

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0107.01 Jery Payne

HOUSE BILL 10-1214

HOUSE SPONSORSHIP

McCann,

SENATE SPONSORSHIP

Schwartz,

House Committees

Agriculture, Livestock, & Natural Resources
Transportation & Energy
Appropriations

Senate Committees

Agriculture and Natural Resources
Appropriations

A BILL FOR AN ACT

101 **CONCERNING FINANCIAL SUPPORT FOR EFFORTS TO REDUCE THE**
102 **OVERPOPULATION OF PETS, AND, IN CONNECTION THEREWITH,**
103 **AUTHORIZING THE ISSUANCE OF AN ADOPT A SHELTER PET**
104 **LICENSE PLATE, AND MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Section 1 adds a representative of the western slope to the Colorado pet overpopulation authority. **Section 2** creates the adopt a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
March 25, 2010

HOUSE
Amended 2nd Reading
March 23, 2010

shelter pet account (account) in the pet overpopulation fund. **Sections 3 and 4** continue the pet overpopulation contribution on tax returns until 2013.

Section 5 creates the adopt a shelter pet special license plate for motor vehicles that do not exceed 16,000 pounds. The fees for the special license plate consist of normal registration fees plus 3 one-time fees equaling \$80: \$25 is credited to the highway users tax fund, \$25 is credited to the licensing services cash fund, and \$30 is credited to the account. In addition, the special plate requires an annual renewal fee of \$25 that is also credited to the account.

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

2 **SECTION 1.** 35-80-116.5 (2) (a) and (6), Colorado Revised
3 Statutes, are amended to read:

4 **35-80-116.5. Pet overpopulation authority - creation - duties**
5 **and powers - pet overpopulation fund.** (2) (a) The powers of the
6 Colorado pet overpopulation authority shall be vested in a board of
7 directors consisting of the following:

8 (I) One representative of the animal assistance foundation or its
9 successor organization;

10 (II) One representative of the Colorado federation of animal
11 welfare agencies or its successor organization;

12 (III) One representative of a state veterinary medical association;

13 (IV) One representative of an association organized for Colorado
14 animal control officers;

15 (V) One representative from the department of agriculture;

16 (VI) One member from an animal rescue organization; ~~and~~

17 (VII) One member of the general public with an interest in animal
18 welfare; AND

19 (VIII) ONE REPRESENTATIVE OF WESTERN COLORADO.

20 (6) EXCEPT AS PROVIDED IN SECTION 42-3-233, C.R.S., the

1 Colorado pet overpopulation authority, created pursuant to this section,
2 shall not be funded by or through any state agency.

3 **SECTION 2.** 35-80-116.5 (5), Colorado Revised Statutes, is
4 amended BY THE ADDITION OF THE FOLLOWING NEW
5 PARAGRAPHS to read:

6 **35-80-116.5. Pet overpopulation authority - creation - duties**
7 **and powers - pet overpopulation fund.** (5) (d) THERE IS HEREBY
8 CREATED IN THE PET OVERPOPULATION FUND THE ADOPT A SHELTER PET
9 ACCOUNT, WHICH CONSISTS OF MONEYS DONATED TO QUALIFY FOR THE
10 ADOPT A SHELTER PET SPECIAL LICENSE PLATE PURSUANT TO SECTION
11 42-3-233, C.R.S.

12 (e) THE AUTHORITY SHALL USE THE MONEYS IN THE ADOPT A
13 SHELTER PET ACCOUNT TO SUPPORT THE SPAY AND NEUTERING AND OTHER
14 MEDICAL COSTS OF ANIMALS IN ANIMAL SHELTERS AND RESCUES OR TO
15 SUPPORT OVERPOPULATION EDUCATION PROGRAMS; EXCEPT THAT UP TO
16 TEN PERCENT OF THE MONEYS IN THE ADOPT A SHELTER PET ACCOUNT MAY
17 BE USED FOR THE ADMINISTRATION OF THE ACCOUNT.

18 **SECTION 3.** 39-22-2201, Colorado Revised Statutes, is amended
19 to read:

20 **39-22-2201. Voluntary contribution designation - procedure.**
21 For income tax years commencing on or after January 1, 2007, but prior
22 to January 1, ~~2010~~ 2013, each Colorado state individual income tax return
23 form shall contain a line whereby each individual taxpayer may designate
24 the amount of the contribution, if any, the taxpayer wishes to make to the
25 pet overpopulation fund.

