



COLORADO CATTLEMEN'S ASSOCIATION

## 2010 Second Regular Legislature Session of the Sixty-Seventh General Assembly CCA Tracking List

(Bills listed by house and number)

Last updated: March 9, 2010

\* CAPITALIZED TEXT and ~~strickethrough~~ text within summary indicates amendments

### Senate Bills

#### **SB 10-004: White (None)**

#### **CONCERNING THE REPEAL OF THE INCREASED PENALTIES FOR LATE VEHICLE REGISTRATION ENACTED BY SENATE BILL 09-108.**

Effective July 1, 2010:

- **Section 2** of the bill repeals the mandatory late vehicle registration fee of \$25 per month up to a maximum of \$100 enacted by Senate Bill 09-108 and reinstates the waivable fee of up to \$10 that was in effect prior to the enactment of Senate Bill 09-108.
- **Section 5** of the bill repeals the supplemental unregistered vehicle fine of \$25 per month up to a maximum of \$100 enacted by Senate Bill 09-108 that is imposed on a person who is convicted of a misdemeanor for knowingly failing to register a vehicle within 90 days of becoming a Colorado resident.

**Sections 1, 3, 4, and 6** of the bill make conforming amendments.

**Committee Assignments:** State, Veterans & Military Affairs

**Status:** 01/13/2010 Introduced In Senate - Assigned to State, Veterans & Military Affairs

01/27/2010 Senate Committee on State, Veterans & Military Affairs Witness Testimony and/or Committee Discussion Only

**CCA Position:** Monitor

*NOTES:* STATE and LOCAL FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/BE499E8A4E49450B872576A8002A5589?Open&file=004\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/BE499E8A4E49450B872576A8002A5589?Open&file=004_01.pdf)

**SB 10-027: Sandoval (Roberts)**

**CONCERNING A FINE FOR THE UNAUTHORIZED DIVERSION OF SURFACE WATER.**

The bill subjects a person who illegally diverts surface water to the same \$500-per-day fine that currently applies to illegal diversions of groundwater.

**Committee Assignments:** Agriculture and Natural Resources

**Status:** 01/13/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources  
01/28/2010 Senate Committee on Agriculture and Natural Resources Refer Amended to Appropriations  
02/05/2010 Senate Committee on Appropriations Refer Unamended to Senate Committee of the Whole  
02/09/2010 Senate Second Reading Laid Over Daily  
02/12/2010 Senate Second Reading Passed with Amendments  
02/15/2010 Senate Third Reading Passed  
02/17/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

**CCA Position:** Support

*NOTES:* STATE FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/5D4B01C248256FA4872576A80027B17B?Open&file=027\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/5D4B01C248256FA4872576A80027B17B?Open&file=027_01.pdf)

**SB 10-034: Whitehead (Looper)**

**CONCERNING THE ADMINISTRATION OF LAWS REGULATING PESTICIDES, AND, IN CONNECTION THEREWITH, AMENDING THE "PESTICIDE ACT" TO AUTHORIZE THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE TO INSPECT REFILLERS, IMPOSE RESIDUE REMOVAL AND RECORD-KEEPING REQUIREMENTS, AND SET EXPIRATION DATES FOR PESTICIDE AND DEVICE REGISTRATIONS BY RULE.**

According to new requirements for pesticide containers and containments under the "Federal Insecticide, Fungicide, and Rodenticide Act" (FIFRA), a state with primary enforcement responsibility for pesticide use must have authority over establishments that refill pesticide containers to ensure compliance with the FIFRA. In order to meet this requirement, the bill amends the state "Pesticide Act" (state act) as follows:

- **Section 1** of the bill includes refilling pesticides among the regulated activities mentioned in the legislative declaration;
- **Section 2** defines the terms "refillable container", "refiller", and "refill";
- **Section 3** grants the state department of agriculture (department) jurisdiction in all matters pertaining to removal of pesticide residue from containers;
- **Section 12** requires pesticide refillers to comply with record-keeping and reporting regulations specified by the commissioner of the department of agriculture (commissioner) by rule;
- **Section 13** requires pesticide refillers to comply with residue removal requirements promulgated by the commissioner; and
- **Section 16** declares certain acts by pesticide refillers to be unlawful.

In addition to the provisions regarding refillers, various provisions of the state act are amended as follows:

- ~~**Section 2** of the bill defines the term "federal act" to mean the FIFRA;~~

- **Section 4** authorizes the commissioner to exempt, in accordance with the FIFRA, certain pesticides from the registration requirement;
- **Section 5** allows the commissioner to waive the requirement that a person applying to register a pesticide list all inert ingredients in the application;
- **Sections 5 and 9** require the commissioner to set by rule the date on which registrations of pesticides and devices, respectively, expire;
- **Sections 6 and 8** repeal redundant provisions stating that applicants must pay a penalty fee when cease-and-desist orders are issued for distribution of an unregistered pesticide or unregistered device, respectively;
- **Section 7** clarifies that the confidentiality provisions in the state act apply only to inert ingredients;
- **Section 10** allows an expired pesticide registration to be renewed within the 2-year period following the date of the registration's expiration, rather than the date the registration was issued;
- **Sections 10 and 11** require applications for renewal of pesticide and device registrations or pesticide dealer licenses, respectively, to be received, rather than postmarked, by the date specified by the commissioner;
- **Section 11** clarifies that, if an application for renewal of a pesticide dealer license is not timely received, the license shall not be renewed and the dealer must apply for a new license;
- **Section 14** amends an incorrect citation to federal rules; and
- **Section 15** ~~adds to~~ *removes from* the list of unlawful acts making a false statement by ~~any person~~ *a pesticide dealer* on an invoice, record, report, or application required under the state act or under any rule promulgated pursuant to the state act. ~~Section 15 also identifies making such a false statement as a deceptive trade practice under the "Colorado Consumer Protection Act".~~

**Committee Assignments:** Agriculture and Natural Resources

**Status:** 01/13/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources  
 01/27/2010 Senate Committee on Agriculture and Natural Resources Refer Amended to Senate Committee of the Whole  
 02/01/2010 Senate Second Reading Passed with Amendments  
 02/02/2010 Senate Third Reading Passed  
 02/03/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
 03/03/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to House Committee of the Whole  
 03/08/2010 House Second Reading Passed with Amendments  
 03/09/2010 House Third Reading Laid Over Daily

**CCA Position:** Monitor

*NOTES:* NO FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/C4EB1F7210AF530B872576A8002BBFBD?Open&file=034\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/C4EB1F7210AF530B872576A8002BBFBD?Open&file=034_01.pdf)

**SB 10-038: Hodge (Fischer)**

**CONCERNING THE "ORGANIC CERTIFICATION ACT", AND, IN CONNECTION THEREWITH, AUTHORIZING THE COMMISSIONER OF AGRICULTURE TO CONTRACT WITH INDEPENDENT ORGANICS INSPECTORS AND ALTERING THE COMPOSITION OF THE ORGANIC CERTIFICATION ADVISORY BOARD.**

Under current law, the commissioner (commissioner) of the department of agriculture (department) may delegate duties under the "Organic Certification Act" (act) only to employees of the department. This bill allows the commissioner to contract with qualified independent inspectors to conduct inspections under the act. The bill also authorizes the commissioner to promulgate minimum qualifications for those inspectors.

The bill also increases the size of the organic certification advisory board from 9 to 12 members as follows:

- 9 members shall represent certified organic operations;
- 1 member shall be a consumer representing the general public;
- 1 member shall represent the Colorado cooperative extension service; and
- 1 member shall represent the Colorado agricultural experiment station.

**Committee Assignments:** Agriculture and Natural Resources

**Status:** 01/13/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources

01/21/2010 Senate Committee on Agriculture and Natural Resources Refer Unamended - Consent Calendar to Senate Committee of the Whole

01/26/2010 Senate Second Reading Passed

01/27/2010 Senate Third Reading Laid Over Daily

01/28/2010 Senate Third Reading Passed

02/01/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

03/03/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Unamended to Appropriations

**CCA Position:** Monitor

*NOTES:* STATE FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/5CFE2088B8BFFDBF872576A8002A2CFE?Open&file=038\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/5CFE2088B8BFFDBF872576A8002A2CFE?Open&file=038_01.pdf)

**SB 10-044: Lundberg, Kester, King K., Mitchell, Scheffel, Schultheis (Lambert, Baumgardner, McNulty, Murray, Priola, Sonnenberg)**

**CONCERNING THE REPEAL OF STATUTORY CHANGES ENACTED BY SENATE BILL 09-108.**

Effective July 1, 2010:

- **Section 2** of the bill repeals the mandatory late vehicle registration fee of \$25 per month up to a maximum of \$100 enacted by Senate Bill 09-108 and reinstates the waivable fee of up to \$10 that was in effect prior to the enactment of Senate Bill 09-108.
- **Section 5** of the bill repeals the supplemental unregistered vehicle fine of \$25 per month up to a maximum of \$100 enacted by Senate Bill 09-108 that is imposed on a person who is convicted of a misdemeanor for knowingly failing to register a vehicle within 90 days of becoming a Colorado resident.

