

CHAPTER 282

AGRICULTURE

HOUSE BILL 01-1337

BY REPRESENTATIVE(S) Kester, Cloer, Coleman, Grossman, Hoppe, Johnson, Madden, Plant, Scott, Stengel, Veiga, Webster, and Weddig;
also SENATOR(S) Hanna, Linkhart, and Taylor.

AN ACT

CONCERNING THE WELFARE OF PETS, AND, IN CONNECTION THEREWITH, CREATING A PET ANIMAL OVERPOPULATION AUTHORITY FUNDED IN PART BY VOLUNTARY CONTRIBUTIONS THROUGH THE INCOME TAX FORM, AND MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 80 of title 35, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

35-80-116.5. Pet overpopulation authority - creation - duties and powers - pet overpopulation fund. (1) THERE IS HEREBY CREATED THE COLORADO PET OVERPOPULATION AUTHORITY, ALSO REFERRED TO IN THIS SECTION AS THE "AUTHORITY", WHICH SHALL BE A BODY CORPORATE AND A POLITICAL SUBDIVISION OF THE STATE. THE AUTHORITY IS NOT AN AGENCY OF STATE GOVERNMENT AND IS NOT SUBJECT TO ADMINISTRATIVE DIRECTION BY ANY STATE AGENCY EXCEPT AS PROVIDED IN THIS ARTICLE.

(2) (a) THE POWERS OF THE COLORADO PET OVERPOPULATION AUTHORITY SHALL BE VESTED IN A BOARD OF DIRECTORS CONSISTING OF THE FOLLOWING:

(I) ONE REPRESENTATIVE OF THE ANIMAL ASSISTANCE FOUNDATION OR ITS SUCCESSOR ORGANIZATION;

(II) ONE REPRESENTATIVE OF THE COLORADO FEDERATION OF ANIMAL WELFARE AGENCIES OR ITS SUCCESSOR ORGANIZATION;

(III) ONE REPRESENTATIVE OF A STATE VETERINARY MEDICAL ASSOCIATION;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(IV) ONE REPRESENTATIVE OF AN ASSOCIATION ORGANIZED FOR COLORADO ANIMAL CONTROL OFFICERS;

(V) ONE REPRESENTATIVE FROM THE DEPARTMENT OF AGRICULTURE;

(VI) ONE MEMBER FROM AN ANIMAL RESCUE ORGANIZATION; AND

(VII) ONE MEMBER OF THE GENERAL PUBLIC WITH AN INTEREST IN ANIMAL WELFARE.

(b) THE COMMISSIONER SHALL APPOINT THE BOARD MEMBERS TO THREE-YEAR TERMS; EXCEPT THAT THREE OF THE MEMBERS APPOINTED ON SEPTEMBER 1, 2001, SHALL SERVE AN INITIAL TERM OF TWO YEARS. EACH MEMBER SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER AND SHALL CONTINUE IN OFFICE UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED AND QUALIFIED. INITIAL MEMBERS OF THE AUTHORITY SHALL BE APPOINTED NO LATER THAN SEPTEMBER 1, 2001.

(c) ON THE EXPIRATION OF THE TERM OF A MEMBER OF THE BOARD, THAT MEMBER'S SUCCESSOR SHALL BE APPOINTED BY THE COMMISSIONER FOR A TERM OF THREE YEARS; EXCEPT THAT, IN THE CASE OF A VACANCY, THE COMMISSIONER SHALL APPOINT A PERSON WHO SHALL SERVE FOR THE UNEXPIRED TERM.

(3) (a) EACH BOARD MEMBER SHALL MEET THE FOLLOWING QUALIFICATIONS AT THE TIME OF APPOINTMENT AND THROUGHOUT THE MEMBER'S TERM OF OFFICE:

(I) RESIDENCY IN THIS STATE; AND

(II) DEMONSTRATION OF AN ACTIVE INTEREST IN THE EDUCATION OF THE COMMUNITY REGARDING THE BENEFITS OF PET OVERPOPULATION CONTROL IN COLORADO.

(b) THE COMMISSIONER SHALL IMMEDIATELY DECLARE THE OFFICE OF ANY MEMBER OF THE BOARD VACANT WHENEVER THE COMMISSIONER FINDS THAT THE MEMBER IS NOT QUALIFIED UNDER THIS SUBSECTION (3) OR THAT THE MEMBER IS UNABLE TO PERFORM THE DUTIES OF THE OFFICE.

(c) MEMBERS SHALL SERVE WITHOUT COMPENSATION FOR ANY SERVICE PROVIDED TO THE COLORADO PET OVERPOPULATION AUTHORITY. MEMBERS SHALL NOT RECEIVE ANY REIMBURSEMENT FROM THE BOARD FOR ANY EXPENSES INCURRED FULFILLING THEIR RESPONSIBILITIES PURSUANT TO THIS SECTION.

(4) THE BOARD MAY:

(a) ADOPT AN EDUCATION PROGRAM CONCERNING PET OVERPOPULATION WITH EMPHASIS ON THE IMPORTANCE OF SPAYING AND NEUTERING TO CONTROL PET OVERPOPULATION;

(b) DEVELOP, ADOPT, AND IMPLEMENT A PROCESS TO FUND AND EXPEND MONEYS FOR THE ACTIVITIES AND RESPONSIBILITIES OF THE BOARD. FUNDING FOR THE BOARD INCLUDES THE MONEYS AVAILABLE IN THE PET OVERPOPULATION FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

(c) ACCEPT GIFTS, GRANTS, AND DONATIONS, INCLUDING PERSONAL SERVICES, FOR THE ACTIVITIES AND RESPONSIBILITIES OF THE BOARD. ANY GIFT, GRANT, OR DONATION OTHER THAN PERSONAL SERVICES SHALL BE DEPOSITED INTO THE PET OVERPOPULATION FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

(d) DEVELOP, ADOPT, AND IMPLEMENT A COOPERATIVE PROCESS TO WORK WITH LOCAL VETERINARIANS, LICENSED ANIMAL SHELTERS, AND LOCAL COMMUNITIES CONCERNING ANIMAL SHELTERING AND PET OVERPOPULATION CONTROL IN THIS STATE.

