

## Tail docking, water, guns debated at the Capitol

Written by Marianne Goodland

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A bill that bans routine tail docking of dairy cows has gotten out of its first committee at the state capitol and is headed to the Colorado House for debate.

House Bill 13-1231 squeaked out of the House Health, Insurance and Environment Committee on a 6-5 party-line vote on March 14.

Under the bill, tail docking, the already-rare practice to partially amputate a dairy cow's tail, would be banned.

According to witness testimony a week ago, less than a handful of the state's dairy farms still do tail docking. Only one, Empire Farms of Morgan County, was publicly identified as still doing the practice. Empire is the state's largest producer of milk and a major supplier to LePrino Foods in Greeley.

Opponents of HB 1231 had hoped that the Democrat whose district includes LePrino would vote "no" on the bill. But Rep. Dave Young (D-Greeley) instead offered an amendment during the hearing to postpone implementation from 2013 to 2015, to allow further dialogue between agricultural groups and the Humane Society of the United States, the bill's main supporter.

Young said he proposed the amendment because he values dairy farms, and wants the state to be able to attract more of them. "Overregulation of the industry sends a bad message outside of Colorado," Young said. By pushing the implementation to 2015, Young said he hoped the two sides would be able to work out a better solution, and that the bill could be repealed next year.

The National Milk Producers Association has recommended that all dairy operations stop tail docking by 2022, but supporters of HB 1231 said that was too long to wait.

Opponents, including the committee's Republicans, painted the bill as "city people telling farmers what to do," and they tried to send the bill to the House Agriculture, Livestock and Natural Resources Committee, where bills dealing with agriculture usually go. That effort died

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on a party-line vote.

In other action at the capitol this week:

—The bill to clarify ambiguous water decrees prior to 1937 is on its way to the governor's desk. Senate Bill 13-074 passed the House on a 55-8 vote on March 10.

Rep. Jerry Sonnenberg (R-Sterling) carried the bill on behalf of last fall's Interim Water Resources Review Committee. The House agriculture committee approved it on March 4. The committee amended it to clarify some of the language regarding enforcement of old water decrees.

SB 74 is in response to several recent Colorado Supreme Court cases that could impact senior irrigation water rights, according to Sonnenberg. Those cases resulted in dramatic reductions in the irrigated acres on the South Platte River, acres that had been irrigated for close to 100 years.

Farm families have relied on these diversions for generations, Sonnenberg told the House, and the court decisions destabilized those water rights.

SB 74 notes that some decrees do not include acreage limitations, and water courts have looked at historic consumptive use to determine the lawful historical consumptive use, based on the original appropriator's intent.

SB 74 says that if a decree entered prior to Jan. 1, 1937, establishes an irrigation water right and doesn't limit the number of irrigated acres, the lawful maximum amount would equal the maximum number of acres irrigated for the first 50 years after the original decree was entered.

Opponents, including attorney Steve Simms, who represented the Colorado Water Congress, testified that the bill sends a "bad message: if you cheat and get away with it, we'll legitimize it

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as long as you can hide it long enough.”

Finally:

—The Senate took part in an all-day marathon session debating gun control bills earlier this month. Sen. Greg Brophy (R-Wray) frequently took the lead in the Senate Republican caucus in the debate and in opposition to those bills.

Seven bills were debated by the Senate on March 8; five of them survived.

HB 1224 limits most large-capacity ammunition magazines to no more than 15 rounds. The Senate amended the bill to clearly define the types of magazines and that it would not apply to shotguns. In addition, prohibited magazines includes those that could be easily converted to magazines that carry more than 15 rounds.

Magazines must carry a manufacturer’s mark, rather than a serial number, to indicate that they were manufactured after the effective date of the bill.

An amendment added on the Senate floor also further defined the types of magazines that apply to common hunting shotguns. The amendment, suggested by David Kopel of the Independence Institute, stated that a “fixed tubular shotgun magazine that holds more than 28 inches of shotgun shells” and could hold additional shells would be legal.

“This is what happens when you listen to a Coloradoan” rather than someone from New York City, Brophy said during the March 8 debate, referring to New York City Mayor Michael Bloomberg. Brophy told the Senate that SB 74 would ban the common hunting shotgun as of July 1, but added that the Kopel amendment fixed the problem.