**Sections 1, 3, 4, and 6** of the bill make conforming amendments.

**Committee Assignments:** State, Veterans & Military Affairs

**Status:** 01/13/2010 Introduced In Senate - Assigned to State, Veterans & Military Affairs

01/27/2010 Senate Committee on State, Veterans & Military Affairs Witness Testimony and/or Committee Discussion Only

**CCA Position:** Monitor

*NOTES:* STATE and LOCAL FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/7404AAA1E46C5201872576A80027EA83?Open&file=044\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/7404AAA1E46C5201872576A80027EA83?Open&file=044_01.pdf)

**SB 10-052: Brophy, Hodge (Curry)**

**CONCERNING THE ABILITY OF THE GROUNDWATER COMMISSION TO ALTER THE BOUNDARIES OF A DESIGNATED GROUNDWATER BASIN.**

Under current law, the groundwater commission (commission) may alter periodically the areas contained in a designated groundwater basin. This bill will allow the commission to revise the boundaries of a designated groundwater basin to omit previously included areas only if the revision would not exclude any wells for which conditional or final permits have been issued.

**Committee Assignments:** Agriculture and Natural Resources

**Status:** 01/13/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources  
01/21/2010 Senate Committee on Agriculture and Natural Resources Refer Amended to Senate Committee of the Whole  
01/26/2010 Senate Second Reading Passed with Amendments  
01/28/2010 Senate Third Reading Passed  
02/01/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
03/03/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Unamended to House Committee of the Whole  
03/08/2010 House Second Reading Laid Over Daily

**CCA Position:** Monitor

*NOTES:* NO FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/E8816E12796818B4872576A80027B7B8?Open&file=052\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/E8816E12796818B4872576A80027B7B8?Open&file=052_01.pdf)

**SB 10-057: Cadman (None)**

**CONCERNING THE REPEAL OF THE INCREASED PENALTY FOR LATE VEHICLE REGISTRATION OF A NONMOTORIZED VEHICLE ENACTED BY SENATE BILL 09-108.**

Effective July 1, 2010, for nonmotorized vehicles only, the bill repeals the mandatory late vehicle registration fee of \$25 per month up to a maximum of \$100 enacted by Senate Bill 09-108 and reinstates the waivable fee of up to \$10 that was in effect prior to the enactment of Senate Bill 09-108.

**Committee Assignments:** State, Veterans & Military Affairs

**Status:** 01/13/2010 Introduced In Senate - Assigned to State, Veterans & Military Affairs  
01/27/2010 Senate Committee on State, Veterans & Military Affairs Witness Testimony and/or Committee Discussion Only

**CCA Position:** Monitor

*NOTES:* STATE and LOCAL FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/457607794ED57F8B872576A80026B6E0?Open&file=057\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/457607794ED57F8B872576A80026B6E0?Open&file=057_01.pdf)

**SB 10-072: Schwartz (Vigil)**

**CONCERNING CREATION OF THE "COLORADO SEED POTATO ACT".**

The bill creates the "Colorado Seed Potato Act" (act), which requires all potato growers who plant potatoes in lots of one or more acres to plant seed potatoes that have been certified by a certifying authority.

"Seed potatoes" are defined in the bill as vegetatively propagated tubers used or intended to be used for potato production. The bill defines the term "certifying authority" as Colorado state university or, for seed potatoes grown outside of Colorado, the duly authorized seed certifying agency of the state, territory, or country of origin. The bill requires imported certified seed potatoes to meet certain minimum standards for certification.

The bill creates the seed potato advisory committee (advisory committee), and describes the composition, terms, and duties of the advisory committee. The bill specifies a sunset date of September 1, 2019, for the advisory committee.

The bill also contains the following exceptions to the certification requirement:

- A potato grower may plant uncertified and untested seed potatoes until January 1, 2012, if the seed potatoes were grown as part of that grower's operations.
- A potato grower may plant uncertified seed potatoes that are one generation from his or her own certified or qualified seed potatoes and have been grown by that grower. Any grower who wishes to plant seed potatoes that are more than one year out from certification must submit the seed stock to the state certifying agency for testing and approval.
- In any year in which the supply of certified or exempt seed potato stock is insufficient, as determined by the commissioner of agriculture (commissioner), growers may apply for permission to plant uncertified seed potatoes pursuant to specified conditions of approval.

Potato growers must comply with certain record-keeping requirements. An independent auditor must perform annual records reviews on 10% of potato growers, selected randomly according to a method established by the commissioner. The commissioner shall select a qualified department of agriculture employee or an independent auditor upon recommendation from the advisory committee.

The bill authorizes the commissioner to investigate and promulgate rules to enforce and administer the act. Civil penalties for violations of the act are specified.

The bill also creates the seed potato cash fund (*fund*), consisting of moneys from fees and civil fines paid under the act. *To implement the act, \$2,959 is appropriated from the fund to the agricultural services division in the department of agriculture. Of that amount, \$905 is appropriated to the department of law for legal services related to the implementation of the bill rendered to the department of agriculture.*

**Committee Assignments:** Agriculture and Natural Resources

**Status:** 01/15/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources

02/04/2010 Senate Committee on Agriculture and Natural Resources Refer Unamended to Appropriations

02/19/2010 Senate Committee on Appropriations Refer Amended to Senate Committee of the Whole

02/23/2010 Senate Second Reading Laid Over Daily

02/24/2010 Senate Second Reading Passed with Amendments

02/25/2010 Senate Third Reading Laid Over Daily

02/26/2010 Senate Third Reading Passed

03/02/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

**CCA Position:** Monitor

*NOTES:* STATE FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/1C6505C0C02D2FB7872576AA007CBCC?Open&file=072\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/1C6505C0C02D2FB7872576AA007CBCC?Open&file=072_01.pdf)

**SB 10-080: Newell, Steadman, Bacon, Gibbs, Hudak, Johnston, Morse, Romer, Sandoval, Tapia, Tochtrop, Williams (Frangas, Todd)**

**CONCERNING ALLOWING COURT-ENTERED CIVIL PROTECTION ORDERS TO INCLUDE DIRECTIVES CONCERNING ANIMALS.**

The bill allows a court-entered civil protection order to restrain a party from threatening, molesting, injuring, killing, taking, transferring, encumbering, concealing, or disposing of any animal owned, possessed, leased, kept, or held by any other party. A court-entered civil protection order may also specify arrangements for possession and care of any animal owned, possessed, leased, kept, or held by any other party. The bill amends the definitions of "abuse of the elderly or of an at-risk adult", "domestic abuse", and "protection order" as necessary to include threats or actions against animals.

**Committee Assignments:** Judiciary

**Status:** 01/15/2010 Introduced In Senate - Assigned to Judiciary  
02/16/2010 Senate Committee on Judiciary Refer Amended to Senate Committee of the Whole  
02/19/2010 Senate Second Reading Passed with Amendments  
2/22/2010 Senate Third Reading Laid Over Daily  
02/24/2010 Senate Third Reading Passed  
02/26/2010 Introduced In House - Assigned to State, Veterans, & Military Affairs

**CCA Position:** Monitor

*NOTES:* NO FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/B20600D170B0A42D872576A8002A88CC?Open&file=080\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/B20600D170B0A42D872576A8002A88CC?Open&file=080_01.pdf)

**SB 10-081: Sandoval (Solano)**

**CONCERNING CREATION OF THE "FARM-TO-SCHOOL HEALTHY KIDS ACT", AND, IN CONNECTION THEREWITH, ESTABLISHING AN INTERAGENCY TASK FORCE TO DEVELOP FARM-TO-SCHOOL PROGRAM POLICIES.**

In order to provide for the development of a state farm-to-school program, which will promote the consumption of nutritional foods provided by state agricultural producers, the bill creates the "Farm-to-School Healthy Kids Act", which establishes the interagency farm-to-school coordination task force (task force). The bill describes the composition and duties of the task force, and sets a future repeal date of December 31, 2013.

**Committee Assignments:** Education

**Status:** 01/15/2010 Introduced In Senate - Assigned to Education  
02/11/2010 Senate Committee on Education Refer Amended to Senate Committee of the Whole  
02/16/2010 Senate Second Reading Laid Over Daily  
02/19/2010 Senate Second Reading Passed with Amendments  
02/24/2010 Senate Third Reading Passed  
02/26/2010 Introduced In House - Assigned to Education  
03/04/2010 House Committee on Education Refer Unamended to House Committee of the Whole

**CCA Position:** Oppose

*NOTES:* STATE REVISED FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/B61242203E488371872576AA00699224?Open&file=081\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/B61242203E488371872576AA00699224?Open&file=081_01.pdf)

**SB 10-098: Tochtrop (Sonnenberg)**

**CONCERNING THE ALLOCATION OF MONEYS TO PROMOTE CONSERVATION OF THE STATE'S NATURAL RESOURCES.**

~~Section 1~~ of the bill directs that, on July 1, 2010, and on or before July 1 of each calendar year thereafter, moneys in the conservation trust fund shall be transferred to the department of agriculture (department) for the purposes of assisting with the funding of state natural resource conservation and noxious weed management efforts.

The amount of moneys to be transferred from the conservation trust fund on an annual basis consists of:

- \$5 million to the conservation district grant fund; and
- \$2.5 million to the noxious weed management fund.

The amounts transferred from the conservation trust fund increase if the interest rate on moneys held in the conservation trust fund increases.

~~Section 3~~ of the bill authorizes the state conservation board (board) to award grant moneys (grant program) out of moneys transferred from the conservation trust fund exclusively to conservation districts to be used for the purpose of implementing and maintaining natural resource conservation efforts. The grant moneys are awarded to conservation districts through a merit-based application process developed and administered by the board. Section 3 of the bill also deletes existing statutory language under which the grant program would be repealed in 2011.

~~Section 5~~ of the bill authorizes the department to award grant moneys out of moneys transferred from the conservation trust fund only to local governments for the purpose of funding programs at the local level to address noxious weed infestations. Requires applications for grant moneys to be made to and reviewed by the state noxious weed advisory committee (committee). Requires the committee to award grant moneys to local governments through a merit-based application process developed and administered by the committee. For any state fiscal year, requires that one half of the moneys transferred to the fund for that year shall be exclusively allocated for grant awards to county governments and the other one half of the moneys transferred shall be allocated to all local governments, including counties. In the discretion of the committee, payment of a grant award may be made at the time of approval of the grant instead of requiring the recipient to incur expenses for reimbursement from a grant award at a later date. Prohibits a local government from receiving grant moneys unless the local government has first created a weed management plan.

~~Section 5~~ of the bill also requires the department to annually prepare a report to the legislative committees of the general assembly exercising jurisdiction over agricultural and natural resource matters describing the moneys received and expended by the board in connection with the grant program.

~~Section 6~~ of the bill requires the board to annually prepare a report to the legislative committees of the general assembly exercising jurisdiction over agricultural and natural resource matters describing the moneys

~~received and expended by the board in connection with the grant program involving natural resource conservation efforts.~~

*Under existing law, counties and certain special districts (eligible entities) are entitled to receive a regular distribution of moneys from the conservation trust fund (CTF). Current law already authorizes eligible entities to cooperate or contract with any other government or political subdivision in connection with the utilization of moneys from the CTF. **Section 2** of the bill explicitly includes conservation districts and local noxious weed control programs among the governments or political subdivisions with which an eligible entity may cooperate or contract in the utilization of such moneys. Section 2 also requires that any moneys utilized by a conservation district or a local noxious weed control program under the bill may only be expended for natural conservation or noxious weed control projects on public lands.*

**Committee Assignments:** Agriculture and Natural Resources

**Status:** 01/20/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources  
02/18/2010 Senate Committee on Agriculture and Natural Resources Refer Amended to Senate Committee of the Whole  
02/23/2010 Senate Second Reading Laid Over Daily  
02/24/2010 Senate Second Reading Passed with Amendments  
02/25/2010 Senate Third Reading Laid Over Daily  
02/26/2010 Senate Third Reading Passed  
03/02/2010 Introduced In House - Assigned to Local Government + Agriculture, Livestock, & Natural Resources  
03/04/2010 House Committee on Local Government Refer Unamended to Agriculture, Livestock, & Natural Resources

**CCA Position:** Monitor

*NOTES:* LOCAL FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/4B478030F5B52AC0872576AA0069313C?Open&file=098\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/4B478030F5B52AC0872576AA0069313C?Open&file=098_01.pdf)

**SB 10-102: Gibbs (Fischer)**

**CONCERNING THE CERTIFICATION OF USERS OF PRESCRIBED FIRE ACCORDING TO STANDARDS ESTABLISHED BY THE COLORADO STATE FOREST SERVICE.**

The bill directs the Colorado state forest service to establish training and certification standards for users of prescribed fire, including certified burner and noncertified burner designations, recommended processes for certified burners to conduct a prescribed fire, recommended organizational structures for prescribed burn operations, training standards for certified burners, and identification of preexisting fees, permit requirements, liabilities, liability exemptions, and penalties for prescribed burn personnel and landowners.

**Committee Assignments:** Agriculture and Natural Resources

**Status:** 01/20/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources  
02/11/2010 Senate Committee on Agriculture and Natural Resources Refer Unamended - Consent Calendar to Senate Committee of the Whole  
02/16/2010 Senate Second Reading Laid Over Daily  
02/19/2010 Senate Second Reading Passed  
02/22/2010 Senate Third Reading Passed  
02/23/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

**CCA Position:** Monitor

*NOTES:* NO FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/F4E0B23E5CF0519A872576A8002A2B7E?Open&file=102\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/F4E0B23E5CF0519A872576A8002A2B7E?Open&file=102_01.pdf)

**SB 10-106: Bacon, Boyd, Newell, Sandoval (Looper)**

**CONCERNING THE CREATION OF A FOOD SYSTEMS ADVISORY COUNCIL.**

The bill creates a 17-member food systems advisory council (council). The executive directors or their designees from the departments of public health and environment, agriculture, human services, education, and local affairs are 5 of the members of the council. The remaining 12 members are appointed by the governor, the president of the senate, the speaker of the house of representatives, the minority leader of the senate, and the minority leader of the house of representatives as outlined in the bill. Those 12 appointive members are representatives of 6 functional areas: Nutrition and health; agricultural production; food wholesalers and food retailers; anti-hunger and food assistance programs; economic development; and local government.

The purposes of the council are to:

- Identify and use existing studies of the food system and examples of best practices, whenever possible;
- Collaborate with other task forces, committees, or organizations with similar purposes;
- Develop local food policies for Colorado that contribute to building robust, resilient, and long-term local food economies;
- Develop policy recommendations regarding hunger and food access;
- Support the efforts of, be a resource to, and receive input from local and regional food policy councils in the state;
- Advise and recommend actions that state and local governments, businesses, agriculture, and consumers can take to build robust, resilient, and long-term local food economies.

The bill lists several policy issues that the council will consider and study. The council may appoint subcommittees in the following areas: Local and regional food councils, local government, and school districts. The council may also appoint other subcommittees.

The council may accept gifts, grants, donations, or federal funds to fund the work of the council. The council will annually report its findings and recommendations, including proposals for legislation or for administrative action, to the general assembly, the governor, and the commissioner of agriculture.

As an advisory committee, the council will undergo a sunset review and be repealed, effective July 1, 2013, unless extended by the general assembly.

**Committee Assignments:** Health and Human Services

**Status:** 01/20/2010 Introduced In Senate - Assigned to Health and Human Services

02/17/2010 Senate Committee on Health and Human Services Refer Amended to Appropriations

**CCA Position:** Oppose

*NOTES:* STATE CONDITIONAL FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/1DD25CDEEC1A4FB0872576A8002A2ECA?Open&file=106\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/1DD25CDEEC1A4FB0872576A8002A2ECA?Open&file=106_01.pdf)

**SB 10-139: Kester (Sonnenberg)**

**CONCERNING THE ADDITION OF A LINE TO COLORADO STATE INDIVIDUAL INCOME TAX RETURN FORMS WHEREBY INDIVIDUAL TAXPAYERS MAY MAKE A VOLUNTARY CONTRIBUTION BENEFITING THE UNWANTED HORSE FUND.**

The bill creates the unwanted horse fund (fund) in the state treasury. For income tax years commencing on or after January 1, 2010, but before January 1, 2013, the bill requires a voluntary contribution designation line for the fund to appear on state individual income tax return forms.

The department of revenue (department) must determine annually the total amount designated to the fund and report that amount to the state treasurer and the general assembly. The state treasurer shall credit that amount to the fund.

Finally, the general assembly must appropriate annually from the fund to the department its costs of administering contributions to the fund. All moneys remaining in the fund at the end of a fiscal year shall be transferred to the Colorado unwanted horse alliance, a Colorado nonprofit organization.

**Committee Assignments:** Agriculture and Natural Resources

**Status:** 02/04/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources

02/17/2010 Senate Committee on Agriculture and Natural Resources Refer Unamended to Appropriations

03/05/2010 Senate Committee on Appropriations Refer Unamended to Senate Committee of the Whole

03/09/2010 Senate Second Reading Laid Over Daily

**CCA Position:** Monitor

*NOTES:* STATE FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/16E277CDCEA76A92872576B1005D421B?Open&file=139\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/16E277CDCEA76A92872576B1005D421B?Open&file=139_01.pdf)

**SB 10-140: Mitchell, Shaffer B., Carroll M., Spence (None)**

**CONCERNING HUMAN TRAFFICKING.**

The bill repeals and relocates, with amendments, provisions relating to trafficking in adults, trafficking in children, and coercion of involuntary servitude. The bill requires proof of the use of force, fraud, or coercion to prove the crime of trafficking in adults or trafficking in children and proof of the use of force or fraud to prove the crime of coercion of involuntary servitude. The bill adds trafficking in adults, trafficking in children, and coercion of involuntary servitude to the list of offenses against the person that qualify as a racketeering activity for the purposes of the "Colorado Organized Crime Control Act". The bill includes conforming amendments.

**Committee Assignments:** Judiciary

**Status:** 02/04/2010 Introduced In Senate - Assigned to Judiciary

02/17/2010 Senate Committee on Judiciary Refer Amended to Senate Committee of the Whole

02/22/2010 Senate Second Reading Laid Over Daily

03/01/2010 Senate Second Reading Passed with Amendments

03/02/2010 Senate Third Reading Laid Over Daily

03/03/2010 Senate Third Reading Passed

03/04/2010 Introduced In House - Assigned to Judiciary

**CCA Position:** Monitor

*NOTES:* STATE FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/293392178941D4F8872576B10054D678?Open&file=140\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/293392178941D4F8872576B10054D678?Open&file=140_01.pdf)

**SB 10-165: Hodge (Hullinghorst)**

**CONCERNING IMPLEMENTATION OF THE INCORPORATION OF OIL AND GAS WELLS INTO THE PRIOR APPROPRIATION SYSTEM.**

House Bill 09-1303 imposed new requirements on oil and gas wells, including permitting by the state engineer and substitute water supply plans. **Section 1** of the bill specifies that, except for coal bed methane wells, no well permit is required if the nontributary ground water being removed will not be beneficially used or beneficially used only for uses allowed under the "Oil and Gas Conservation Act". **Sections 2 and 3** extend the well permitting and substitute water supply plan compliance deadlines for oil and gas wells, including coal bed methane wells, from March 31, 2010, to August 1, 2010.

**Committee Assignments:** Agriculture and Natural Resources

**Status:** 02/05/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources  
02/17/2010 Senate Committee on Agriculture and Natural Resources Refer Amended to Senate Committee of the Whole  
02/19/2010 Senate Second Reading Special Order - Passed with Amendments  
02/22/2010 Senate Third Reading Passed  
02/23/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
03/02/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to House Committee of the Whole  
03/05/2010 House Second Reading Passed with Amendments  
03/08/2010 House Third Reading Passed  
03/09/2010 Senate Considered House Amendments - Result was to Concur – Repass

**CCA Position:** Monitor

*NOTES:* NO FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/BFC8C34A4A5D310B872576BA006A23CA?Open&file=165\\_ren.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/BFC8C34A4A5D310B872576BA006A23CA?Open&file=165_ren.pdf)

**SB 10-177: Schwartz and Gibbs (Scanlan and Loper, Merrifield)**

**CONCERNING THE PROMOTION OF CLEAN ENERGY TECHNOLOGIES.**

**Section 1** of the bill exempts forestry equipment that is used in the production of woody biomass from property taxes, effective July 1, 2013. **Sections 2 through 4** require biomass energy facilities to be valued for the purpose of property taxation in the same manner in which wind or solar energy facilities are valued.

For purposes of consideration by the public utilities commission (PUC) of electric utilities' acquisition of generation capacity, **section 5** biomass, biosolids derived from the treatment of wastewater, and municipal

solid waste in the definition of "new clean energy and energy-efficient technologies". For purposes of renewable energy credits in the renewable energy standard, **section 6**:

- Prohibits the PUC from restricting a qualifying retail utility's ownership of the credits if the qualifying retail utility uses the statutory definitions of eligible energy resources, as clarified by the PUC; and
- Specifies that once a qualifying retail utility enters into a contract that relies on or is affected by the definitions of eligible energy resources, those definitions apply to the contract during its term notwithstanding any subsequent alteration of the definitions, whether by statute or rule.

**Committee Assignments:** Local Government and Energy

**Status:** 03/01/2010 Introduced In Senate - Assigned to Local Government and Energy

**CCA Position:** Pending

*NOTES:* STATE and LOCAL FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/97C0229ED33B43B1872576D600543865?Open&file=177\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/97C0229ED33B43B1872576D600543865?Open&file=177_01.pdf)

## House Bills

**HB 10-1009: Miklosi, Pace, Ryden (Hodge, Carroll M., Tochtrop)**

**CONCERNING THE BOARD OF DIRECTORS OF PINNACOL ASSURANCE.**

**Interim Committee to Study Issues Related to Pinnacol Assurance.** The bill requires 2 employee members of the board of directors of Pinnacol Assurance (board) to be nonmanagement employees. Adds 2 additional members to the board: An injured worker and the executive director of the Colorado department of labor and employment or his or her representative.

The bill increases the per diem for the board members from \$140 to \$250.

The bill requires the board to post the date, time, and location of board meetings on the Pinnacol Assurance web site at least 7 calendar days prior to a meeting. Requires the board to allow reasonable time for public comment at all board meetings.

**Committee Assignments:** Judiciary

**Status:** 01/13/2010 Introduced In House - Assigned to Judiciary

02/04/2010 House Committee on Judiciary Refer Amended to House Committee of the Whole

03/02/2010 House Second Reading Laid Over to 03/08/2010

03/08/2010 House Second Reading Passed with Amendments

03/09/2010 House Third Reading Passed

**CCA Position:** Oppose

*NOTES:* STATUTORY PUBLIC ENTITY FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/61FAD52512CEA621872576A800281E66?Open&file=1009\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/61FAD52512CEA621872576A800281E66?Open&file=1009_01.pdf)

**HB 10-1018: Looper and Primavera, Frangas, McFadyen, Solano (Gibbs, Romer, Williams)**

**CONCERNING INCREASED AUTHORITY TO REGULATE WASTE TIRES.**

**Transportation Legislation Review Committee.** Current law gives several departments authority over fees collected upon the sale of new motor vehicle tires to deal with waste tires. The bill consolidates all such authority in the department of public health and environment (department) and adds requirements for fire prevention planning, registration, decals, and manifests for certain waste tire haulers and waste tire facilities.

**Section 1** of the bill ends the transfer of waste tire fees to the innovative higher education research authority program effective July 1, 2014. **Section 2** repeals the department of local affairs' administration of the waste tire cleanup fund. **Sections 3 and 4** repeal the advanced technology fund and, effective July 1, 2011, end the transfer of waste tire fees to the recycling resources economic opportunity grant program.

**Section 5** repeals and reenacts, with amendments, the law that imposes the \$1.50 waste tire fee, repeals the 3.33% vendors' fee, and allocates the fee as follows:

- Until July 1, 2014, 30.33% to the processors and end users fund and 6.67% to the innovative higher education research fund; after July 1, 2014, 37% to the processors and end users fund;
- 39.66% to the waste tire cleanup fund;
- 6.67% to the waste tire fire prevention fund until July 1, 2011, after which the allocation is increased to 8%;
- 16.67% to the recycling resources economic opportunity fund until July 1, 2011;
- After July 1, 2011, 6.67% to the waste tire market development fund; and
- After July 1, 2011, 8.67% to the law enforcement grant fund.

**Section 6** updates the law regarding the processors and end users fund. **Section 7** recreates the waste tire cleanup fund, creates the waste tire fire prevention fund, and creates the waste tire market development fund. Sections 6 and 7 also increase the maximum reimbursements to processors and end users from \$50 to \$65 per ton of waste tires.

**Sections 8 and 9** update the law regarding waste tire haulers to require decals on hauling vehicles and the completion and retention of manifests. Section 9 also prohibits a person from hauling more than a quantity of waste tires in excess of a limit established by rule by the solid and hazardous waste commission (commission) unless the person is registered.

**Section 10** creates several new sections of law that:

- Specify requirements for decals and manifests;
- Require the registration of waste tire facilities;
- Require, as a condition of maintaining their registration, that waste tire monofills submit to the department a waste tire inventory reduction plan and that certain waste tire facilities process 75% of the 3-year rolling annual average amount of waste tires accepted by that facility each year;
- Impose requirements relating to financial responsibility for closure and reclamation of waste tire facilities;
- Establish fees, give the commission general rule-making authority regarding waste tires, and identify enforcement authorities;
- Create a waste tire advisory committee; and
- Create a waste tire fund, used for the department's costs in administering the program.

**Section 11** directs the department of regulatory agencies to conduct a sunset review of the waste tire advisory committee prior to the committee's repeal on July 1, 2020.

**Section 12** conforms the definition of "waste tire" in the solid waste statute to that in the waste tire fee statute. **Section 13** specifies that sales tax is not assessed when the waste tire fee is collected upon the sale of a new tire.

**Committee Assignments:** Transportation & Energy

**Status:** 01/13/2010 Introduced In House - Assigned to Transportation & Energy  
02/02/2010 House Committee on Transportation & Energy Refer Amended to Appropriations

**CCA Position:** Monitor

*NOTES:* STATE and LOCAL REVISED FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/7784B05BFFF2A17A872576A80026AF6B?Open&file=1018\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/7784B05BFFF2A17A872576A80026AF6B?Open&file=1018_01.pdf)

**HB 10-1101: Baumgardner (None)**

**CONCERNING THE REGISTRATION OF A VEHICLE USED FOR AGRICULTURAL PRODUCTION.**

Currently, a county clerk may require that a person demonstrate that the person's primary business is agriculture to register a motor vehicle as a farm truck. The bill exempts people who use at least 100 acres for agricultural production from this requirement to register a farm truck.

