

CHAPTER 7

AGRICULTURE

HOUSE BILL 95-1129

BY REPRESENTATIVES Lawrence, Chlouber, Foster, George, Jerke, Lamm, Martin, McElhany, Romero, Schwarz, Sullivan, Taylor, and Tucker;
also SENATORS Bishop, Blickensderfer, Casey, Dennis, Feeley, Gallagher, Hopper, Johnson, Mares, Martinez, Matsunaka, Pascoe, L. Powers, Rizzuto, Rupert, Tebedo, Weddig, Wells, and Wham.

AN ACT

CONCERNING EXEMPTION OF ACCREDITED ZOOLOGICAL PARKS FROM CERTAIN REQUIREMENTS.

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

SECTION 1. 33-4-102 (13) (b), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended, and the said 33-4-102 (13) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

33-4-102. Types of licenses and fees. (13) (b) A licensed zoological park may move animals within Colorado in connection with the buying, selling, exchanging, or loaning of such animals with another licensed OR ACCREDITED zoological park or in connection with the export of such animals from Colorado.

(g) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (g), THIS SUBSECTION (13) DOES NOT APPLY TO ANY ZOOLOGICAL PARK THAT IS ACCREDITED BY THE AMERICAN ZOO AND AQUARIUM ASSOCIATION. ANY INTRASTATE TRANSFER AND MOVEMENT OF WILDLIFE BY A ZOOLOGICAL PARK ACCREDITED BY THE AMERICAN ZOO AND AQUARIUM ASSOCIATION TO ANOTHER ZOOLOGICAL PARK ACCREDITED BY THE AMERICAN ZOO AND AQUARIUM ASSOCIATION IS NOT SUBJECT TO THE RULES OF THE COMMISSION REGARDING MOVEMENT AND DISEASE TESTING.

(II) ANY INTRASTATE TRANSFER AND MOVEMENT OF WILDLIFE BY A ZOOLOGICAL PARK ACCREDITED BY THE AMERICAN ZOO AND AQUARIUM ASSOCIATION TO ANY PERSON OR ENTITY NOT ACCREDITED BY THE AMERICAN ZOO AND AQUARIUM ASSOCIATION IS SUBJECT TO THE RULES OF THE COMMISSION REGARDING MOVEMENT AND DISEASE TESTING.

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

SECTION 2. 35-1-106 (1) (o), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

35-1-106. Powers and duties of commission. (1) In addition to all other powers and duties conferred upon the commission by the provisions of this article, the commission has the following specific powers and duties:

(o) To promulgate rules requiring the owners of alternative livestock, as defined in section 35-41.5-102 (1), to obtain certification showing that the alternative livestock herd meets the requirements of a tuberculosis surveillance plan approved by the state veterinarian and meets regulations pertaining to the control of infectious diseases and parasites as determined by the department. THIS PARAGRAPH (o) SHALL NOT APPLY IF THE OWNER OF THE ALTERNATIVE LIVESTOCK IS A ZOOLOGICAL PARK THAT IS ACCREDITED BY THE AMERICAN ZOO AND AQUARIUM ASSOCIATION; EXCEPT THAT ANY INTRASTATE TRANSFER OF ALTERNATIVE LIVESTOCK BY A ZOOLOGICAL PARK THAT IS ACCREDITED BY THE AMERICAN ZOO AND AQUARIUM ASSOCIATION TO ANY PERSON OR ENTITY THAT IS NOT ACCREDITED BY THE AMERICAN ZOO AND AQUARIUM ASSOCIATION IS SUBJECT TO THE RULES OF THE COMMISSION ADOPTED UNDER THIS PARAGRAPH (o).

SECTION 3. 35-41.5-103 (2), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

35-41.5-103. Scope of article. (2) The provisions of this article ~~shall~~ DO not apply to:

(a) Wildlife regulated by the division of wildlife; ~~or~~

(b) Livestock as defined in section 35-41-100.3 (5); OR

(c) ALTERNATIVE LIVESTOCK OWNED BY OR IN THE POSSESSION OF A ZOOLOGICAL PARK THAT IS ACCREDITED BY THE AMERICAN ZOO AND AQUARIUM ASSOCIATION; EXCEPT THAT:

(I) THE RULES OF THE BOARD ADOPTED PURSUANT TO THIS ARTICLE REGARDING THE TRANSFER OF ALTERNATIVE LIVESTOCK SHALL APPLY TO ANY TRANSFER AND MOVEMENT OF ALTERNATIVE LIVESTOCK; AND

(II) ANY INTRASTATE TRANSFER AND MOVEMENT OF ALTERNATIVE LIVESTOCK BY A ZOOLOGICAL PARK ACCREDITED BY THE AMERICAN ZOO AND AQUARIUM ASSOCIATION TO ANY PERSON OR ENTITY NOT ACCREDITED BY THE AMERICAN ZOO AND AQUARIUM ASSOCIATION IS SUBJECT TO THIS ARTICLE AND TO ANY RULES ADOPTED PURSUANT TO THIS ARTICLE.

SECTION 4. 35-50-114.5 (1) (a), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

35-50-114.5. Cervidae disease revolving fund - creation. (1) (a) The commission may levy an assessment of no more than five dollars per head of cervidae per year from the owners of alternative livestock cervidae or captive wildlife cervidae

which shall be transmitted to the state treasurer who shall credit the same to the cervidae disease revolving REVOLVING fund, which fund is hereby created. The fund shall be maintained at a level of no more than two hundred thousand dollars and shall be administered by the commission pursuant to the recommendations of the captive wildlife and alternative livestock board created in section 33-1-121, C.R.S. AN ASSESSMENT SHALL NOT BE LEVIED OR COLLECTED ON CERVIDAE OWNED BY A ZOOLOGICAL PARK THAT IS ACCREDITED BY THE AMERICAN ZOO AND AQUARIUM ASSOCIATION. A ZOOLOGICAL PARK THAT DOES NOT PAY INTO THE FUND IS NOT ELIGIBLE FOR INDEMNIFICATION UNDER THIS SECTION.

SECTION 5. Safety clause. The general assembly hereby inds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 9, 1995