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Colorado Secretary of State

Proposed Initiative 2013-2014 #100
Original

Be it enacted by the People of the State of Colorado:

SECTION 1. In the constitution of the state of Colorado, **add** section 17 to article XVIII as follows:

Section 17. Bovine tail docking. (1) Definitions. AS USED IN THIS SECTION:

(a) "DOCK" MEANS TO CUT OR REMOVE ANY PORTION OF THE FLESH OR BONE OF A BOVINE'S TAIL.

(b) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, GOVERNMENT OR GOVERNMENTAL SUBDIVISION OR AGENCY, BUSINESS TRUST, ESTATE, TRUST, LIMITED LIABILITY COMPANY, PARTNERSHIP, ASSOCIATION, OR OTHER LEGAL ENTITY.

(c) "THERAPEUTIC" MEANS FOR THE PURPOSE OF TREATING A SICK OR INJURED BOVINE, WHERE SUCH TREATMENT IS DEEMED MEDICALLY NECESSARY BY A LICENSED VETERINARIAN, AND NOT MERELY PROPHYLACTIC.

(2) **Prohibition- exception.** (a) NOTWITHSTANDING ANY PROVISION OF THE LAW TO THE CONTRARY, NO PERSON SHALL DOCK THE TAIL OF ANY BOVINE, OR PROCURE THE SAME TO BE DONE.

(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION, BOVINE TAIL DOCKING MAY BE PERFORMED IF:

(I) SUCH PROCEDURE IS PERFORMED FOR A THERAPEUTIC PURPOSE;

(II) THE PROCEDURE IS PERFORMED BY A LICENSED VETERINARIAN USING SUITABLE INSTRUMENTS AND UNDER HYGIENIC CONDITIONS;

(III) THE PROCEDURE IS CONDUCTED IN SUCH A WAY AS TO MINIMIZE ANY PAIN AND SUFFERING OF THE BOVINE; AND

(IV) THE BOVINE HAS BEEN ADEQUATELY ANESTHETIZED TO MINIMIZE THE BOVINE'S PAIN AND SUFFERING DURING THE OPERATION.

(3) **Penalty.** (a) THE GENERAL ASSEMBLY SHALL ENACT, AMEND, OR REPEAL SUCH LAWS AS ARE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION 17, INCLUDING PENALTY PROVISIONS, NO LATER THAN MAY 14, 2015.

(b) IT IS NOT AN AFFIRMATIVE DEFENSE TO ALLEGED VIOLATIONS OF THIS SECTION THAT THE TAIL OF ANY BOVINE WAS DOCKED AS AN ACCEPTABLE ANIMAL HUSBANDRY PRACTICE.

(c) IT IS NOT A NEGATION TO THE ELEMENTS OF THE OFFENSES LISTED IN PART 2 OF ARTICLE 9 OF TITLE 18, C.R.S., THAT THE ANIMAL WAS TREATED IN ACCORDANCE WITH AN ACCEPTED ANIMAL HUSBANDRY PRACTICE.

(4) **Severability and applicability.** (a) IF ANY PROVISION OF THIS SECTION OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS SECTION THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS SECTION ARE DECLARED TO BE SEVERABLE.

(b) THIS ACT APPLIES TO OFFENSES COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS INITIATED MEASURE.

(5) **Effective date.** ALL PROVISIONS OF THIS SECTION SHALL BECOME EFFECTIVE UPON OFFICIAL DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR, PURSUANT TO SECTION 1(4) OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF COLORADO.

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