**Committee Assignments:** Transportation & Energy, Appropriations

**Status:** 01/14/2010 Introduced In House - Assigned to Transportation & Energy + Appropriations  
02/23/2010 House Committee on Transportation & Energy Refer Amended to Appropriations  
03/05/2010 House Committee on Appropriations Refer Unamended to House Committee of the Whole

**CCA Position:** Monitor

*NOTES:* STATE and LOCAL REVISED FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/970648370F4461C5872576A8002A2CB0?Open&file=1101\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/970648370F4461C5872576A8002A2CB0?Open&file=1101_01.pdf)

**HB 10-1107: Fischer, Ferrandino, Hullinghorst, Pommer (Carroll M., Tochtrop)**

**CONCERNING LIMITATIONS ON THE INCLUSION OF AGRICULTURAL LANDS WITHIN URBAN RENEWAL AREAS.**

**Section 3** of the bill prohibits any area that has been designated as an urban renewal area from containing any agricultural land unless:

- The agricultural land is a brownfield site as designated by the United States environmental protection agency;
- The area containing the agricultural land is at least two-thirds contiguous with urban-level development and at least one-half of the area consists of urban-level development that is determined to constitute a slum or blighted area;
- The agricultural land is an enclave within the territorial boundaries of a municipality and the entire perimeter of the enclave has been contiguous with urban-level development for a period of not less than 3 years;
- Each public body that levies an ad valorem property tax on the agricultural land agrees in writing to the inclusion of the agricultural land within the urban renewal area; or
- The agricultural land was included in an approved urban renewal plan prior to the effective date of the bill.

In addition, section 3 of the bill:

- Where agricultural land is included within an urban renewal area under the conditions specified in the bill, requires the county assessor to value the agricultural land at its fair market value solely for determining the base amount of taxes to be paid to the public bodies without consideration of the tax increment. Nothing in the bill affects the actual classification of agricultural land for property tax purposes.
- Expands the grounds allowing counties to challenge information contained in urban renewal impact reports.
- Permits the required agreement to be entered into by or among the municipality and urban renewal authority and county taxing entities in the case of tax increment financing to provide for a waiver of certain requirements under the urban renewal law.

**Section 4** of the bill requires urban renewal plans to include a legal description of the urban renewal area, including the legal description of any agricultural land proposed for inclusion within the urban renewal area pursuant to the conditions specified in the bill.

**Section 5** of the bill provides that, not later than 30 days after the municipality has provided the county assessor notice that the urban renewal plan contains tax increment financing provisions, the assessor may provide written notice to the municipality if the assessor believes that agricultural land has been improperly included in the urban renewal area under the conditions specified in the bill. If the notice is not delivered within the 30-day period, the inclusion of the land in the urban renewal area as described in the urban renewal plan shall be incontestable in any suit or proceeding notwithstanding the presence of any cause. If the assessor provides written notice to the municipality within the 30-day period, the municipality may file an action in state district court for an order determining whether the inclusion of the land in the urban renewal area is consistent with one of the conditions specified in the bill and shall have an additional 30 days from the date it receives the notice in which to file the action. If the municipality fails to file such an action within the additional 30-day period, the urban renewal area shall not include the agricultural land.

**Committee Assignments:** Agriculture, Livestock, & Natural Resources

**Status:** 01/15/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
02/05/2010 House Second Reading Passed with Amendments  
02/08/2010 House Third Reading Passed  
02/12/2010 Introduced In Senate - Assigned to State, Veterans & Military Affairs  
03/02/2010 Senate Committee on State, Veterans & Military Affairs Witness Testimony and/or Committee Discussion Only  
03/08/2010 Senate Committee on State, Veterans & Military Affairs Refer Amended to Senate Committee of the Whole

**CCA Position:** Monitor

*NOTES:* STATE and LOCAL FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/6FC51563D89C3AA4872576A8002A2965?Open&file=1107\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/6FC51563D89C3AA4872576A8002A2965?Open&file=1107_01.pdf)

**HB 10-1113: McFadyen, Sonnenberg, Vaad (Hodge, Kester)**

**CONCERNING THE MODIFICATION OF AGENCIES THAT PERFORM OVERSIGHT OF THE COMMERCIAL VEHICLE INDUSTRY THROUGH A TRANSFER OF THE PORTS OF ENTRY SECTION IN THE DEPARTMENT OF REVENUE TO THE COLORADO STATE PATROL IN THE DEPARTMENT OF PUBLIC SAFETY BY A TYPE 2 TRANSFER.**

Currently, port of entry weigh stations are operated by the department of revenue. The bill transfers the ports of entry section by a **type 2** transfer from the department of revenue to the Colorado state patrol in the department of public safety.

The **type 2** transfer will transfer all port of entry statutory authority, powers, duties, personnel, property, funding, budgeting, purchasing, and planning from the department of revenue to the Colorado state patrol.

The motor carrier services division of the department of revenue remains responsible for personnel and facilities dealing with motor vehicle registrations, while the Colorado state patrol is responsible for enforcement-related and certain permit-related functions at port of entry weigh stations.

**Committee Assignments:** Transportation & Energy

**Status:** 01/15/2010 Introduced In House - Assigned to Transportation & Energy

03/04/2010 House Committee on Transportation & Energy Refer Amended to Appropriations

**CCA Position:** Support

*NOTES:* STATE FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/CA079614D62205AB872576A8002BC09E?Open&file=1113\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/CA079614D62205AB872576A8002BC09E?Open&file=1113_01.pdf)

### **HB 10-1123: Sonnenberg (Renfroe)**

#### **CONCERNING CONTROLLED AGRICULTURAL BURNS IN ARSON CASES.**

The bill states that it is not a *fourth degree* arson offense if the person started *and maintained* a fire as a controlled agricultural burn in a reasonably cautious manner and there was no personal injury as a result.

**Committee Assignments:** Judiciary

**Status:** 01/15/2010 Introduced In House - Assigned to Judiciary

02/22/2010 House Committee on Judiciary Refer Amended to House Committee of the Whole

02/25/2010 House Second Reading Passed with Amendments

02/26/2010 House Third Reading Passed

03/01/2010 Introduced In Senate - Assigned to Judiciary

**CCA Position:** Support

*NOTES:* NO FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/34B34FD08AB9CE58872576AA00693201?Open&file=1123\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/34B34FD08AB9CE58872576AA00693201?Open&file=1123_01.pdf)

### **HB 10-1124: McKinley (None)**

#### **CONCERNING LAWS RELATED TO ANIMAL WELFARE.**

The bill makes various changes regarding animal welfare laws. **Section 1** identifies a person engaged in animal control for a local governmental entity as a peace officer and specifies that the person's authority is limited to enforcement of ordinances and resolutions related to pet animal control.

**Section 2** allows conviction of an offense of cruelty to animals or any felony or crime of moral turpitude to be used as grounds for denial of employment in local animal control or as an animal protection agent in the bureau of animal protection (agent).

**Section 3:**

- Grants a court discretion to waive the bond requirement for indigent owners of impounded animals;
- Requires courts to hear matters related to animal impoundment on an expedited basis;
- Requires the bonds paid by an owner of an animal impounded in connection with a charge or investigation of an animal-related offense to be refunded, or the entire amount of the proceeds from sale of the animal to be forwarded, to the owner if the owner is not convicted of the charges; and
- Applies the Colorado rules of civil procedure to impoundment hearings, establishes a clear and convincing standard of proof for such proceedings, and prohibits testimony given by the owner or custodian of an impounded animal from being admitted in any subsequent criminal prosecution.

**Section 4** requires nongovernmental entities that contract with counties to enforce pet animal control regulations to make certain information available for public inspection.

**Section 5:**

- Limits the authority of animal control officers to enforcement of laws concerning pet animals;
- Requires persons engaged in animal control to undergo a criminal history record check prior to such engagement;
- Requires personnel engaged in pet animal control by local governments to carry picture identification and to produce the identification upon request by any interested person;
- Requires animal control officers engaged on and after January 1, 2011, to undergo, at a minimum, the same training as is required for an agent prior to being so engaged; and
- Declares the imposition of minimum standards for persons engaged in animal control to be a valid exercise of the state police power and a matter of statewide concern.

**Sections 6 and 11** relocate provisions describing the scope of the "Animal Protection Act" (act).

**Section 7:**

- Specifies the minimum qualifications and recommendations for, respectively, an agent enforcing the act or animal control officer;
- Requires the commissioner of the Colorado department of agriculture (commissioner) to revoke or refuse to renew the commission of any agent convicted of an offense of cruelty to animals or other felony or crime of moral turpitude;
- Increases from \$100,000 to \$1,000,000 the minimum amount of liability insurance that animal protection agents who are agents of nonprofit corporations are required to carry;
- Restricts the scope of authority of agents to enforcement of laws related to animal care, welfare, and protection; and
- Requires agents of the Colorado bureau of animal protection and personnel engaged in pet animal control by local governments to carry picture identification and to produce the identification upon request by any interested person.

**Section 8** requires an agent to undergo a criminal history record check before being commissioned to enforce the act, and prohibits the commissioner from appointing a person convicted of an offense of cruelty to animals after the commissioner's review of the person's criminal history record check.

**Section 9** repeals the requirement that the animal of an owner adjudged to be able to adequately provide for the animal and fit to care for the animal not be returned to the owner until the owner pays the costs of the food, shelter, and care of the animal during the pendency of the matter.

**Section 10** requires the commissioner to obtain a search warrant from a court of competent jurisdiction before conducting a search of private property for purposes of the act.

