

First Regular Session Sixty-seventh
General Assembly STATE OF
COLORADO

DRAFT

LLS NO. 09-0214.01 Kate Meyer

SUNSET BILL

Sunset Process - Senate Agriculture
and Natural Resources Committee

SHORT TITLE: "Sunset PACFA & Pet Animal Adv Cmt"

DEADLINES: Finalize by: 01/21/2009 File by: 01/23/2009

A BILL FOR AN ACT

101 CONCERNING CONTINUATION OF PET ANIMAL CARE REGULATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Sunset Process - Senate Agriculture and Natural Resources Committee.
Implements the recommendations of the department of regulatory agencies in its sunset review of the "Pet Animal Care and Facilities Act" (PACFA) as follows:

☐ *Recommendation 1. Continues PACFA and its functions through July 1, 2014.*

☐ *Recommendation 2. Directs the commissioner of the department of agriculture (commissioner) to set fees at sufficient levels for record-keeping and support technology*

Capital letters indicate new material to be added to existing statute. Dashes through the words indicate deletions from existing statute.

upgrades.

☐ Recommendation 3. Continues the pet animal advisory committee indefinitely.

☐ Recommendation 4. Authorizes the commissioner to inspect all properties and records pertaining to the PACFA at any time.

☐ Recommendation 5. Repeals the specific authorization of the commissioner's authority to consider the effect of a civil penalty on a person's ability to stay in business prior to imposing such penalty.

☐ Recommendation 6. Removes the statutory renewal date for licenses issued under the PACFA and authorizes the commissioner to set such date by rule.

☐ Recommendation 7. Changes the destination of civil fines collected pursuant to violations of the PACFA from the pet animal care and facility fund to the general fund.

☐ Recommendation 8. Allows persons breeding turtles to possess turtles with carapaces of less than 4 inches.

☐ Recommendation 9. Adds rats and gerbils to the definition of "pet animal".

☐ Recommendation 10. Requires licensees to display signage containing contact information for PACFA administrators.

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

2 **Recommendation 1**

3 **SECTION 1.** 35-80-117 (1), Colorado Revised Statutes, is
4 amended to read:

5 **35-80-117. Repeal of article - sunset review.** (1) This article is
6 repealed, effective July 1, ~~2009~~ 2014.

7 **SECTION 2. Repeal.** 24-34-104 (40) (i), Colorado Revised
8 Statutes, is repealed as follows:

9 **24-34-104. General assembly review of regulatory agencies
10 and functions for termination, continuation, or reestablishment.**

11 (40) The following agencies, functions, or both, shall terminate on July
12 1, 2009:

13 (i) ~~The licensing of pet animal facilities pursuant to article 80 of~~
1 ~~title 35, C.R.S.,~~

2 **SECTION 3.** 24-34-104 (45), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for termination, continuation, or reestablishment.**

6 (45) The following agencies, functions, or both, shall terminate on July
7 1, 2014:

8 (h) THE LICENSING OF PET ANIMAL FACILITIES PURSUANT TO
9 ARTICLE 80 OF TITLE 35, C.R.S.

10 **Recommendation 2**

11 **SECTION 4.** 35-80-109 (2) (e), Colorado Revised Statutes, is
12 amended to read:

13 **35-80-109. Powers and duties of the commissioner - rules.**

14 (2) The commissioner is authorized to adopt all reasonable rules for the
15 administration and enforcement of this article, including, but not limited
16 to:

17 (e) (I) The amount of any license fee for a pet animal facility
18 license. Such license fee maybe differentfor differentclassifications and
19 subclassifications of any license authorized under this article. THE
20 COMMISSIONER IS AUTHORIZED TO DETERMINE THE AMOUNT OF ANY
21 LICENSING FEE AUTHORIZED UNDER THIS ARTICLE BASED ON THE ACTUAL
22 COST OF ADMINISTERING AND ENFORCING THIS ARTICLE AND ANY RULES
23 ADOPTED PURSUANT THERETO, SUBJECT TO THE PROVISIONS OF
24 SUBPARAGRAPH (II) OF THIS PARAGRAPH (e).

