffing
14 calculations in this bill do not contemplate overtime.
15 They contemplate appropriately staffing to handle the
16 anticipated value contemplated in this bill in fiscal '14
17 and fiscal year '15 -- I believe there are two-year figures
18 there -- to handle that without an extended queue and to
19 meet our -- our strategic goal of 15 minutes average per
20 transaction.

21 THE CHAIRWOMAN: Okay.

22 And, Representative McCann, did you have an
23 answer to the question of Representative Gerou's --

24 REPRESENTATIVE McCANN: Yes.

25 THE CHAIRWOMAN: -- gun parts and whether

1 assembling them would require a background check.

2 REPRESENTATIVE McCANN: Yeah.

3 There's nothing in the bill that would require
4 either you or the dealer -- or the gunsmith to get a
5 background check if you are putting together parts of an
6 antique gun.

7 The bill also allows for transfer of firearms by
8 operation of law, which would include passing through the
9 will for family members. So if you want to leave those to
10 your children, you will be able to do that even if this
11 bill passes.

12 THE CHAIRWOMAN: Representative Gerou.

13 REPRESENTATIVE Gerou: Thank you, Madam Chair.

14 Director Sloan, so in getting back to your --

15 And thank you, Representative McCann. I
16 appreciate that answer.

17 Director Sloan, so when you were talking about
18 this bill does not anticipate any overtime, so what I can't
19 remember is -- is the FTE count consistent with what you've
20 come to the joint budget committee with at times when
21 you've sought relief for the -- for the background check,
22 the numbers that we haven't accomplished?

23 For instance, in this last joint budget
24 committee hearing this year, I don't recall what the amount
25 was as far as your preferred amount to elevate the backlog

1 and the background check.

2 Is this consistent with that number?

3 THE CHAIRWOMAN: And, Representative Gerou, I
4 believe you know this as well as I do, that what we've
5 talked about at the joint budget committee has been
6 backlogs in this fiscal year. This bill pertains to future
7 background checks and the personnel it takes to conduct
8 those background checks.

9 Representative Sloan -- or Mr. Sloan.

10 DIRECTOR SLOAN: Thank you, Madam Chair.

11 The same formulas for calculation were done
12 there. It's correct that when we presented the JVC, we
13 were trying to address a 12,000 backlog queue in the
14 current scenario.

15 What this anticipates is what the anticipated or
16 projected growth in volume would be, both on sales through
17 FFLs and with universal background checks with private
18 sales.

19 THE CHAIRWOMAN: All right. And we have time
20 for one more question.

21 Representative Gardner.

22 REPRESENTATIVE GARDNER: Thank you, Madam
23 Chair.

24 And, Director Sloan, as I always say, but I
25 haven't had the opportunity to say in this committee, in

1 this audience, how much I appreciate your work on behalf of
2 the people of Colorado.

3 And notwithstanding my questions about a very
4 legitimate and serious disagreement concerning public
5 policy, I very much appreciate your commitment to the
6 people of Colorado and the public safety in Colorado. It
7 means a great deal to me, and I have a lot of confidence,
8 as we deal with these issues, that you have nothing but the
9 best interest of the people of Colorado.

10 Um, I have been asked since -- in the course of
11 the hearing by some constituents who are sort of amateur --
12 if that's even the right word -- gunsmiths about this
13 universal background concept. And as you can imagine,
14 these people, as Representatives Gerou alludes to, has
15 pieces and parts, and they love firearms, and they love
16 recreation. And for them it's the -- they love the making
17 of the firearms.

18 And it's not clear to me, and maybe you could
19 tell me. Maybe there's a federal law; maybe there's a
20 state law. When I take some hunks of metal and some wood
21 and some plastic and some various things, and as I -- as I
22 do that, I can see instances where someone takes a firing
23 mechanism, but it doesn't have a barrel. They might have a
24 stock and a barrel. They might have a sight.