**Section 12** clarifies that the dangerous dog registry is open to public inspection.

**Committee Assignments:** Agriculture, Livestock, & Natural Resources

**Status:** 01/15/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
02/03/2010 House Committee on Agriculture, Livestock, & Natural Resources Witness Testimony  
and/or Committee Discussion Only  
02/09/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to  
Appropriations  
02/19/2010 House Committee on Appropriations Refer Amended to House Committee of the Whole  
02/22/2010 House Second Reading Laid Over to 02/26/2010  
02/26/2010 House Second Reading Lost with Amendments

**CCA Position:** Monitor

*NOTES:* STATE and LOCAL REVISED FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/AE3F0230EBDC04F5872576A8002A2B63?Open&file=1124\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/AE3F0230EBDC04F5872576A8002A2B63?Open&file=1124_01.pdf)

**HB 10-1165: Merrifield (Tapia)**

**CONCERNING THE AUTHORITY OF THE STATE BOARD OF LAND COMMISSIONERS  
REGARDING STATE LAND.**

**Section 2** of the bill allows the state board of land commissioners (board) to convey land to units of local government if the conveyance would add value to adjoining or nearby state trust property, benefit board operations, or comply with local land use regulations.

**Sections 3 and 4** credit all financial warranties collected by the board that have been forfeited or are required for remediation activities to the newly created financial warranty account of the state land board trust administration fund and continuously appropriate the warranties for the remediation or other activities on the affected property.

**Committee Assignments:** Local Government

**Status:** 01/22/2010 Introduced In House - Assigned to Local Government  
02/09/2010 House Committee on Local Government Refer Amended to House Committee of the Whole  
02/19/2010 House Second Reading Passed with Amendments  
02/22/2010 House Third Reading Passed  
02/24/2010 Introduced In Senate - Assigned to Local Government and Energy

**CCA Position:** Oppose.

*NOTES:* STATE and LOCAL FISCAL IMPACT

Need to remove bonding, sell in a competitive bid process and previous lessee must be reimbursed for improvements.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/A938783A1CEF200D872576A8002A2B97?Open&file=1165\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/A938783A1CEF200D872576A8002A2B97?Open&file=1165_01.pdf)

**HB 10-1167: Peniston, Vaad, Primavera (Kopp)**

**CONCERNING THE REGULATION OF INTRASTATE MOTOR CARRIERS OF PROPERTY FOR  
HIRE, AND, IN CONNECTION THEREWITH, CONFORMING STATE LAW IN RESPONSE TO**

**FEDERAL PREEMPTION AND GRANTING PORTS OF ENTRY ADDITIONAL AUTHORITY TO ENFORCE INSURANCE AND SAFETY PROVISIONS.**

Recent changes to federal law preempted the state's authority over property carriers by motor vehicle, subject to limited exceptions for safety and insurance requirements. Last year's H.B. 09-1244 curtailed the authority of the public utilities commission over property carriers generally, but did not contain specific provisions for movers and other carriers previously subject to limited or special treatment within the motor vehicle statutes.

The bill:

- Makes conforming amendments as required to apply H.B. 09-1244 to these special cases; and
- Grants enforcement authority to the ports of entry within the department of revenue to check for valid insurance.

**Committee Assignments:** Transportation & Energy

**Status:** 01/22/2010 Introduced In House - Assigned to Transportation & Energy

02/25/2010 House Committee on Transportation & Energy Refer Unamended to House Committee of the Whole

03/01/2010 House Second Reading Laid Over Daily

03/02/2010 House Second Reading Passed

03/03/2010 House Third Reading Passed

03/09/2010 Introduced In Senate - Assigned to Transportation

**CCA Position:** Monitor

*NOTES:* NO FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/801DBBD7B909B588872576A80026AE5C?Open&file=1167\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/801DBBD7B909B588872576A80026AE5C?Open&file=1167_01.pdf)

**HB 10-1169: McKinley, Carroll T. (None)**

**CONCERNING A PERPETUAL CONSERVATION EASEMENT IN GROSS FOR WHICH A STATE INCOME TAX CREDIT IS CLAIMED.**

Under current law, a state income tax credit is allowed for a portion of the value of a perpetual conservation easement that is granted by a taxpayer on real property located in Colorado. The executive director of the department of revenue (executive director) is authorized to review the appraisal supporting the valuation of an easement and to reject the value of the easement and the amount of the credit claimed in certain circumstances.

The bill restricts the ability of the executive director to contest an appraisal and credit claimed for an easement donated prior to January 1, 2008, unless the valuation has been disallowed by the internal revenue service on or before July 31, 2010, or the valuation is supported solely by an appraisal from an appraiser convicted of fraud or misrepresentation prior to January 1, 2011, in connection with preparing the appraisal.

**Committee Assignments:** Finance

**Status:** 01/22/2010 Introduced In House - Assigned to Finance

**CCA Position:** Monitor

*NOTES:* STATE FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/3B9D38DD6798B228872576B0006DD014?Open&file=1169\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/3B9D38DD6798B228872576B0006DD014?Open&file=1169_01.pdf)

**HB 10-1172: Bradford, Nikkel, Sonnenberg, Tipton (None)**

**CONCERNING THE REGISTRATION OF MOBILE MACHINERY IN ORDER TO PAY SPECIFIC OWNERSHIP TAX.**

**Section 1** makes stylistic changes to clarify the definition of special mobile machinery. **Section 5** deems farm equipment meeting the definition of special mobile machinery to be Class F personal property if the equipment is used for a purpose other than agricultural production. **Section 6** prohibits affixing a prorated registration sticker to special mobile machinery unless it is registered, prohibits the operation of such machinery unless it is registered, and grants a credit for taxes paid to the owner who converts a vehicle to special mobile machinery.

**Section 7** creates a demonstration plate to be used by people who sell special mobile machinery and sets the fee for the plate. A violation of the demonstration plate requirements is a class 2 misdemeanor. **Section 8** requires a person who sells special mobile machinery to notify the buyer that the owner should register the machinery. **Section 16** authorizes owners to obtain a temporary registration similar to the temporary registration for motor vehicles.

The remaining sections of the bill contain conforming amendments.

**Committee Assignments:** Transportation & Energy

**Status:** 01/22/2010 Introduced In House - Assigned to Transportation & Energy

02/25/2010 House Committee on Transportation & Energy Refer Amended to Appropriations

**CCA Position:** Monitor

*NOTES:* STATE and LOCAL FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/65F82EB1FA58F229872576AB007FD910?Open&file=1172\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/65F82EB1FA58F229872576AB007FD910?Open&file=1172_01.pdf)

**HB 10-1188: Curry, Fischer, Labuda, Massey, Scanlan (Hodge, Gibbs, Heath, Tochtrop)**

**CONCERNING CLARIFICATION OF THE SCOPE OF THE EXISTING RIGHT OF NAVIGATION OF GUIDES EMPLOYED BY RIVER OUTFITTERS.**

Current law is unclear regarding the scope of the existing right of navigation. **Section 1** of the bill recognizes that the state's adoption of the common law of England established the right of navigation. **Section 2:**

- Clarifies that a guide employed by a licensed river outfitter and the guide's passengers may float on *the particular segments of waterways that have historically been were used during 2008 or 2009* for commercial float trips without committing civil or criminal trespass if they gain access to the waterway from public land or from private land with consent and make only incidental contact with the beds and banks of the waterway while floating and portaging;
- Limits a landowner's liability to such persons to damages willfully or deliberately caused by the landowner unless the person is an invitee or licensee of the landowner;
- Specifies that such a person who damages private property is liable for the damage; and
- Specifies that nothing in the law regulating river outfitters affects *water rights, creates a public trust in the state's waters, or affects ownership of the beds or banks of the state's waters.*

*Section 3 requires river outfitters' vessels to be clearly marked with the river outfitter's name and license number. Section 4 makes a conforming and clarifying amendment to the criminal trespass statute.*

**Committee Assignments:** Judiciary

**Status:** 01/22/2010 Introduced In House - Assigned to Judiciary  
02/08/2010 House Committee on Judiciary Refer Amended to House Committee of the Whole  
02/11/2010 House Second Reading Laid Over Daily  
02/12/2010 House Second Reading Special Order - Passed with Amendments  
02/15/2010 House Third Reading Laid Over Daily  
02/16/2010 House Third Reading Passed  
03/02/2010 Introduced In Senate - Assigned to Judiciary

**CCA Position:** Oppose

NOTES: NO FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/4FD1374D97E6422B872576AA00693103?Open&file=1188\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/4FD1374D97E6422B872576AA00693103?Open&file=1188_01.pdf)

**HB 10-1197: Ferrandino (Heath)**

**CONCERNING A DECREASE IN THE MAXIMUM AMOUNT OF A STATE INCOME TAX CREDIT THAT MAY BE CLAIMED FOR THE DONATION OF A CONSERVATION EASEMENT IN GROSS.**

*Under current law, agricultural land that becomes subject to a conservation easement can continue to be valued as agricultural land for property tax purposes; however, any portion of the land that is used for residential purposes will be valued as residential property. The bill would specify that land used for residential purposes would continue to be valued as agricultural land unless it is used for nonagricultural residential purposes.*

Taxpayers are currently allowed to claim a state income tax credit for donating a conservation easement. The amount of the credit is equal to 50% of the fair market value of the easement, with a cap of \$375,000 for each easement. The bill reduces the amount of the cap to \$135,000 for donations made on or after January 1, 2011 limits the aggregate amount of credits that can be claimed by all taxpayers to \$26 million for each of the 2011, 2012, and 2013 income tax years. Taxpayers are required to first submit a claim for a tax credit to the division of real estate and the division is required to issue certificates in the order the claims were received. If the claims for certificates exceed \$26 million during an income tax year, the excess claims are placed on a wait list and certificates for the claims are issued for use in the 2012 or 2013 tax years. The division is authorized to promulgate rules for the issuance of the certificates.