26 **SECTION 4.** 39-22-2203, Colorado Revised Statutes, is amended
27 to read:

1 **39-22-2203. Repeal of part.** This part 22 is repealed, effective
2 January 1, ~~2011~~ 2013, unless the voluntary contribution to the pet
3 overpopulation fund established by section 39-22-2201 is continued or
4 reestablished by the general assembly acting by bill prior to said date.

5 **SECTION 5.** Part 2 of article 3 of title 42, Colorado Revised
6 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
7 read:

8 **42-3-233. Special plates - adopt a shelter pet - repeal.**

9 (1) BEGINNING THE EARLIER OF JANUARY 1, 2011, OR WHEN THE
10 DEPARTMENT IS ABLE TO ISSUE THE PLATES CREATED BY THIS SECTION,
11 THE DEPARTMENT SHALL ISSUE SPECIAL LICENSE PLATES TO QUALIFIED
12 APPLICANTS IN ACCORDANCE WITH THIS SECTION FOR MOTORCYCLES,
13 PASSENGER CARS, TRUCKS, AND NONCOMMERCIAL OR RECREATIONAL
14 MOTOR VEHICLES THAT DO NOT EXCEED SIXTEEN THOUSAND POUNDS
15 EMPTY WEIGHT.

16 (2) (a) THERE IS HEREBY ESTABLISHED THE ADOPT A SHELTER PET
17 SPECIAL LICENSE PLATE.

18 (b) THE DESIGN FOR THE SPECIAL LICENSE PLATE SHALL CONFORM
19 WITH STANDARDS ESTABLISHED BY THE DEPARTMENT AND SHALL BE
20 SUBJECT TO THE DEPARTMENT'S APPROVAL.

21 (3) A PERSON MAY APPLY FOR AN ADOPT A SHELTER PET SPECIAL
22 LICENSE PLATE IF THE PERSON PAYS THE TAXES AND FEES REQUIRED
23 UNDER THIS SECTION.

24 (4) THE AMOUNT OF THE TAXES AND FEES FOR SPECIAL LICENSE
25 PLATES UNDER THIS SECTION IS THE SAME AS THE AMOUNT OF THE TAXES
26 AND FEES SPECIFIED FOR REGULAR MOTOR VEHICLE LICENSE PLATES;
27 EXCEPT THAT THE DEPARTMENT SHALL COLLECT THE FOLLOWING FEES

1 AND DONATIONS:

2 (a) A ONE-TIME, TWENTY-FIVE-DOLLAR FEE FOR ISSUANCE OR
3 REPLACEMENT OF THE LICENSE PLATE, WHICH FEE SHALL BE TRANSMITTED
4 TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE
5 HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S.;

6 (b) A ONE-TIME, THIRTY-DOLLAR DONATION FOR ISSUANCE OR
7 REPLACEMENT OF THE LICENSE PLATE, WHICH DONATION SHALL BE
8 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
9 TO THE ADOPT A SHELTER PET ACCOUNT IN THE PET OVERPOPULATION
10 FUND CREATED IN SECTION 35-80-116.5, C.R.S.; AND

11 (c) AN ANNUAL TWENTY-FIVE-DOLLAR LICENSE PLATE RENEWAL
12 DONATION, WHICH DONATION SHALL BE TRANSMITTED TO THE STATE
13 TREASURER, WHO SHALL CREDIT THE SAME TO THE ADOPT A SHELTER PET
14 ACCOUNT IN THE PET OVERPOPULATION FUND CREATED IN SECTION
15 35-80-116.5, C.R.S.; EXCEPT THAT THE DEPARTMENT AND ITS
16 AUTHORIZED AGENTS MAY RETAIN THE PORTION OF THE DONATION
17 NECESSARY TO OFFSET IMPLEMENTING THIS PARAGRAPH (c), UP TO A
18 MAXIMUM OF TWO DOLLARS.