The amendment saves 50 jobs, Brophy said, referring to Erie, Colorado magazine manufacturer Magpul, which threatened to move out of Colorado if the bill passed. But the amendment didn’t

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make the bill palatable to Brophy, who said he would “willfully and purposefully and civilly disobey this law” if it is signed.

“This bill is an attempt to reduce the slaughter,” said sponsor Sen. Mary Hodge (D-Brighton), who cited numerous shootings in the last several years, including the Aurora theater shooting last year, where the shooters used high-capacity magazines.

HB 1224 passed the Senate on March 11 on an 18-17 vote, with two Democrats siding with the Republicans to vote no. The House re-adopted the bill, with its Senate amendments, on March 14.

Governor Hickenlooper is expected to sign HB 1224. It’s also likely to be challenged at the ballot box. Save Our Shotguns, run by former University of Colorado Regent Tom Lucero, announced this week they intend to file a ballot initiative to overturn HB 1224.

HB 1226 would ban concealed-carry handguns on college campuses. But its Senate sponsor, Rollie Heath (D-Boulder), withdrew it during the March 8 debate. “Concealed weapons on campus are disruptive, intimidating and interrupt the free flow of ideas... Guns are inherently deadly.”

However, campus violence, including rape, requires a comprehensive approach, Heath said, one that he wants to address in the coming year.

HB 1228 requires those who want to buy guns to pay for their own background checks, conducted by the Colorado Bureau of Investigation. The fees charged currently range from \$7.50 to \$12 per check. The Senate approved it on a 19-16 vote on March 11; it was not amended by the Senate and goes to the governor for signing.

“We have not had a fee on background checks for over a decade,” argued Sen. Ted Harvey (R-Highlands Ranch). “It is a right to bear arms...it is inappropriate for the state to tell someone that in order to exercise your right you have to pay a fee.”

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HB 1229 creates a universal background check for all gun purchases and transfers. The Senate approved it 19-16 on March 11, but amended it to further clarify the language regarding transfers.

Under HB 1229, family members can transfer guns to other family members without going through the background check; transfers that are enacted for businesses do require a background check for members, partners or officers of the company. The amendment also stated the bill does not apply to members of the military, or businesses and individuals who repair and maintain firearms.

The House rejected the Senate amendments and HB 1229 went to a conference committee on Thursday to address minor technical issues. Both chambers re-passed the bill on March 15.

The Senate also took up three bills that originated in the Senate.

SB 195 bans online training for concealed weapons permits and requires that training to be conducted by an in-person instructor. Sen. Lois Tochtrop (D-Thornton), who voted against all but one of the other gun control bills, sponsored the bill. It passed on a 20-15 vote and goes to the House for further action.

SB 196 would have made gun manufacturers, owners and sellers liable when an assault weapon is used in a criminal act. Its sponsor, Senate President John Morse (D-Colorado Springs), a former police chief, noted that federal law prohibits lawsuits against gun manufacturers, even when they act negligently.

Morse decried the behavior of some opponents outside the Capitol, who threatened some Democratic legislators with death or rape while the gun control bills were moving through the process.

That includes a Colorado Springs man who has been arrested for making death threats against

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Rep. Rhonda Fields (D-Aurora), who sponsored several of the gun control bills. Morse withdrew SB 196 during the March 8 debate. He did not state a reason for killing the bill.

SB 197 bars possession of firearms by those who commit or are convicted of domestic violence. The person must surrender any weapons, and has 24 to 48 hours to do so. During the March 8 debate, Sen. Evie Hudak (D-Arvada) told the story of a former student who was stalked by an ex-boyfriend. She was later found shot to death.

Republicans argued that the bill removes a judge's discretion. Sen. Ellen Roberts (R-Durango), who once was on the board of a battered women's shelter, said local sheriffs told her that waiting 24 to 48 hours for removing a firearm is too long; sheriffs act immediately in a domestic violence situation, she explained. If this bill would help one woman in a domestic violence situation, "I would vote for it," Roberts said. She didn't.

The bill passed the Senate 20-15 and awaits further action from the House.

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