**Committee Assignments:** Appropriations

**Status:** 01/22/2010 Introduced In House - Assigned to Finance  
01/22/2010 Introduced In House - Assigned to Finance  
01/27/2010 House Committee on Appropriations Refer Unamended to Finance  
01/29/2010 House Committee on Finance Refer Amended to House Committee of the Whole  
01/29/2010 House Second Reading Re-referred w/Amend. to Appropriations  
02/05/2010 House Committee on Appropriations Refer Unamended to House Committee of the Whole  
02/10/2010 House Second Reading Passed with Amendments  
02/11/2010 House Third Reading Laid Over Daily  
02/12/2010 House Third Reading Passed  
02/19/2010 Introduced In Senate - Assigned to Finance

**CCA Position:** Oppose

*NOTES:* STATE REVISED FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/E73B51BE288E930D872576A80026BDD5?Open&file=1197\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/E73B51BE288E930D872576A80026BDD5?Open&file=1197_01.pdf)

**HB 10-1205: Ryden, Todd (Spence, Williams)**

**CONCERNING LAND USE PLANNING BY LOCAL GOVERNMENTS TO ADDRESS THE IMPACTS OF LAND USE DEVELOPMENT UPON MILITARY INSTALLATIONS IN CLOSE PROXIMITY TO SUCH GOVERNMENTS.**

The bill modifies statutory provisions relating to the land use planning by county and municipal governments to address the impacts of military installations. **Section 1** of the bill adds military installations to the list of key facilities that are considered areas of state interest for purposes of statutory provisions governing areas and activities of state interest (HB 1041 powers). "Military installation" is defined in **section 2** of the bill as a base, camp, post, station, airfield, yard, center, or any other land area under the jurisdiction of the United States department of defense, including any leased facility, that is larger than 500 acres.

**Section 3** of the bill modifies existing statutory provisions requiring local governments to notify military installations of certain zoning changes occurring near such installations in the following respects:

- Current law requires a local government with a military installation within its territory to submit to the commanding officer of the installation information about proposed changes to the local government's comprehensive plan or land development regulations that would affect any territory of the local government within 2 miles of the installation. Section 3 adjusts this provision by requiring a local government with territory within 2 miles of a military installation to submit to the installation commanding officer and the flying mission commanding officer information related to zoning changes that would affect any area within 2 miles of the installation. Section 3 also gives the military installation 60 days within which to review the information and submit comments to the local government on the impact the proposed changes may have on the mission of the military installation.
- Section 3 also requires a county or municipal master plan to reflect the off-site impacts of a military installation using noise contour data provided by the United States department of defense.
- Section 3 modifies the definition of "military facility", as it relates to the applicable statute, to include facilities larger than 500 acres, rather than those larger than 1,000 acres.
- Finally, section 3 also clarifies that nothing in the bill is intended or shall be construed to require a county or municipality to prepare a new master plan in order to satisfy any of the requirements of the bill.

**Section 4** of the bill adds "military installation" to the list of public places or facilities that may be included in a county or municipal master plan.

**Committee Assignments:** State, Veterans, & Military Affairs

**Status:** 01/26/2010 Introduced In House - Assigned to State, Veterans, & Military Affairs

02/25/2010 House Committee on State, Veterans, & Military Affairs Witness Testimony and/or Committee Discussion Only

03/02/2010 House Committee on State, Veterans, & Military Affairs Refer Amended to House Committee of the Whole

03/08/2010 House Second Reading Laid Over to 03/12/2010

**CCA Position:** Monitor

*NOTES:* NO FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/56DCA64967338B2F872576AC005F5965?Open&file=1205\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/56DCA64967338B2F872576AC005F5965?Open&file=1205_01.pdf)

**HB 10-1211: Tyler (Williams)**

**CONCERNING A REDUCTION IN THE AMOUNT OF THE PENALTY FOR LATE VEHICLE REGISTRATION OF A VEHICLE WITHOUT MOTIVE POWER THAT WEIGHS TWO THOUSAND POUNDS OR LESS.**

Effective July 1, 2010, the bill reduces the penalty for late registration of a vehicle without motive power that weighs 2,000 pounds or less from \$25 per month up to \$100 to \$10.

**Committee Assignments:** Transportation & Energy

**Status:** 01/28/2010 Introduced In House - Assigned to Transportation & Energy  
02/05/2010 House Committee on Transportation & Energy Refer Unamended to Appropriations  
02/19/2010 House Committee on Appropriations Refer Unamended to House Committee of the Whole  
02/22/2010 House Second Reading Passed  
02/23/2010 House Third Reading Passed  
02/26/2010 Introduced In Senate - Assigned to State, Veterans & Military Affairs

**CCA Position:** Monitor

*NOTES:* STATE and LOCAL REVISED FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/F6F7D3070442749A872576A8002904C1?Open&file=1211\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/F6F7D3070442749A872576A8002904C1?Open&file=1211_01.pdf)

**HB 10-1212: Rice (Schwartz)**

**CONCERNING A REQUIREMENT THAT THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE PROMULGATE RULES THAT ESTABLISH CIRCUMSTANCES IN WHICH A VEHICLE OWNER SHALL BE EXEMPTED FROM PAYING THE LATE FEE FOR LATE REGISTRATION OF A VEHICLE.**

The bill requires the executive director of the department of revenue to promulgate rules that establish circumstances, in addition to circumstances already established in statute, in which a vehicle owner shall be exempted from paying the late fee for late registration of a motor vehicle. The bill requires the rules to apply uniformly throughout the state and to include, but not be limited to, exemptions for:

- Acts of God and weather-related delays;
- Office closures and furloughs;
- *Vehicles for which temporary registration number plates, tags, or certificates have been issued;*
- Medical *hardships*;
- Out-of-state lienholders; and
- Information technology failures.

The bill *also*:

- *Requires the executive director to consult with the county clerk and recorders in promulgating the rules; and*
- *Requires the executive director of the department of revenue to promulgate additional rules that allow the department or an authorized agent of the department to waive the late fee for late registration of a commercial trailer that was parked and removed from service during the period for which it was not registered as required.*

**Committee Assignments:** Transportation & Energy

**Status:** 01/28/2010 Introduced In House - Assigned to Transportation & Energy

02/04/2010 House Committee on Transportation & Energy Refer Amended to House Committee of the Whole

02/19/2010 House Second Reading Laid Over Daily

02/22/2010 House Second Reading Passed with Amendments

02/23/2010 House Third Reading Passed

02/26/2010 Introduced In Senate - Assigned to State, Veterans & Military Affairs

**CCA Position:** Monitor

*NOTES:* STATE and LOCAL REVISED FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/D3087737D0FDB761872576AC0056917C?Open&file=1212\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/D3087737D0FDB761872576AC0056917C?Open&file=1212_01.pdf)

**HB 10-1221: Curry (Schwartz)**

**CONCERNING THE CONTINUATION OF THE LICENSING OF RIVER OUTFITTERS BY THE BOARD OF PARKS AND OUTDOOR RECREATION, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE SUNSET REVIEW RECOMMENDATIONS OF THE DEPARTMENT OF REGULATORY AGENCIES.**

**Sunset Process - House Agriculture, Livestock, and Natural Resources Committee.** The bill implements the sunset review recommendations of the department of regulatory agencies regarding river outfitters pursuant to the provisions of the sunset law, with modifications. **Sections 1, 2, and 3** of the bill extend the river outfitting licensure program until September 1, 2019. **Sections 4 and 6** broaden the definition of "advertise" in connection with the licensure requirement. Section 6 also directs the board of parks and outdoor recreation (board) to adopt a schedule for license renewals, with license terms not to exceed 3 years, and allows the length of license terms to be staggered so that approximately equal numbers of licensees renew their licenses each year. **Section 5** requires the board to e-mail a notice of every proposed rule to each licensee. **Section 7:**

- Specifies that, of the 500 river miles currently required to be qualified as a trip leader, at least 250 must be from regulated trips and no more than 250 may be from nonregulated trips;
- Requires all guides to be trained in cardiopulmonary resuscitation; and R
- Repeals the guide qualification exemption for designated faculty members of institutions of higher education in charge of water sport activity courses.

**Section 8** makes a river outfitter that operates a river-outfitting business without a valid license liable for an administrative penalty of 5 times the annual licensing fee. **Section 9** recreates the river outfitter advisory committee, consisting of 2 river outfitters and one representative of the division of parks and outdoor recreation (division), and directs the committee to make recommendations concerning rules and proposed rules, including notification to outfitters of inspections and division personnel changes and safety and customer and outfitter interaction training standards for division rangers who oversee regulated trips. **Section 10** repeals the advisory committee on September 1, 2019.

