

## CHAPTER 386

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**TAXATION**


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**SENATE BILL 04-207**

BY SENATOR(S) Taylor, Johnson S., Chlouber, Entz, Fitz-Gerald, Groff, Grossman, Hanna, and Tupa;  
also REPRESENTATIVE(S) Hoppe, Frangas, Rippy, Romanoff, Stafford, and Weddig.

**AN ACT**

**CONCERNING THE WELFARE OF PET ANIMALS, AND, IN CONNECTION THEREWITH, AUTHORIZING THE COMMISSIONER OF AGRICULTURE TO DENY LICENSE RENEWAL TO PEOPLE WITH UNPAID CIVIL PENALTIES PURSUANT TO THE "PET ANIMAL CARE AND FACILITIES ACT" AND REESTABLISHING THE PET OVERPOPULATION FUND VOLUNTARY CONTRIBUTION PROGRAM.**

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

**SECTION 1.** 35-80-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**35-80-106. Pet animal facility license - renewal.** (4) THE COMMISSIONER MAY REFUSE TO RENEW A LICENSE PURSUANT TO THIS SECTION FOR FAILURE TO PAY AN OUTSTANDING CIVIL PENALTY IMPOSED UNDER SECTION 35-80-113.

**SECTION 2.** 35-80-113 (3), Colorado Revised Statutes, is amended to read:

**35-80-113. Civil penalties.** (3) If the commissioner is unable to collect such civil penalty or if any person fails to pay all or a set portion of the civil penalty as determined by the commissioner, the commissioner may:

(a) Bring suit to recover ~~such~~ THE amount OF THE CIVIL PENALTY plus costs and attorney fees by action in any court of competent jurisdiction; OR

(b) REFUSE TO RENEW ANY LICENSE AUTHORIZED UNDER THIS ARTICLE THAT WAS ISSUED TO A PERSON WHO HAS NOT PAID THE CIVIL PENALTY PURSUANT TO SECTION 35-80-106 (4).

**SECTION 3.** Part 22 of article 22 of title 39, Colorado Revised Statutes, is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

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

PART 22  
PET OVERPOPULATION FUND  
VOLUNTARY CONTRIBUTION

**39-22-2201. Voluntary contribution designation - procedure.** FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2004, BUT PRIOR TO JANUARY 1, 2007, 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 THE 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 THE DEPARTMENT'S COSTS OF ADMINISTERING THE MONEYS DESIGNATED AS CONTRIBUTIONS TO THE FUND. AFTER SUBTRACTING THE APPROPRIATION TO THE DEPARTMENT, 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, AFTER SUBTRACTING THE APPROPRIATION TO THE DEPARTMENT, AS SPECIFIED IN SECTION 35-80-116.5 (5) (b), C.R.S.

**39-22-2203. Repeal of part.** THIS PART 22 IS REPEALED, EFFECTIVE JANUARY 1, 2008, 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 SECOND REGULAR SESSION OF THE SIXTY-FIFTH 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.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 4, 2004