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To: Colorado Horse Council

From: Danny Williams & Laura Locke

RE: End of the 2007 Legislative Session Report

Date: June 12, 2007

Another year has come to an end at the Colorado Legislature, as the 66th General Assembly adjourned in record time this year on May 4, 2007! We have enjoyed representing the Colorado Horse Council again in 2007, and we look forward to working with you over the interim to plan for what is sure to be a busy session in 2008.

A number of bills passed and died this year that were of interest to the Horse Council, and we monitored 33 specific pieces of legislation. Below is a summary of some of the priority issues we watched and interacted with on behalf of the Horse Council.

House Bill 07-1235 – Cruelty to Animals

Rep. Debbie Stafford (R-Aurora) and Sen. Ken Gordon (D-Denver)

HB 07-1235 is not likely a number anyone in animal agriculture will forget in the near future! From the beginning of the legislative session this year, it was the most significant piece of legislation that was introduced regarding animal cruelty and seemed to be following a pattern of legislation that had been introduced in other states.

As introduced, the bill sought to make several changes to existing "cruelty to animals" statutes. The bill specified that a sexual act with an animal constitutes aggravated cruelty to animals. Further, the introduced version of the bill permitted an impounded animal that is injured, disabled, or diseased to be euthanized without a court order if the animal is experiencing extreme pain or suffering. The bill also outlined definitions of "domestic violence" to include crimes against animals when used as a method of coercion in a personal relationship and would have allowed for genetic testing to be required of persons convicted of aggravated cruelty to animals.

The most concerning section of HB 07-1235 stated that a person "needlessly kills" an animal if he or she unnecessarily causes the death, or euthanasia of the animal if the animal is experiencing extreme pain or suffering. The livestock industry cited a number of examples where animals might be injured in the course of work or where an owner might make a business decision not to give treatment to an animal based on

long-term care or financial limitations and expressed concern over the fact that these business decisions could be defined as “needlessly kills.” Since the penalty for the crime would be a felony, we made it clear to the proponents of the bill, including the Humane Society of the United States (HSUS), Denver Dumb Friends League and the Colorado Federation of Animal Welfare Agencies (CAFWA), that unless this language was removed from the bill we would strongly oppose and count votes to kill the bill.

After much discussion and negotiation, the proponents decided that the only way to keep the bill alive was to remove the entire section surrounding “needlessly kills,” and they asked the sponsors to remove the language. In the end, what started as a 13 page bill became a seven page bill that was signed by the Governor.

HB 07-1235 is proof that we are in a changing world of animal cruelty laws as more and more focus has evolved nationwide. Many states have initiated and passed both constitutional and statutory provisions at the ballot, and new legislation is passing each year in states across the country. We will have to be focused and work very diligently to protect animal agriculture in the state of Colorado in years to come.

House Bill 07-1296 – Animal Owner Choice of Care

Rep. Wes McKinley (D-Walsh) and Sen. Lois Tochtrop (D-Thornton)

HB 07-1296 was carried by Rep. McKinley and Sen. Tochtrop at the request of the Colorado Alliance of Animal Owners Rights (CAAOR). CAAOR, as indicated on their website, was started in 2006 as a grassroots lobbying effort “primarily focused on protecting the right of the animal owner to pursue cooperative maintenance modalities (such as massage and acupuncture) with or without veterinary referral.”

Under Colorado law, veterinary medicine includes activities such as veterinary surgery, obstetrics, dentistry, and other branches of animal medicine. No one may practice veterinary medicine without first becoming licensed by the Board of Veterinary Medicine. However, the requirement for licensure does not prohibit the owner of an animal, or a person employed by the animal’s owner, from treating and caring for the animal (Section 12-64-104 (1)(f), C.R.S.).

This bill would have expanded the activities that can be performed on an animal to include *training* and *assisting*. It clarified that an employees and/or contractors may only treat, care for, train, or assist the animal if the person:

- acts with the owner’s approval;
- complies with Colorado’s animal protection laws;
- does not hold himself or herself as a veterinarian; and
- does not perform surgery, offer diagnosis, or prescribe drugs.

There was concern over HB 07-1296 in that many groups, including the Colorado Veterinary Medical Association (CVMA) and other livestock groups had concerns over the fact that the bill would give people the right to “practice veterinary medicine without a license.” Someone might be providing massage or acupuncture services to an animal that was seriously injured or might even have a transmittable disease, and that person might not know how serious an animal’s condition was without having the consent or diagnosis of a veterinarian.

The bill ultimately passed the House of Representatives and was killed in the Senate Agriculture, Natural Resources and Energy Committee by one vote. The proponents of the bill have indicated their desire to seek sponsors and attempt to have the bill run in the 2008 session.

HB 07-1165 – Ag Buildings & County Building Codes

Rep. Claire Levy (D-Boulder) and Sen. Gail Schwartz (D-Snowmass)

To try to clarify confusion in current law dealing with agricultural buildings, HB 07-1165 was introduced with support from Colorado Counties, Inc., the association of county commissioners. Current law states that agricultural buildings “may” be exempt from county building codes, and the bill would allow a board of county commissioners to pass a resolution repealing the exemption for these buildings from county building codes. Because of the word “may,” counties have not been uniformly applying the building code across the state.

HB 07-1165 brought mixed responses from the agricultural community. Many of the agricultural groups thought the ambiguity in the law was a good thing while others thought requiring the board of county commissioners to act by resolution was even better because that would require public notice and input at public hearings. However, if passed, all counties would then have the authority to regulate agricultural buildings, and there were questions the definition of an agricultural building and whether or not the bill would apply to new construction or current buildings.

After passing the House of Representatives, a number of Senator’s had concerns about the bill, and the Senate Agriculture, Natural Resources and Energy Committee amended the bill to create a five-member task force to study issues on the use of agricultural buildings as subject to county building code requirements, and to recommend legislation on these issues. The task force would be required to make a recommendation to the House and Senate Agriculture committees by September 1, 2008.

Very late in the session, both houses could not agree to the terms of the bill and the changes made in the Senate, and both houses finally adhered to their respective positions and the bill died. We have encouraged Colorado Counties, Inc. and the agriculture community to sit down over the summer and see if some consensus can be reached on this issue. There will likely be legislation on this subject in 2008.

SB 07-068 – Gymkhana Equestrian Helmet Choice

Sen. Tom Wiens (R-Castle Rock) and Sen. Wes McKinley (D-Walsh)

SB 07-068 was one of the first bills run in the session. The bill clarified that the decision whether to wear a helmet while participating in a gymkhana equestrian event is the choice of the participant, or in the case of a minor, the participant's parents. The bill prohibited the Colorado State University Cooperative Extension Service from adopting or approving a policy that supersedes this right of choice by the participants. The bill also specified that the gymkhana program may require the parent of a minor participant to execute a release or waiver of the participant's prospective claim for negligence.

The bill came as a result of a policy adopted by the CSU Cooperative Extension service after conducting a survey and compiling the results with respect to helmet use for gymkhana events. Many different issues came about from the bill including a general conversation about whether or not helmets should be worn in gymkhana and other equestrian events and also whether or not the state of Colorado, through the legislative process should be telling the Cooperative Extension service which policies they should or should not adopt.

After passing the Senate, the bill died in the House Education Committee. Sponsors of the bill and citizens who testified about their concerns over this policy have indicated they would pursue the subject at the legislature again in 2008.

“Horse Power” License Plates

As you know, the Colorado Horse Development Authority recommended, and the Colorado Horse Council approved pursuing legislation to create a license plate recognizing the economic impact of horses in the state of Colorado. Signatures were collected at a number of events during 2006, and the proper procedure was completed with the Department of Revenue to begin the legislative process.

At the start of the session, we approached a number of legislators as potential bill sponsors, and we tried to secure a late bill to create the plate. When the request was ultimately denied, we explained to both the Legislative and Regulatory committee and the Horse Council Board of Directors that we had failed getting a bill for the 2007 session. We talked to Senate Ag Committee Chairman Jim Isgar (D-Hesperus), and he said he would be willing to carry the bill or find a sponsor for us in 2008, and since the signatures are good for two years, we have started working on getting the wheels turning for next year.

On an interesting note, two weeks before the session adjourned, the Colorado Foundation for Agriculture, the group that created the “Growing Agriculture” plate, was notified that in accordance with statute, their plate would sunset in June of 2007 because they did not have 3,000 registered plates. The plate had been created in 2002 and had only sold about half of what they needed. A number of other plates were on the list to sunset including Western State College, Adams State College, School of Mines, and a few others.

HB 07-1378 was introduced and passed giving a nine month extension to all plates set to expire. The bill sunsets in March of 2008 at which time the legislature would like a review of the status of the plates. The Transportation Legislative Review Committee will be discussing the issues over the summer, so we will keep you informed as we move forward.

Again, it has been our pleasure working with the Colorado Horse Council in 2007. We look forward to a productive interim period of strategizing and planning for the 2008 session. As always, if you have any questions or concerns, please let us know!