**Committee Assignments:** Agriculture, Livestock, & Natural Resources

**Status:** 02/02/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

02/24/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to Appropriations

03/05/2010 House Committee on Appropriations Refer Unamended to House Committee of the Whole

**CCA Position:** Monitor

*NOTES:* STATE FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/56DB562C103FEF26872576B00069C918?Open&file=1221\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/56DB562C103FEF26872576B00069C918?Open&file=1221_01.pdf)

**HB 10-1238: Curry (Schwartz)**

**CONCERNING WILDLIFE CROSSING ZONES.**

The bill allows the department of transportation (department), in consultation with the division of wildlife in the department of natural resources, to establish areas within the public highways of the state as wildlife crossing zones. If the department receives authorization from the federal government to designate areas of the federal highways of the state as wildlife crossing zones, the department may do so. The department is prohibited from establishing a lower speed limit for more than 100 miles of the public highways of the state that have been established as wildlife crossing zones.

If the department establishes an area as a wildlife crossing zone, the department may erect signs identifying the zone and establishing a lower speed limit for the portion of the highway that lies within the zone. In establishing a lower speed limit within a wildlife crossing zone, the department shall give due consideration to the percentage of traffic accidents that occur within the area that involve the presence of wildlife on the public highway, the relative levels of traffic congestion and mobility in the area, and the relative numbers of traffic accidents that occur within the area during the daytime and evening hours and involve the presence of wildlife on the public highway. If the department erects a new wildlife crossing zone sign, it shall ensure that the sign indicates, in conformity with the state traffic control manual, that increased traffic penalties are in effect within the zone.

The bill requires the department to prepare and submit a report to the transportation and energy committee of the house of representatives and the transportation committee of the senate concerning the establishment of wildlife crossing zones. The report, at a minimum, shall include the location and length of each wildlife crossing zone; the total number of miles within the public highways of the state that the department has established as wildlife crossing zones; the total number of wildlife crossing zones for which the department of transportation has established a lower speed limit; the effect, if any, that the establishment of each wildlife crossing zone has had in reducing the frequency of traffic accidents within the wildlife crossing zone; and a recommendation by the department as to whether the general assembly should discontinue the establishment of wildlife crossing zones, continue the limited establishment of wildlife crossing zones, or expand the establishment of wildlife crossing zones.

The bill subjects a person who commits a moving traffic violation in a wildlife crossing zone to increased penalties and surcharges. If the department erects a traffic sign designating an area of a public highway as a wildlife crossing zone, the department shall establish when the area will be deemed to be a wildlife crossing zone and ensure that the sign indicates when the area will be deemed to be a wildlife crossing zone.

**Committee Assignments:** Transportation & Energy

**Status:** 02/03/2010 Introduced In House - Assigned to Transportation & Energy

**CCA Position:** Oppose

*NOTES:*

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/AA1F8597156DB47E872576A80027B757?Open&file=1238\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/AA1F8597156DB47E872576A80027B757?Open&file=1238_01.pdf)

**HB 10-1250: Fischer, Curry, Apuan, Baumgardner, Hullinghorst, Kefalas, Loper, Roberts, Ryden, Scanlan, Solano, Sonnenberg, Tyler, Vigil (Hodge, Gibbs, Kester, Schwartz, White, Whitehead)**

**CONCERNING THE FUNDING OF COLORADO WATER CONSERVATION BOARD PROJECTS, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH.**

The bill appropriates the following amounts from the Colorado water conservation board construction fund for the following projects:

- \$250,000 for continuation of satellite monitoring system maintenance;
- \$50,000 for instream flow engineering and technical support services;
- \$175,000 for continuation of the weather modification program;
- \$500,000 for continuation of the Colorado floodplain map modernization program;
- \$250,000 for continuation of the watershed restoration program; and
- Up to \$300,000 to restore the unencumbered balance in the flood response fund to \$300,000.

**Committee Assignments:** Agriculture, Livestock, & Natural Resources

**Status:** 02/03/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

02/24/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Unamended to Appropriations

03/05/2010 House Committee on Appropriations Refer Unamended to House Committee of the Whole

03/08/2010 House Second Reading Laid Over to 03/12/2010

**CCA Position:** Monitor

*NOTES:* STATE and LOCAL FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/B50F3A56D93F778D872576B600807073?Open&file=1250\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/B50F3A56D93F778D872576B600807073?Open&file=1250_01.pdf)

**HB 10-1285: Priola, Casso, Kefalas, Loper, McFadyen, Rice, Acree, Apuan, Bradford, Frangas, Kerr A., Kerr J., Lambert, Liston, Massey, Middleton, Nikkel, Schafer S., Stephens, Summers, Vaad, Waller (Tapia, Hudak, Hodge)**

**CONCERNING AN INCREASE IN FINES TO FUND TAX INCENTIVES FOR COMMERCIAL VEHICLES.**

The bill raises the fines on overweight motor vehicles and uses the additional fine money to fund a sales tax refund and an income credit for commercial vehicle investment in Colorado. A semitrailer is added to the sales tax refund. The effective dates of the sales tax refund and the income tax credit are moved up to begin in 2010 instead of 2011 and the phase-in of the income tax is accelerated to begin immediately. The bill clarifies that a motor vehicle registered in Colorado, subsequently registered in another state, then reregistered in Colorado is not subject to taxes and fees due during the time it was registered in another state.

**Committee Assignments:** Transportation & Energy, Finance

**Status:** 02/05/2010 Introduced In House - Assigned to Transportation & Energy + Finance

**CCA Position:** Monitor, but would like to amend the bill to include used equipment.

*NOTES:* STATE FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/23FA0B52BBBC7708872576AA00697F6D?Open&file=1285\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/23FA0B52BBBC7708872576AA00697F6D?Open&file=1285_01.pdf)

**HB 10-1292: Murray, Schafer S. (Harvey)**

**CONCERNING A CLARIFICATION OF THE CONDITIONS ON LAND-USE APPROVALS THAT MAY BE IMPOSED BY LOCAL GOVERNMENTS UNDER STATUTORY PROVISIONS GOVERNING THE REGULATORY IMPAIRMENT OF PROPERTY RIGHTS.**

In connection with conditions that may be imposed on land-use approvals by local governments under statutory provisions governing the regulatory impairment of property rights, the bill addresses the construction of the requirement prohibiting a local government from imposing any discretionary condition upon a land-use approval unless the condition is based upon duly adopted standards that are sufficiently specific to ensure that the condition is imposed in a rational and consistent manner. The bill clarifies that the phrase "any discretionary condition" refers back to the constitutionally based conditions found in a previous provision and, accordingly, does not create an independent cause of action under the statute.

**Committee Assignments:** State Local Government

**Status:** 02/05/2010 Introduced In House - Assigned to Local Government

02/23/2010 House Committee on Local Government Refer Amended to House Committee of the Whole

02/26/2010 House Second Reading Laid Over Daily

03/01/2010 House Second Reading Passed with Amendments 03/02/2010 House Third Reading Laid Over Daily

03/03/2010 House Third Reading Passed

03/09/2010 Introduced In Senate - Assigned to Local Government and Energy

**CCA Position:** Monitor

*NOTES:* NO FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/60C8E1940CCA4D39872576B00077E2A0?Open&file=1292\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/60C8E1940CCA4D39872576B00077E2A0?Open&file=1292_01.pdf)

**HB 10-1293: Massey (None)**

**CONCERNING THE CREATION OF A TASK FORCE TO STUDY PROPERTY TAX ASSESSMENT ISSUES RELATED TO THE USE OF LAND FOR AGRICULTURAL PURPOSES.**

**Currently Supported  
HB-1293 Version**

-Does NOT allow for any bills from the task force.

**Previously Opposed  
HB-1293 Version**

-Allowed for five bills from the task force.

- Limits discussion to land use as current law intends.
- Does NOT seek to define “bona fide agriculture”.
- Limits discussion to land used for ag AND residential.
- Does NOT include mandatory legislator participation.

- Allowed discussion about landowners & their income.
- Sought to determine who and what agriculture is.
- Unfettered consideration of topics.
- Required four task force legislator participants.

This bill, as amended, creates a task force that will consider how any change in Colorado’s system of property taxation will affect the distribution of the property tax burden among taxpayers and how it will interact with other Colorado laws. This task force will meet in the interim to study the assessment and classification of agricultural and residential lands. The members of the task force shall consist of the following:

- The property tax administrator or the administrator’s designee;
- Four members who are owners or lessees of real property that is currently assessed as agricultural land and who are actively involved in either farming or ranching, appointed by a statewide organization representing a diversity of agricultural activities;
- Two county commissioners, one from each side of the Continental Divide, appointed by a statewide organization representing county commissioners; and
- Two county assessors, one from each side of the Continental Divide (and from counties other than the counties represented by the commissioners), to be appointed by a statewide organization representing county assessors.

The task force shall study, make recommendations, and reporting findings on all matters relating to property tax assessment and classification in connection with land used for both agricultural and residential purposes. The task force will submit a written report of its findings and recommendations to local government and Agricultural Committees of the Senate and House.

Meetings of the task force shall be public meetings.

**Committee Assignments:** State, Veterans, & Military Affairs, Appropriations

**Status:** 02/05/2010 Introduced In House - Assigned to State, Veterans, & Military Affairs + Appropriations  
02/23/2010 House Committee on State, Veterans, & Military Affairs Refer Amended to Appropriations

**CCA Position:** Support

*NOTES:* STATE FISCAL IMPACT

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/8A0E3376FDD69E56872576B1005D4244?Open&file=1293\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/8A0E3376FDD69E56872576B1005D4244?Open&file=1293_01.pdf)