(5) (a) DONATIONS COLLECTED PURSUANT TO SUBSECTION (4) OF THIS SECTION AND SECTION 39-22-2201, C.R.S., SHALL BE TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE PET OVERPOPULATION FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.

(b) ALL UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND NOT REVERT BACK TO THE GENERAL FUND OR ANY OTHER FUND OR BE USED FOR ANY PURPOSE OTHER THAN THE PURPOSES SET FORTH IN THIS SECTION. SUCH MONEYS SHALL BE APPROPRIATED CONTINUALLY TO THE STATE TREASURER, WHO SHALL TRANSFER ALL AVAILABLE MONEYS IN THE PET OVERPOPULATION FUND TO THE PET OVERPOPULATION AUTHORITY AT LEAST QUARTERLY UNLESS THE BOARD EXPRESSLY REQUESTS OTHERWISE. THE BOARD SHALL EXPEND MONEYS FROM THE PET OVERPOPULATION FUND FOR THE IMPLEMENTATION OF THIS SECTION.

(c) WHEN EXPENDING FUNDS TO IMPLEMENT THIS SECTION, THE COLORADO PET OVERPOPULATION AUTHORITY SHALL GIVE PRIORITY TO THE AREAS THAT HAVE AN INSUFFICIENT NUMBER OF PET ANIMAL VETERINARY RESOURCES TO ADEQUATELY MEET LOCAL NEEDS.

(6) THE COLORADO PET OVERPOPULATION AUTHORITY, CREATED PURSUANT TO THIS SECTION, SHALL NOT BE FUNDED BY OR THROUGH ANY STATE AGENCY.

(7) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE THE COLORADO PET OVERPOPULATION AUTHORITY TO PROMULGATE RULES TO IMPLEMENT THIS SECTION.

SECTION 2. Article 22 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 22
PET OVERPOPULATION FUND
VOLUNTARY CONTRIBUTION

39-22-2201. Voluntary contribution designation - procedure. FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2001, BUT PRIOR TO JANUARY 1, 2004, EACH COLORADO STATE INDIVIDUAL INCOME TAX RETURN FORM SHALL CONTAIN A LINE WHEREBY EACH INDIVIDUAL TAXPAYER MAY DESIGNATE THE AMOUNT OF THE CONTRIBUTION, IF ANY, THE TAXPAYER WISHES TO MAKE TO THE PET OVERPOPULATION FUND.

39-22-2202. Contributions credited to the fund - administration - transfer.

THE DEPARTMENT OF REVENUE SHALL DETERMINE ANNUALLY THE TOTAL AMOUNT DESIGNATED PURSUANT TO SECTION 39-22-2201 AND SHALL REPORT SUCH AMOUNT TO THE STATE TREASURER, WHO SHALL CREDIT SUCH AMOUNT TO THE PET OVERPOPULATION FUND CREATED IN SECTION 35-80-116.5 (5), C.R.S. THE GENERAL ASSEMBLY SHALL APPROPRIATE ANNUALLY FROM THE PET OVERPOPULATION FUND TO THE DEPARTMENT OF REVENUE THE DEPARTMENT'S COSTS OF ADMINISTERING THE MONEYS DESIGNATED AS CONTRIBUTIONS TO THE FUND. AFTER SUBTRACTING THE APPROPRIATION TO THE DEPARTMENT OF REVENUE, ALL DESIGNATED MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED FOR THE PURPOSES OF THIS PART 22. AT THE END OF EACH FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ALL DESIGNATED MONEYS IN THE FUND AND ALL INTEREST EARNED THROUGH THE INVESTMENT OF FUND MONEYS TO THE COLORADO PET OVERPOPULATION AUTHORITY AFTER SUBTRACTING THE APPROPRIATION TO THE DEPARTMENT OF REVENUE.

39-22-2203. Repeal of part. (1) THIS PART 22 IS REPEALED, EFFECTIVE JANUARY 1, 2004, UNLESS THE VOLUNTARY CONTRIBUTION TO THE PET OVERPOPULATION FUND ESTABLISHED BY SECTION 39-22-2201 IS CONTINUED OR REESTABLISHED BY THE GENERAL ASSEMBLY ACTING BY BILL DURING THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY. PRIOR TO OR DURING SUCH SESSION, A COMMITTEE OF REFERENCE IN EACH HOUSE OF THE GENERAL ASSEMBLY SHALL HOLD A HEARING REGARDING THE POSSIBLE TERMINATION, CONTINUATION, OR REESTABLISHMENT OF THE VOLUNTARY CONTRIBUTION TO THE PET OVERPOPULATION FUND AS PROVIDED FOR IN THIS PART 22.

(2) SECTION 39-22-1001 (2), WHICH REQUIRES THE ELIMINATION OF ANY INCOME TAX CHECKOFF THAT DOES NOT HAVE CONTRIBUTIONS THAT EQUAL OR EXCEED TEN PERCENT OF THE TOTAL AMOUNT CONTRIBUTED TO ALL INCOME TAX CHECKOFFS DURING THE PERIOD BETWEEN JANUARY 1, 2001, AND JANUARY 1, 2004, SHALL APPLY TO THE PET OVERPOPULATION FUND.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the pet overpopulation fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2001, the sum of thirty-four thousand ninety-eight dollars (\$34,098) and 0.6 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 5, 2001