25 (II) THE COMMISSIONER SHALL PROVIDE FOR AND AUTHORIZE THE
26 UPGRADE OF RECORD-KEEPING AND SUPPORT TECHNOLOGY USED TO

27 ADMINISTER THIS ARTICLE. SUCH UPGRADE SHALL FACILITATE MORE
1 EFFICIENT IMPLEMENTATION OF THIS ARTICLE, MAKE USE OF UPDATED
2 TECHNOLOGICAL RESOURCES, AND REDUCE DUPLICATIVE RECORD-KEEPING
3 EFFORTS. THE UPGRADE SHALL BE FUNDED WITH MONEYS FROM THE PET
4 ANIMAL CARE AND FACILITY FUND CREATED IN SECTION 35-80-116.

5 **Recommendation 3**

6 **SECTION 5. Repeal.** 35-80-115 (5), Colorado Revised Statutes,
7 is repealed as follows:

8 **35-80-115. Advisory committee.** (5) (a) ~~This section is repealed,~~
9 ~~effective July 1, 2009.~~

10 (b) ~~Prior to said repeal, the advisory committee appointed~~
11 ~~pursuant to this section shall be reviewed as provided for in section~~
12 ~~2-3-1203, C.R.S.~~

13 **SECTION 6. Repeal.** 2-3-1203 (3) (v) (II), Colorado Revised
14 Statutes, is repealed as follows:

15 **2-3-1203. Sunset review of advisory committees.** (3) The
16 following dates are the dates for which the statutory authorization for the
17 designated advisory committees is scheduled for repeal:

18 (v) July 1, 2009:

19 (II) ~~The pet animal advisory committee appointed pursuant to~~
20 ~~section 35-80-115, C.R.S.,~~

21 **Recommendation 4**

22 **SECTION 7.** The introductory portion to 35-80-110 (3), Colorado
23 Revised Statutes, is amended to read:

24 **35-80-110. Inspections - investigations - access - subpoena.**

25 (3) ~~At any reasonable time, during regular business hours, the~~
26 ~~commissioner shall have free and unimpeded access upon consent or~~

27 obtaining an administrative search warrant:

1 **Recommendation 5**

2 **SECTION 8. Repeal.** 35-80-113 (4), Colorado Revised Statutes,
3 is repealed as follows:

4 **35-80-113. Civil penalties.** (4) ~~Before imposing any civil~~
5 ~~penalty, the commissioner may consider the effect of such penalty on the~~
6 ~~ability of the person charged to stay in business.~~

7 **Recommendation 6**

8 **SECTION 9.** 35-80-105 (5), Colorado Revised Statutes, is
9 amended to read:

10 **35-80-105. Pet animal facility - licensure requirements**
11 **application - fees.** (5) Each pet animal facility license shall expire ~~on~~
12 ~~March 1 of each year~~ ON A DATE SPECIFIED BY THE COMMISSIONER BY
13 RULE.

14 **SECTION 10.** 35-80-106 (1), (2), and (3), Colorado Revised
15 Statutes, are amended to read:

16 **35-80-106. Pet animal facility license - renewal.** (1) Each pet
17 animal facility shall apply to renew its license on or before the ~~first~~
18 ~~working day of March for the year of renewal~~ EXPIRATION DATE OF THE
19 LICENSE. Said application shall be in the form and manner prescribed by
20 the commissioner and shall be accompanied by the required renewal fee.

21 (2) If the application for renewal is not postmarked on or before
22 ~~the first working day of March for the year of renewal~~ EXPIRATION DATE
23 OF THE LICENSE, a penalty fee of ten percent of the renewal fee shall be
24 assessed. No license shall be renewed until the renewal fee and any
25 penalty fee are paid.

26 (3) If the application and fee for renewal are ~~not postmarked on~~

27 ~~or before April 1~~ LATER THAN ONE CALENDAR MONTH AFTER THE
1 EXPIRATION DATE OF THE LICENSE, the license shall not be renewed and
2 the pet animal facility shall apply for a new license.

3 **SECTION 11.** 35-80-106.5, Colorado Revised Statutes, is
4 amended to read:

5 **35-80-106.5. Psittacine bird leg band - fee - rules.** (1) Each
6 applicant for a Colorado psittacine bird leg band shall be issued a bird leg
7 band number by the commissioner after paying the required application
8 fee, and each holder of a bird leg band number shall pay an annual
9 renewal fee on or before ~~October 1 of each year~~ THE ANNUAL DATE SET
10 BY THE COMMISSIONER.

