

RECEIVED

APR 09 2010

1:20 PM  
MM

# 82 Final

**Text of Proposal:**

Colorado Secretary of State

*Be it Enacted by the People of the State of Colorado:*

Section 15 of article II of the constitution of the state of Colorado is amended to read:

**Section 15. Taking property for public use - compensation, how ascertained. (1)** Private property shall not be taken or damaged, for public or private use, without just compensation. Such compensation shall be ascertained by a board of commissioners, of not less than three freeholders, or by a jury, when required by the owner of the property, in such manner as may be prescribed by law, and until the same shall be paid to the owner, or into court for the owner, the property shall not be needlessly disturbed, or the proprietary rights of the owner therein divested; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, USE OF WATERS OVERLYING PRIVATE PROPERTY BY RIVER GUIDES IS A PUBLIC USE OF THE PRIVATE PROPERTY, AND ANY GRANT OF RIGHTS FOR SUCH USE AND ANY DAMAGE CAUSED TO THE PRIVATE PROPERTY BY SUCH USE REQUIRES JUST COMPENSATION OF THE OWNER OF THE PRIVATE PROPERTY AS PROVIDED FOR IN THIS SECTION.

(3) For purposes of this section, unless the context otherwise requires:

(A) "RIVER GUIDE" MEANS:

(I) A RIVER OUTFITTER AND THE RIVER OUTFITTER'S EMPLOYEES, AGENTS, AND PASSENGERS ON THE RIVER OUTFITTER'S VESSEL; AND

(II) ANY OTHER PERSON NOT OTHERWISE SUBJECT TO THIS SECTION WHO IS FLOATING A VESSEL ON A WATERWAY AND ANY PASSENGERS OF THAT PERSON.

(B) "VESSEL" MEANS EVERY DESCRIPTION OF WATERCRAFT USED OR CAPABLE OF BEING USED AS A MEANS OF TRANSPORTATION OF PERSONS AND PROPERTY ON THE WATER.

Proponents:

John Gregory Leede  
2100 Plaza Tower One  
6400 South Fiddler's Green Circle  
Greenwood Village, Colorado 80111  
jgleede@leedeco.com

Charles A. Thrailkill  
13930 East Progress Way  
Aurora, Colorado 80015  
thrkill@q.com