



COLORADO HORSE COUNCIL, INC

Protecting the Colorado Horse Industry Through Legislation and Education

Use or abuse of Colorado's citizen initiative process?

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In this 2014 election year, the horse industry must pay close attention to Colorado's citizen initiatives. Unfortunately, proposed citizen initiatives include measures intended to embed in our laws and constitution the ideas of a few, well-funded animal rights activists, to the detriment of the welfare of livestock, horses included.

The initiative process is a closely guarded right in Colorado, reserving to the citizens the right to bypass the legislature and vote directly to enact laws and constitutional amendments. It is an oft-used right, and has been used to constitutionalize such wide ranging issues as recreational marijuana use and the definition of marriage.

But the initiative process is not without significant vulnerabilities. Any person may submit any measure, no matter how well or poorly it is drafted or thought out. There is no vetting process, and so measures with serious unintended consequences can make it to the ballot, and, with a well-funded campaign, become part of our constitution or our laws. There is a mandatory review process with legislative experts to help prepare a well-drafted, functional, and thoughtful measure, but nothing requires the proponent to make suggested revisions, no matter how technical. Instead, so long as the measure addresses only a single subject, and the petition gets the requisite number of signatures, it is on the ballot. And, especially when something is added to the constitution, it is very difficult to change, leading to what has been described as constitutional clutter, with many provisions that should have been statutes so they can be altered and improved based on experience.

It is these vulnerabilities of Colorado's initiative process that the Humane Society of the United States is attempting to exploit to advance its larger animal rights agenda. HSUS is pushing four ballot proposals because it was unsuccessful last year in getting the state legislature to impose a ban on cattle tail docking. Two of the initiatives (#66 and #67), both opposed by the state's cattle industry, expressly ban routine cattle tail docking except where performed by a veterinarian for therapeutic purposes, and call for criminal prosecution or other penalties.

Two more initiatives (#64 and #65) essentially criminalize all accepted animal husbandry practices. Currently, the criminal animal cruelty statutes help protect against criminal prosecution of those who use accepted animal husbandry practices. These new measures, one statutory and one constitutional, eliminate that protection, leaving even the most responsible livestock owners and producers subject to criminal prosecution based on unpredictable and subjective standards. Rather than advancing practical

proposals for responsible animal ownership and welfare, these measures attack long-accepted and evolving husbandry practices of the livestock industry by declaring that all such practices are no longer safe from the criminal system. In short, this is an attempt to force into law and the criminal system an ideology that is not widely shared.

Certainly, there are real and valid debates about appropriate animal care. But the forum for these debates should not be the criminal system. The criminal system should be reserved for true cases of animal cruelty, not debates about, for example, preferences for one type of acceptable housing structure over another. An animal owner and her veterinarian should not be forced to feel every day as if responsible, educated decisions about animal welfare could unsuspectingly subject them to criminal prosecution according to another's extreme standards. Moreover, it is impractical and irrational to legislate, much less embed in our constitution, broad and one-sided declarations about issues and practices that are evolving with increased scientific study and experience.

These initiatives are just another small step in a much larger effort in the animal rights movement, of which the greater aim is to end beneficial and humane use and enjoyment of animals. As Colorado citizens and members of the horse and livestock industries, we must all remain vigilant and informed about what it really is that is on the election ballot, and not what the marketing campaigns will tell you. Educate yourself, and educate others.

The Colorado Horse Council Legislative and Regulatory Committee continues to monitor these initiatives. We represent you, and we welcome your input and comments on these important issues.

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For more information: Colo. Const. Art. V, Sec. 1, Colo. Rev. Statutes, Title 1, Art. 40 & 41, <http://www.lexisnexis.com/hottopics/Colorado/>; Colo. Leg. Council, Ballot & Bluebook, <http://www.colorado.gov/cs/Satellite/CGA-LegislativeCouncil/CLC/1200536134742>; Colo. Sec'y of State, Elections & Voting, <http://www.sos.state.co.us/pubs/elections/main.html?menuheaders=4>; Marianne Goodland, *Voters may get to weigh in on ag animal issues*, Colorado Statesman (Jan. 27, 2014), <http://www.coloradostatesman.com/content/994603-voters-may-get-weigh-ag-animal-issues>.

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