25 And all those pieces are laying there on the

1 table, and maybe they get half done and they decide that
2 they want to transfer that to someone who's not an
3 immediate family member. As they go through all of that,
4 they --

5 THE CHAIRWOMAN: Representative Gardner --

6 REPRESENTATIVE GARDNER: I'm sorry, Madam Chair?

7 THE CHAIRWOMAN: Representative Gardner, if you
8 have a question, ask your question, but your time is up for
9 making speeches. Get to the question, and Mr. Sloan can
10 answer it. Otherwise I will cut you off, and we will vote.

11 REPRESENTATIVE GARDNER: Madam Chair, I was
12 asking my question. I was trying to lay out a fairly
13 complex hypothetical, and I apologize if it's complex, but
14 what it is is a matter of concern to one of my constituents
15 who asked me about this, Madam Chair, and I'm trying to lay
16 it out and --

17 THE CHAIRWOMAN: I've asked you to please ask
18 the question or I will gavel you out of order.

19 REPRESENTATIVE GARDNER: Madam Chair, I'm
20 trying to get to the question but I -- please.

21 So, Representative Sloan -- or Director Sloan,
22 what I'm trying to get to is: When does that set of parts
23 become a firearm by definition, and how would someone
24 determine that so that they would know they needed to
25 comply with the universal background check law?

1 THE CHAIRWOMAN: Mr. Sloan.

2 DIRECTOR SLOAN: Thank you, Madam Chair.

3 Representative Gardner, I'm not qualified to
4 answer that. I'm not an armor and -- I am just not
5 qualified to answer that question as to when it becomes
6 officially a firearm.

7 THE CHAIRWOMAN: Okay. Thank you, Mr. Sloan.

8 And, members, we have a motion on the table.

9 The motion has been seconded.

10 Mr. Harper, please call the roll.

11 MR. HARPER: Representative DelGrosso.

12 REPRESENTATIVE DelGROSSO: I just want to thank
13 the sponsors for bringing this bill today. I mean, I -- I
14 get what you're -- you're trying to address a problem and
15 -- and I -- I know you guys have been working hard on this
16 bill.

17 But I can't support this bill today because,
18 when I read through this and I look at how it's going to be
19 -- try to be implemented, I don't see how it's enforceable.

20 Let's say we're two guys out hunting and a game
21 warden sees us swap guns. Are you guys selling these guns?
22 How are you going to be able to prove who owned what gun?

23 There's -- this is not enforceable. I think
24 that this could have severe impacts with the appropriations
25 committee. I think that we're not factoring in the amount

1 of lawsuits that we could see as a result of this as far as
2 people trying to prove who owns what. I think this is just
3 opening us up for a lot of litigation.

4 So with that, I'll be a no.

5 MR. HARPER: Representative Dore.

6 REPRESENTATIVE Dore: Sponsors, thanks for
7 bringing this legislation. I -- I commend you for trying
8 to address problems that we do have in our state.

9 But I think this -- this legislation gives me a
10 lot of anxiety. I feel it's a burden on law-abiding
11 citizens, it's unnecessary and insignificant, and I will be
12 a no vote.

13 MR. HARPER: Representative Gardner.

14 REPRESENTATIVE GARDNER: I'm -- I'm having
15 trouble with the microphone here.

16 THE CHAIRWOMAN: And, Representative Gardner,
17 you will have one minute to state your -- to announce your
18 vote.

19 REPRESENTATIVE GARDNER: Thank you, Madam
20 Chair.

21 And in that minute, I will say that I -- I,
22 frankly, am concerned and upset that this debate has been
23 curtailed. Many of you know of my work in former Soviet
24 block countries where it's been hard to reach democracy,
25 and one of the things that happens there and continues to

1 happen as really an impediment to democracy is the ruling
2 party shutting off debate altogether, finding ways to
3 silence people. And I feel that's what happened here this
4 morning by shutting it off.

5 As a consequence, it is incredibly unfortunate
6 that we are going to have to have a debate that will not be
7 best on the floor, but we will do so. And so for that
8 reason, among others of public policy, I vote no.

9 THE CHAIRWOMAN: Okay. With four seconds to
10 spare, very good.

11 MR. HARPER: Representative Gerou.

12 REPRESENTATIVE GEROU: Representatives, I
13 appreciate your work. I -- I think you care very much
14 about the people in Colorado, and I do too.