11 (2) The application, ~~and renewal fees~~, AND ANNUAL RENEWAL
12 DATE described in subsection (1) of this section shall be set forth in rule
13 adopted by the commissioner.

14 **SECTION 12.** 35-80-109 (4), Colorado Revised Statutes, is
15 amended to read:

16 **35-80-109. Powers and duties of the commissioner - rules.**

17 (4) The commissioner is authorized to ~~determine the amount of any~~
18 ~~licensing fee authorized under this article based on the actual cost of~~
19 ~~administering and enforcing the article and any rules and regulations~~
20 ~~adopted pursuant thereto~~ ESTABLISH THE ANNUAL DATE OR DATES ON
21 WHICH LICENSES AND PSITTACINE BIRD LEG BANDS ISSUED PURSUANT TO
22 THIS ARTICLE SHALL EXPIRE.

23 **Recommendation 7**

24 **SECTION 13.** 35-80-116, Colorado Revised Statutes, is amended
25 to read:

26 **35-80-116. Pet animal care and facility fund - fees - civil fines.**

27 *(1) All fees ~~and civil fines~~ collected pursuant to this article shall be*
1 *transmitted to the state treasurer who shall credit the same to the pet*
2 *animal care and facility fund, which fund is hereby created. All moneys*
3 *credited to the fund shall be a part of the fund and shall not be transferred*
4 *or credited to the general fund or to any other fund except as directed by*
5 *the general assembly acting by bill. Notwithstanding the provisions of*
6 *this section to the contrary, all interest derived from the deposit and*
7 *investment of this fund shall be credited to the general fund, in*
8 *accordance with section 24-36-114, C.R.S. The general assembly shall*
9 *make annual appropriations from the fund to the department of*
10 *agriculture for direct and indirect expenses incurred in carrying out the*
11 *purposes of this section.*

12 *(2) ALL CIVIL FINES COLLECTED PURSUANT TO THIS ARTICLE SHALL*
13 *BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH*
14 *MONEYS TO THE GENERAL FUND.*

15 **Recommendation 8**

16 **SECTION 14.** *35-80-108 (1) (j) (I), Colorado Revised Statutes,*
17 *is amended to read:*

18 **35-80-108. Unlawful acts.** *(1) Unless otherwise authorized by*
19 *law, it is unlawful and a violation of this article for any person or entity:*

20 *(j) To sell, barter, exchange, or otherwise transfer, possess,*
21 *import, or cause to be imported into this state:*

22 *(I) Any type of turtle with a length in carapace of less than four*
23 *inches; EXCEPT THAT A PERSON MAY POSSESS A TURTLE THAT THE PERSON*
24 *HAS BRED WITH A LENGTH IN CARAPACE OF LESS THAN FOUR INCHES; or*

25 **Recommendation 9**

26 **SECTION 15.** *35-80-102 (10), Colorado Revised Statutes, is*

27 amended to read:

1 **35-80-102. Definitions.** As used in this article, unless the context
2 otherwise requires:

3 (10) "Pet animal" means dogs, cats, rabbits, guinea pigs, hamsters,
4 mice, RATS, GERBILS, ferrets, birds, fish, reptiles, amphibians, and
5 invertebrates, or any other species of wild or domestic or hybrid animal
6 sold, transferred, or retained for the purpose of being kept as a household
7 pet, except livestock, as defined in subsection (9) of this section. "Pet
8 animal" does not include an animal that is used for working purposes on
9 a farm or ranch.

10 **Recommendation 10**

11 **SECTION 16.** 35-80-105, Colorado Revised Statutes, is amended
12 BY THE ADDITION OF A NEW SUBSECTION to read:

13 **35-80-105. Pet animal facility - licensure requirements**
14 **application - fees.** (8) EACH PET ANIMAL FACILITY LICENSED PURSUANT
15 TO THIS ARTICLE SHALL DISPLAY IN A CONSPICUOUS PLACE SIGNAGE THAT
16 CONTAINS CONTACT INFORMATION FOR THE OFFICE OR OTHER
17 APPROPRIATE DEPARTMENT SUBDIVISION THAT ADMINISTERS THE PET
18 ANIMAL CARE AND FACILITIES ACT.

19 **SECTION 17. Effective date.** This act shall take effect July 1,
20 2009.

21 **SECTION 18. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.