

CHAPTER 329

NATURAL RESOURCES

HOUSE BILL 04-1135

BY REPRESENTATIVE(S) Weissmann, Madden, Borodkin, Brophy, Carroll, Coleman, Frangas, Garcia, Hoppe, Larson, Marshall, May M., McGihon, Merrifield, Miller, Paccione, Plant, Ragsdale, Rippey, Romanoff, Salazar, Spradley, Stafford, Stengel, Tochtrop, Vigil, and Weddig;
also SENATOR(S) Tupa, Groff, Hanna, Keller, Tapia, Veiga, and Windels.

AN ACT

CONCERNING THE REGULATION OF WILDLIFE, AND, IN CONNECTION THEREWITH, AUTHORIZING WILDLIFE SANCTUARIES, AND MAKING AN APPROPRIATION.

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

SECTION 1. 33-1-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

33-1-102. Definitions. (52) "WILDLIFE SANCTUARY" MEANS A PLACE OF REFUGE WHERE A NONPROFIT ENTITY, AS DEFINED IN SECTION 7-90-102 (40), C.R.S., PROVIDES CARE FOR ABUSED, NEGLECTED, UNWANTED, IMPOUNDED, ABANDONED, ORPHANED, OR DISPLACED WILDLIFE FOR THEIR LIFETIME AND, WITH RESPECT TO ANY WILDLIFE OWNED BY SUCH ENTITY, DOES NOT:

- (a) USE THE ANIMAL FOR ANY TYPE OF ENTERTAINMENT;
- (b) SELL, TRADE, OR BARTER THE ANIMAL OR THE ANIMAL'S BODY PARTS, EXCEPT AS AUTHORIZED BY RULE PROMULGATED BY THE COMMISSION; OR
- (c) BREED THE ANIMAL.

SECTION 2. 33-1-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

33-1-106. Authority to regulate taking, possession, and use of wildlife - rules.
(6) THE COMMISSION MAY ADOPT RULES GOVERNING WILDLIFE SANCTUARIES.

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 3. 33-1-121 (3) (a), Colorado Revised Statutes, is amended to read:

33-1-121. Captive wildlife and alternative livestock board - created - duties - repeal. (3) (a) The captive wildlife and alternative livestock board shall review or initiate and consider, prior to presentation to the commission for adoption, every rule or policy that is to regulate or control, or otherwise relates to, captive wildlife, WILDLIFE SANCTUARIES, or alternative livestock, the spread of disease within WILDLIFE SANCTUARIES OR privately owned wildlife or alternative livestock facilities, or the importation into the state or the distribution of any wildlife or alternative livestock species.

SECTION 4. 33-4-102 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

33-4-102. Types of licenses and fees - repeal. (2) Except as otherwise provided in subsection (1.6) of this section, the division is authorized to issue the following special licenses and shall collect the following fees therefor:

	Fees
(i) WILDLIFE SANCTUARY LICENSE	\$ 100.00

SECTION 5. 33-4-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

33-4-102. Types of licenses and fees - repeal. (14) (a) THE COMMISSION SHALL ESTABLISH A LICENSE CLASSIFICATION FOR WILDLIFE SANCTUARIES. EACH LICENSE FOR A WILDLIFE SANCTUARY SHALL BE SUBJECT TO THE FOLLOWING REQUIREMENTS:

(I) THE PURPOSE OF THE WILDLIFE SANCTUARY SHALL BE TO OPERATE AS A PLACE OF REFUGE WHERE ABUSED, NEGLECTED, UNWANTED, IMPOUNDED, ABANDONED, ORPHANED, OR DISPLACED WILDLIFE ARE PROVIDED CARE FOR THEIR LIFETIME;

(II) THE WILDLIFE SANCTUARY SHALL BE OPERATED UNDER THE DIRECTION OF A PROFESSIONAL STAFF THAT HAS GENERALLY-RECOGNIZED FORMAL OR PRACTICAL TRAINING IN THE HUSBANDRY OF THE TYPES OF WILDLIFE KEPT AT THE SANCTUARY; AND

(III) THE WILDLIFE SANCTUARY SHALL HAVE A STATE-LICENSED VETERINARIAN ON STAFF OR UNDER CONTRACT WITH THE SANCTUARY AND AVAILABLE TO PROVIDE PROFESSIONAL CONSULTATION AND CARE WHEN NEEDED.

(b) AN APPLICATION FOR A LICENSE FOR A WILDLIFE SANCTUARY SHALL INCLUDE THE FOLLOWING:

(I) THE NAME, COMPLETE STREET ADDRESS, MAILING ADDRESS IF DIFFERENT FROM THE STREET ADDRESS, AND TELEPHONE NUMBER OF THE FACILITY;

(II) EVIDENCE OF THE WILDLIFE SANCTUARY'S STATUS UNDER SECTION 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE";

(III) THE SPECIFIC LOCATION WHERE WILDLIFE IS HOUSED;

(IV) THE CURRENT WILDLIFE INVENTORY, INCLUDING THE COMMON AND SCIENTIFIC NAME, GENDER, AGE, AND ORIGIN OF EACH ANIMAL; AND

(V) A SIGNED STATEMENT BY A LICENSED VETERINARIAN STATING THE VETERINARIAN IS THE VETERINARIAN OF RECORD FOR THE APPLICANT AND THE VETERINARIAN'S COMPLETE ADDRESS, TELEPHONE NUMBER, AND LICENSE NUMBER. THE VETERINARIAN SHALL CERTIFY THAT THE VETERINARIAN HAS OBSERVED EACH OF THE APPLICANT'S ANIMALS AT LEAST ONCE DURING THE PREVIOUS THREE MONTHS AND THAT THE WILDLIFE HAVE BEEN APPROPRIATELY IMMUNIZED AND CARED FOR.

(c) THE ANNUAL FEE FOR A LICENSE FOR A WILDLIFE SANCTUARY SHALL NOT EXCEED ONE HUNDRED DOLLARS.

SECTION 6. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of natural resources, division of wildlife, for the fiscal year beginning July 1, 2004, the sum of six thousand nine hundred ninety-seven dollars (\$6,997) or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from the wildlife cash fund created in section 33-1-112 (1), Colorado Revised Statutes.

SECTION 7. 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 (August 4, 2004, if adjournment sine die is on May 5, 2004); 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: May 28, 2004