15 A lot of what we do in the legislature when we
16 run bills, my biggest fear is unintended consequences. And
17 during the short time of our conversation this morning,
18 there is a very glaring unintended consequence of this
19 legislation.

20 I don't think it will serve the end result that
21 you want it to serve. I think, if it were constructed
22 differently, I would feel differently about it, but with
23 respect, I'm a no.

24 MR. HARPER: Representative Hamner?

25 REPRESENTATIVE HAMNER: Yes.

1 MR. HARPER: Representative LABUDA?

2 REPRESENTATIVE LABUDA: Yes.

3 MR. HARPER: Representative Pabon.

4 REPRESENTATIVE PABON: This bill naturally
5 engenders vigorous debate, and it should, and I look
6 forward to standing shoulder to shoulder with the sponsors
7 to defend this bill on the floor.

8 Yes.

9 MR. HARPER: Representative Singer?

10 REPRESENTATIVE SINGER: Yes.

11 MR. HARPER: Representative Sonnenberg?

12 REPRESENTATIVE SONNENBERG: I struggle with the
13 fiscal note here. I don't know how we make the assertion
14 that there will be 200,000 private sales. I don't know
15 what the number of people that have guns in Colorado are.
16 I know that is a small number if 10 percent probably sell a
17 gun.

18 My bigger concern, however, is that the only
19 people that will comply with this are law-abiding citizens.
20 You had stated earlier the criminals aren't going to -- or
21 you are trying to keep criminals -- or guns out of
22 criminals' hands, and I appreciate that, but I don't see a
23 criminal going to a federal gun dealer and paying his 10
24 bucks to register. I appreciate your intent, but this
25 doesn't get us anywhere close.

1 So I have to be a no.

2 MR. HARPER: Representative Tyler.

3 REPRESENTATIVE TYLER: Yes.

4 MR. HARPER: Representative Young?

5 REPRESENTATIVE YOUNG: Yes.

6 MR. HARPER: Representative Duran?

7 REPRESENTATIVE DURAN: You know, I love being a
8 legislator in the state of Colorado because every bill that
9 is introduced gets a hearing, and we've taken many, many
10 hours to look at this issue. There's no smoke-filed
11 backroom deals that are being made. We do everything in
12 the eye of the public.

13 And I want to thank the members of the committee
14 this morning who respected the process and made sure that
15 their questions were to the fiscal issues, as this
16 committee is deemed with working on.

17 And I will be a yes. I do believe that this is
18 necessary and look forward to having further debate with
19 you on the floor concerning the substance of the bill.

20 MR. HARPER: Madam Chair.

21 THE CHAIRWOMAN: And the Chair votes yes.

22 That bill passes on a vote of eight to five.

23 Committee, we are adjourned. We will be back
24 here at 7:30 tomorrow morning for the rest -- for the
25 agenda of bills that are already on the calendar, and they

1 are expecting us on the floor.

2 Representative Sonnenberg.

3 REPRESENTATIVE SONNENBERG: That was a
4 question?

5 THE CHAIRWOMAN: Yes.

6 REPRESENTATIVE SONNENBERG: We are going to the
7 floor?

8 THE CHAIRWOMAN: We are going to the floor.

9 Thank you.

10 UNIDENTIFIED SPEAKER: Thank you.

11 (Whereupon, the recording was concluded.)

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CERTIFICATE

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

I, Elissa Steen, Registered Professional Reporter and Notary Public in and for the State of Colorado, do hereby certify that this transcript was taken in shorthand by me from an audio recording and was reduced to typewritten form by computer-aided transcription; that the speakers in this transcript were identified by me to the best of my ability and according to the introductions made and written materials provided; that the foregoing is a true transcript of the proceedings had; that I am not attorney, nor counsel, nor in any way connected with any attorney or counsel for any of the parties to said action or otherwise interested in its event.

IN WITNESS WHEREOF, I have hereunto affixed my hand and notarial seal this 21st day of June, 2013.

Registered Professional Reporter
and
Notary Public