

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 9, 2010  
Date

Committee on Agriculture, Livestock, & Natural Resources.

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

HB10-1124 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 3, line 8, after "C.R.S." add "NOTHING IN THIS  
2 SECTION SHALL BE CONSTRUED TO LIMIT THE AUTHORITY OF AN EMPLOYEE  
3 OF THE DEPARTMENT OF AGRICULTURE TO ENFORCE TITLE 35, C.R.S., OR  
4 RULES ADOPTED UNDER TITLE 35, C.R.S.".

5 Page 4, strike line 17 and substitute "CONTROL UNDER SECTION 30-15-105,  
6 C.R.S.".

7 Page 4, strike lines 18 and 19.

8 Page 7, line 10, strike "TESTIMONY GIVEN".

9 Page 7, strike lines 11 and 12 and substitute "THE DISTRICT ATTORNEY'S  
10 OFFICE SHALL BE PROVIDED NOTICE OF SUCH HEARING AND BE PERMITTED  
11 TO PRESENT EVIDENCE AT THE HEARING. THE EVIDENCE MAY BE IN THE  
12 FORM OF OFFER OF PROOF OR TESTIMONY. THE COURT SHALL MAKE  
13 FINDINGS OF THE REASONABLENESS OR UNREASONABLENESS OF THE BOND  
14 AND WHETHER THERE WAS PROBABLE CAUSE FOR THE IMPOUNDMENT ON  
15 THE RECORD. THE COURT SHALL CONSIDER THE FOLLOWING FACTORS  
16 WHEN DETERMINING THE REASONABLENESS OF THE BOND:

17 (a) THE ACTUAL COST TO THE AGENCY PROVIDING CARE FOR THE  
18 ANIMAL AND THE BASIS FOR THE COST;

1 (b) THE NECESSITY FOR ANY MEDICAL TREATMENT PROVIDED TO  
2 THE ANIMAL;

3 (c) THE NECESSITY FOR ANY SPECIALIZED SHELTER OR DIET FOR  
4 THE ANIMAL;

5 (d) WHETHER THE AGENCY PROVIDING THE CARE FOR THE ANIMAL  
6 CAN MITIGATE THE COSTS; AND

7 (e) ANY OTHER FACTOR THAT THE COURT DETERMINES IS  
8 RELEVANT TO THE ISSUES."

9 Page 7, after line 12 insert:

10 "SECTION 4. 18-9-204.5 (5), Colorado Revised Statutes, is  
11 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12 **18-9-204.5. Unlawful ownership of dangerous dog - legislative**  
13 **declaration.** (5) (d) (I) (A) THE GENERAL ASSEMBLY HEREBY FINDS,  
14 DETERMINES, AND DECLARES THAT THE FAIR AND CONSISTENT TREATMENT  
15 OF INDIVIDUALS WITH DISABILITIES IS A MATTER OF STATEWIDE CONCERN,  
16 AND THAT BREED-SPECIFIC REGULATIONS UNDULY BURDEN AND  
17 DISPROPORTIONATELY IMPACT INDIVIDUALS WITH DISABILITIES WHO OWN  
18 AND RELY ON DOGS OF PROHIBITED BREEDS AS SERVICE ANIMALS.  
19 FURTHERMORE, IT IS UNREASONABLE AND ONEROUS TO REQUIRE A PERSON  
20 WITH A DISABILITY TO RELOCATE OR ACQUIRE A NEW SERVICE ANIMAL  
21 SIMPLY TO COMPLY WITH BREED-SPECIFIC REGULATIONS, PARTICULARLY  
22 IN LIGHT OF THE RIGOROUS BEHAVIORAL TRAINING THAT SUCH ANIMALS  
23 UNDERGO.

24 (B) THEREFORE, NOTWITHSTANDING ANY PROVISION OF LAW TO  
25 THE CONTRARY, NO GOVERNMENTAL ENTITY, INCLUDING A HOME RULE  
26 ENTITY, SHALL EXCLUDE A DOG FROM ITS BOUNDARIES, FOR ANY AMOUNT  
27 OF TIME, SOLELY ON THE BASIS OF THE DOG'S BREED, IF THE DOG IS A  
28 TRAINED SERVICE ANIMAL SERVING AN INDIVIDUAL WITH A DISABILITY.

29 (II) NOTHING IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d)  
30 PROHIBITS A GOVERNMENTAL ENTITY FROM ENACTING REGULATIONS TO  
31 IDENTIFY OR LICENSE THOSE DOGS THAT ARE EXEMPT FROM  
32 BREED-SPECIFIC REGULATIONS."

- 1 Renumber succeeding sections accordingly.
- 2 Page 7, line 22, strike "(a)".
- 3 Page 7, line 26, strike "AND" and substitute "FOR PURPOSES OF ALL  
4 RECORDS THAT REFLECT OR PERTAIN TO THE CONTRACT OR THE  
5 ENGAGEMENT OR THE PERFORMANCE OF THE CONTRACT. SUCH ENTITY".
- 6 Page 8, line 2, strike "(I)" and substitute "(a)".
- 7 Page 8, line 4, strike "(II)" and substitute "(b)".
- 8 Page 8, line 6, strike "(III)" and substitute "(c)" and strike "ANIMALS;" and  
9 substitute "ANIMALS, AND, IF SOLD, THE AMOUNTS FOR WHICH IMPOUNDED  
10 ANIMALS ARE SOLD."
- 11 Page 8, strikes lines 7 through 12.
- 12 Page 9, line 3, after the period add "NOTHING IN THIS PART 1 SHALL BE  
13 CONSTRUED TO LIMIT THE AUTHORITY OF AN EMPLOYEE OF THE  
14 DEPARTMENT OF AGRICULTURE TO ENFORCE TITLE 35, C.R.S., OR RULES  
15 ADOPTED UNDER TITLE 35, C.R.S."
- 16 Page 10, line 23, strike "(5), and (9)," and substitute "and (5)".
- 17 Page 11, line 5, strike "one hundred thousand" and substitute "one TWO  
18 hundred thousand".
- 19 Page 11, line 6, strike "MILLION".
- 20 Page 11, strike lines 17 through 27 and substitute "revoke the commission  
21 of any agent."
- 22 Page 12, strike lines 23 through 27.
- 23 Page 13, strike lines 1 through 3.
- 24 Page 14, strike lines 11 through 22.
- 25 Renumber succeeding sections accordingly.

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