

## CHAPTER 207

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**AGRICULTURE**

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**HOUSE BILL 95-1206**

BY REPRESENTATIVES Anderson, Acquafresca, Armstrong, Chlouber, Epps, Hernandez, Morrison, and Schwarz;  
also SENATORS Ament, Gallagher, and Pascoe.

**AN ACT**

**CONCERNING THE COLORADO HORSE DEVELOPMENT BOARD, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** Title 35, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 57.8**  
**Colorado Horse Development Board**

**35-57.8-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO HORSE DEVELOPMENT BOARD ACT".

**35-57.8-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD" MEANS THE COLORADO HORSE DEVELOPMENT BOARD CREATED BY SECTION 35-57.8-103 (1).

(2) "COMMISSIONER" MEANS THE COMMISSIONER OF AGRICULTURE.

**35-57.8-103. Colorado horse development board - creation.** (1) THERE IS HEREBY CREATED THE COLORADO HORSE DEVELOPMENT BOARD THAT IS A BODY CORPORATE AND A POLITICAL SUBDIVISION OF THE STATE. THE BOARD IS NOT AN AGENCY OF STATE GOVERNMENT AND IS NOT SUBJECT TO ADMINISTRATIVE DIRECTION BY ANY STATE AGENCY EXCEPT:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(a) AS PROVIDED IN THIS ARTICLE;

(b) FOR PURPOSES OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S.;

(c) FOR PURPOSES OF INCLUSION IN THE RISK MANAGEMENT FUND AND THE SELF-INSURED PROPERTY FUND AND BY THE DIVISION OF RISK MANAGEMENT PURSUANT TO PART 15 OF ARTICLE 30 OF TITLE 24, C.R.S.

**35-57.8-104. Colorado horse development board - members.** (1) THE COMMISSIONER SHALL APPOINT FOURTEEN MEMBERS TO THE BOARD AS FOLLOWS:

(a) FIVE REPRESENTATIVES OF FIVE DIFFERENT HORSE ORGANIZATIONS IN THIS STATE;

(b) ONE REPRESENTATIVE OF A STATE HORSE SHOW ASSOCIATION;

(c) ONE REPRESENTATIVE OF A STATE VETERINARY ASSOCIATION;

(d) ONE REPRESENTATIVE OF A UNIVERSITY EQUINE EXTENSION SERVICE;

(e) TWO REPRESENTATIVES OF AN ORGANIZATION THAT OPERATES STATEWIDE TO PROMOTE AND PROTECT THE INTERESTS OF HORSES AND THAT REPRESENTS ALL TYPES OF HORSE USES AND HORSE BREEDS;

(f) FOUR REPRESENTATIVES OF HORSE INDUSTRY SUPPORT SERVICES.

(2) THE COMMISSIONER SHALL APPOINT THE BOARD MEMBERS TO TERMS DETERMINED BY THE COMMISSIONER. THE TERMS OF ANY THREE MEMBERS SHALL NOT EXPIRE ON THE SAME YEAR. EACH MEMBER SERVES AT THE PLEASURE OF THE COMMISSIONER AND SHALL CONTINUE IN OFFICE UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED AND QUALIFIED.

**35-57.8-105. Qualifications of members.** (1) EACH BOARD MEMBER SHALL MEET THE FOLLOWING QUALIFICATIONS AT THE TIME OF APPOINTMENT AND THROUGHOUT THE MEMBER'S TERM OF OFFICE:

(a) CITIZENSHIP OF THE UNITED STATES;

(b) RESIDENCY IN THIS STATE;

(c) DEMONSTRATION OF AN ACTIVE INTEREST IN THE DEVELOPMENT OF THE HORSE INDUSTRY IN COLORADO.

(2) THE COMMISSIONER SHALL IMMEDIATELY DECLARE THE OFFICE OF ANY MEMBER OF THE BOARD VACANT WHENEVER THE COMMISSIONER FINDS THAT THE MEMBER IS NOT QUALIFIED UNDER THIS SECTION OR THAT THE MEMBER IS UNABLE TO PERFORM THE DUTIES OF THE OFFICE.

**35-57.8-106. Expenses - rules.** MEMBERS SHALL SERVE WITHOUT COMPENSATION EXCEPT FOR THEIR ACTUAL AND NECESSARY TRAVEL AND OTHER EXPENSES INCURRED

IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES. EMPLOYEES OF THE BOARD MAY RECEIVE THEIR ACTUAL AND NECESSARY TRAVEL AND OTHER EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES. THE BOARD SHALL ADOPT REASONABLE RULES GOVERNING THE INCURRENCE AND PAYMENT OF EXPENSES.

**35-57.8-107. Duties and powers of the board.** (1) THE BOARD SHALL:

- (a) ADOPT POLICIES CONCERNING HORSE PROMOTION IN THIS STATE;
- (b) ADOPT AN EDUCATION PROGRAM CONCERNING THE HEALTH, CARE, AND WELFARE OF HORSES;
- (c) DEVELOP, ADOPT, AND IMPLEMENT A PROCESS TO FUND THE ACTIVITIES AND RESPONSIBILITIES OF THE BOARD.

(2) THE BOARD MAY:

- (a) SUE AND BE SUED AS A BOARD, WITHOUT INDIVIDUAL LIABILITY, FOR ACTS OF THE BOARD WITHIN THE SCOPE OF THE POWERS CONFERRED ON THE BOARD BY THIS ARTICLE;
- (b) ENTER INTO CONTRACTS THAT IT DEEMS APPROPRIATE TO CARRY OUT THE PURPOSES OF THE BOARD AS AUTHORIZED BY THIS ARTICLE;
- (c) APPOINT AN ADVISORY COMMITTEE TO ASSIST THE BOARD IN DEVELOPING AND PROMOTING THE HORSE INDUSTRY BY RECOMMENDING PROGRAMS, POLICIES, AND STRUCTURES;
- (d) APPOINT SUBORDINATE OFFICERS AND EMPLOYEES OF THE BOARD AND PRESCRIBE THEIR DUTIES AND FIX THEIR COMPENSATION;
- (e) COOPERATE WITH ANY LOCAL, STATE, OR NATIONWIDE ORGANIZATION OR AGENCY ENGAGED IN WORK OR ACTIVITIES SIMILAR TO THAT OF THE BOARD AND ENTER INTO CONTRACTS WITH THE ORGANIZATIONS OR AGENCIES FOR CARRYING OUT JOINT PROGRAMS;
- (f) PROVIDE FOR CONDUCTING AND OVERSEEING A HORSE SURVEY ON THE ECONOMIC IMPACT OF THE HORSE INDUSTRY ON THIS STATE;
- (g) ADOPT RULES AS NECESSARY TO ADMINISTER AND CARRY OUT THE INTENT AND PURPOSES OF THIS ARTICLE.

(3) THE BOARD SHALL CONTRACT FOR THE IMPLEMENTATION OF HORSE EDUCATION AND PROMOTION PROGRAMS WITH A HORSE INDUSTRY ORGANIZATION THAT OPERATES STATEWIDE TO PROMOTE AND PROTECT THE INTERESTS OF THE HORSE INDUSTRY AND THAT REPRESENTS THE INTERESTS OF ALL TYPES OF HORSE USES AND BREEDS. THE BOARD SHALL OVERSEE THE ACTIVITIES OF THE ORGANIZATION AND THE EXPENDITURE OF MONEYS BY THE ORGANIZATION TO IMPLEMENT THE PROGRAMS.

**35-57.8-108. Acceptance of grants and gifts - horse development fund.**

(1) THE BOARD MAY ACCEPT GRANTS, DONATIONS, CONTRIBUTIONS, OR GIFTS FROM

ANY SOURCE FOR EXPENDITURES FOR ANY PURPOSE CONSISTENT WITH THE POWERS OF THE BOARD.

(2) THERE IS CREATED IN THE OFFICE OF STATE TREASURER THE HORSE DEVELOPMENT FUND. MONEYS COLLECTED UNDER SUBSECTION (1) OF THIS SECTION SHALL BE DEPOSITED IN THE FUND. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE BOARD FOR THE PURPOSE OF IMPLEMENTING THIS ARTICLE. MONEYS IN THE FUND AT THE END OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND.

**SECTION 2.** 29-1-102 (13), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**29-1-102. Definitions.** As used in this part 1, unless the context otherwise requires:

(13) "Local government" means any authority, county, municipality, city and county, district, or other political subdivision of the state of Colorado; any institution, department, agency, or authority of any of the foregoing; and any other entity, organization, or corporation formed by intergovernmental agreement or other contract between or among any of the foregoing. The office of the county public trustee shall be deemed an agency of the county for the purposes of this part 1. "Local government" does not include the Colorado postsecondary educational facilities authority, the university of Colorado hospital authority, the Colorado student obligation bond authority, the Colorado health facilities authority, the Colorado housing and finance authority, the Colorado agricultural development authority, the Colorado sheep and wool authority, the Colorado beef council authority, THE COLORADO HORSE DEVELOPMENT BOARD, the fire and police pension association, any public entity insurance or investment pool formed pursuant to state law, any county or municipal housing authority, any association of political subdivisions formed pursuant to section 29-1-401, or any home rule city or town, home rule city and county, cities and towns operating under a territorial charter, school district, or junior college district.

**SECTION 3.** 29-1-602 (5) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**29-1-602. Definitions.** As used in this part 6, unless the context otherwise requires:

(5) (b) Except for purposes of section 29-1-603 (4), "local government" does not include the fire and police pension association, any county or municipal housing authority, any public entity insurance pool formed pursuant to state law, the Colorado sheep and wool authority, the Colorado beef council authority, THE COLORADO HORSE DEVELOPMENT BOARD, or any association of political subdivisions formed pursuant to section 29-1-401.

**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the horse development fund created by section 35-57.8-108, Colorado Revised Statutes, not otherwise appropriated, to the

Colorado horse development board created by section 35-57.8-103, Colorado Revised Statutes, for the fiscal year beginning July 1, 1995, the sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary for the implementation of this act.

**SECTION 5. Effective date.** This act shall take effect July 1, 1995.

**SECTION 6. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 25, 1995