19 (5) AN APPLICANT MAY APPLY FOR PERSONALIZED ADOPT A
20 SHELTER PET SPECIAL LICENSE PLATES. UPON PAYMENT OF THE
21 ADDITIONAL FEE REQUIRED BY SECTION 42-3-211 (6) (a) FOR
22 PERSONALIZED LICENSE PLATES, THE DEPARTMENT MAY ISSUE SUCH
23 PLATES IF THE APPLICANT COMPLIES WITH SECTION 42-3-211. IF AN
24 APPLICANT HAS EXISTING PERSONALIZED LICENSE PLATES FOR A MOTOR
25 VEHICLE, THE APPLICANT MAY TRANSFER THE COMBINATION OF LETTERS
26 OR NUMBERS TO A NEW SET OF ADOPT A SHELTER PET SPECIAL LICENSE
27 PLATES FOR THE VEHICLE UPON PAYMENT OF THE FEE IMPOSED BY SECTION

1 42-3-211 (6) AND UPON TURNING IN SUCH EXISTING PLATES TO THE
2 DEPARTMENT. A PERSON WHO HAS OBTAINED PERSONALIZED ADOPT A
3 SHELTER PET SPECIAL LICENSE PLATES UNDER THIS SUBSECTION (5) SHALL
4 PAY THE ANNUAL FEE IMPOSED BY SECTION 42-3-211 (6) (b) FOR RENEWAL
5 OF SUCH PERSONALIZED PLATES. THE FEES UNDER THIS SUBSECTION (5)
6 ARE IN ADDITION TO ALL OTHER TAXES AND FEES IMPOSED FOR
7 PERSONALIZED ADOPT A SHELTER PET SPECIAL LICENSE PLATES.

8 (6) (a) THE ADOPT A SHELTER PET LICENSE PLATE SHALL BE
9 RETIRED IF THREE THOUSAND PLATES ARE NOT ISSUED BY JULY 1, 2014.

10 (b) EFFECTIVE JULY 1, 2014, THIS SECTION IS REPEALED IF THE
11 DEPARTMENT NOTIFIES THE REVISOR OF STATUTES IN WRITING THAT THREE
12 THOUSAND PLATES WERE NOT ISSUED BY JULY 1, 2014.

13 **SECTION 6.** 42-3-312, Colorado Revised Statutes, is amended
14 to read:

15 **42-3-312. Special license plate surcharge.** In addition to any
16 other fee imposed by this article, an applicant for a special license plate
17 created by rule in accordance with section 42-3-207, as such section
18 existed when the plate was created, or license plates issued pursuant to
19 sections 42-3-211 to 42-3-218 and sections 42-3-221 to ~~42-3-232~~
20 42-3-233 shall pay an issuance fee of twenty-five dollars; except that the
21 fee shall not be imposed on special license plates exempted from
22 additional fees for the issuance of a military special license plate by
23 section 42-3-213 (1) (b) (II). The fee shall be transferred to the state
24 treasurer and credited to the licensing services cash fund created in
25 section 42-2-114.5.

26 **SECTION 7. Appropriation.** In addition to any other
27 appropriation, there is hereby appropriated, out of any moneys in the

1 license plate cash fund created in section 42-3-301 (1) (b), Colorado
2 Revised Statutes, not otherwise appropriated, to the department of
3 revenue, for allocation to the division of motor vehicles, driver and
4 vehicle services, for the fiscal year beginning July 1, 2010, the sum of
5 seventeen thousand seven hundred sixty dollars (\$17,760) cash funds, or
6 so much thereof as may be necessary, for the implementation of this act.

7 **SECTION 8. Act subject to petition - effective date.**

8 (1) Except as provided in subsection (2) of this section, this act shall take
9 effect at 12:01 a.m. on the day following the expiration of the ninety-day
10 period after final adjournment of the general assembly (August 11, 2010,
11 if adjournment sine die is on May 12, 2010); except that, if a referendum
12 petition is filed pursuant to section 1 (3) of article V of the state
13 constitution against this act or an item, section, or part of this act within
14 such period, then the act, item, section, or part shall not take effect unless
15 approved by the people at the general election to be held in November
16 2010 and shall take effect on the date of the official declaration of the
17 vote thereon by the governor.

18 (2) Sections 3 and 4 of this act shall not take effect if Senate Bill
19 10-172 is enacted at the Second Regular Session of the Sixty-seventh
20 General Assembly and becomes law.