

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 21, 2008

Date

Committee on Agriculture, Natural Resources & Energy.

After consideration on the merits, the Committee recommends the following:

HB08-1069 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 2, after line 1, insert the following:

2           **"SECTION 1. Legislative declaration.** (1) The general  
3 assembly hereby:

4           (a) Finds that federal land management agencies are in the process  
5 of reversing their long-standing practice regarding motor vehicle travel  
6 restrictions on federal public land so that, instead of being authorized  
7 except where restricted, motor vehicle travel will be prohibited unless  
8 explicitly authorized, either by maps, signs, or route markers;

9           (b) Determines that state peace officers ought to be able to enforce  
10 motor vehicle travel restrictions on federal public land, but that  
11 substantial discretion will be required in carrying out that enforcement  
12 due to the fact that the new federal policy will most likely take some time  
13 to fully implement and should involve the installation of route markers on  
14 a large number of dispersed and remote roads and trails; and

15           (c) Declares that the new state law prohibitions enacted by this act  
16 are not intended to restrict or inhibit either:

17           (I) The wildlife commission's authority to regulate motor vehicle  
18 traffic on lands subject to the commission's jurisdiction; or

1 (II) Any valid motor vehicle travel authorizations that Colorado  
2 businesses or individuals may currently have or may acquire in the  
3 future."

4 Renumber succeeding sections accordingly.

5 Page 2, line 6, strike "(4) OR BY RULE OF THE COMMISSION," and substitute  
6 "(4),";

7 line 7, after "ANY", insert "FEDERAL";

8 line 8, after "THE", insert "FEDERAL";

9 line 9, strike "FOR PURPOSES OF ENFORCEMENT, ROUTES" and substitute  
10 "ENFORCEMENT OF THIS SECTION WITHIN AN ADMINISTRATIVE UNIT OF  
11 FEDERAL PUBLIC LAND SHALL NOT COMMENCE UNTIL THE CONTROLLING  
12 LAND MANAGEMENT AGENCY IDENTIFIES WHETHER A ROUTE IS";

13 line 10, strike "SHALL BE IDENTIFIED".

14 Page 3, line 17, strike "MOTOR VEHICLE TRAVEL AUTHORIZATION" and  
15 substitute "SIGN THAT IS LOCATED ON FEDERAL PUBLIC LAND THAT  
16 AFFECTS WHETHER MOTOR VEHICLE TRAVEL IS AUTHORIZED THAT WAS";

17 line 18, strike "SIGN";

18 line 19, strike "MOTOR VEHICLE TRAVEL AUTHORIZATION SIGN" and  
19 substitute "SIGN LOCATED ON FEDERAL PUBLIC LAND THAT AFFECTS  
20 WHETHER MOTOR VEHICLE TRAVEL IS AUTHORIZED";

21 line 26, after "(d)", insert "(I)".

22 Page 4, line 3, after "THE", insert "FEDERAL";

23 line 4, after the second "OR", insert "BY PERMISSION OF";

24 line 6, after "MAINTENANCE,", insert "SKI AREA OPERATIONS, OIL AND GAS  
25 OPERATIONS, LOGGING OPERATIONS,";

26 line 7, strike "SPECIFICALLY";

1 after line 9, insert the following:

2 "(II) NOTHING IN THIS SUBSECTION (4) SHALL AFFECT ANY  
3 AUTHORITY THAT THE COMMISSION HAS PURSUANT TO LAW OTHER THAN  
4 THIS SUBSECTION (4) TO REGULATE MOTOR VEHICLE TRAVEL ON LANDS  
5 SUBJECT TO THE COMMISSION'S JURISDICTION.

6 (III) IF CONDUCT VIOLATES BOTH THIS SUBSECTION (4) AND  
7 SECTION 33-14.5-108 (1) (h), ENFORCEMENT SHALL OCCUR ONLY  
8 PURSUANT TO THIS SUBSECTION (4).";

9 line 11, strike "CHAIRS" and substitute "MEMBERS";

10 after line 19, insert the following:

11 "SECTION 3. 33-14.5-108 (1) (h), Colorado Revised Statutes, is  
12 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

13 **33-14.5-108. Off-highway vehicle operation prohibited on**  
14 **streets, roads, and highways.** (1) No off-highway vehicle may be  
15 operated on the public streets, roads, or highways of this state except in  
16 the following cases:

17 (h) (III) IF CONDUCT VIOLATES BOTH THIS PARAGRAPH (h) AND  
18 SECTION 33-6-124 (4), ENFORCEMENT SHALL OCCUR ONLY PURSUANT TO  
19 SECTION 33-6-124 (4).".

20 Renumber succeeding sections accordingly.

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