

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 24-1458

BY REPRESENTATIVE(S) Duran and Armagost, McCormick, McLachlan, Bird, Boesenecker, Brown, Clifford, Epps, Froelich, Jodeh, Lindsay, Parenti, Rutinel, Titone, Valdez, Woodrow;
also SENATOR(S) Zenzinger and Roberts, Priola.

CONCERNING THE CREATION OF THE DIVISION OF ANIMAL WELFARE IN THE DEPARTMENT OF AGRICULTURE, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 24-1-123, **amend** (4)(c)(II); and **add** (4)(g.5) as follows:

24-1-123. Department of agriculture - creation. (4) The department of agriculture consists of the following divisions:

(c) (II) The state bureau of animal protection, created in article 42 of title 35. The state bureau of animal protection is a **type 2** entity, as defined in section 24-1-105. The state bureau of animal protection exercises its powers and performs its duties and functions under the department of agriculture and is allocated to the division of animal ~~industry~~ WELFARE as

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

a section ~~thereof~~ OF THE DEPARTMENT.

(g.5) THE DIVISION OF ANIMAL WELFARE, THE HEAD OF WHICH IS THE DIRECTOR OF THE DIVISION OF ANIMAL WELFARE. THE DIVISION OF ANIMAL WELFARE AND THE OFFICE OF THE DIRECTOR OF THE DIVISION OF ANIMAL WELFARE, CREATED IN ARTICLE 1 OF TITLE 35, ARE **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105, AND EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF AGRICULTURE.

SECTION 2. In Colorado Revised Statutes, **amend** 35-1-108 as follows:

35-1-108. Divisions created. There is created in the department an administrative services division, a division of plant industry, a division of animal health, A DIVISION OF ANIMAL WELFARE, a division of markets, and a division of inspection and consumer services. These divisions are **type 2** entities, as defined in section 24-1-105.

SECTION 3. In Colorado Revised Statutes, 35-1-104, **add** (1)(gg) as follows:

35-1-104. Functions, powers, and duties - rules. (1) The department has and shall exercise the following functions, powers, and duties:

(gg) TO PROMOTE DOMESTIC ANIMAL WELFARE, INCLUDING PROVIDING EDUCATION AND OUTREACH; CREATING VOLUNTARY PROGRAMS; AND AWARDING GRANTS. PRIOR TO CREATING A VOLUNTARY PROGRAM OR AWARDING GRANTS PURSUANT TO THIS SUBSECTION (1)(gg), THE DEPARTMENT SHALL CONDUCT A STAKEHOLDER PROCESS TO RECEIVE INPUT FROM THOSE INTERESTED IN THE PROPOSED PROGRAM OR GRANT AND RECEIVE APPROVAL FROM THE COMMISSION.

SECTION 4. In Colorado Revised Statutes, 35-42-103, **amend** the introductory portion and (7) as follows:

35-42-103. Definitions. As used in this ~~article~~ ARTICLE 42, unless the context otherwise requires:

(7) "Division" means the division of animal ~~industry~~ WELFARE of the

department. of agriculture.

SECTION 5. In Colorado Revised Statutes, 35-42-107, **amend** (7) as follows:

35-42-107. Bureau personnel - appointment. (7) Agents authorized to investigate cases involving livestock shall be employees of the division, THE DIVISION OF ANIMAL HEALTH, or the division of brand inspection of the department or any sheriffs when appointed and within their jurisdiction.

SECTION 6. In Colorado Revised Statutes, 18-9-204.5, **amend** (2)(a.5) as follows:

18-9-204.5. Unlawful ownership of dangerous dog - legislative declaration - definitions. (2) As used in this section, unless the context otherwise requires:

(a.5) "Bureau" means the bureau of animal protection in the ~~department of agriculture~~, division of animal ~~industry~~ WELFARE, created pursuant to section 35-42-105, ~~C.R.S.~~ IN THE DEPARTMENT OF AGRICULTURE.

SECTION 7. Appropriation - adjustments to 2024 long bill.

(1) To implement this act, the general fund appropriation made in the annual general appropriation act for the 2024-25 state fiscal year to the department of agriculture for use by the agricultural services division for the animal industry division is decreased by \$464,630, and the related FTE is decreased by 2.8 FTE.

(2) For the 2024-25 state fiscal year, \$664,630 is appropriated to the department of agriculture for use by the division of animal welfare. This appropriation is from the general fund and is based on an assumption that the division will require an additional 2.8 FTE. To implement this act, the division may use this appropriation for program costs.

SECTION 8. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V

of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO