TITLE 25
ANIMALS

CHAPTER 25
IDAHO HORSE BOARD

25-2501. BOARD CREATED. (1) There is hereby created in the department of self-governing agencies the Idaho horse board. The board shall be composed of seven (7) members, each of whom shall be appointed by the governor from a list of nominees recommended by the Idaho horse council. The horse council shall recommend at least four (4) names for each appointment, and the governor shall appoint from the nominees recommended. The membership of the board shall consist at all times of members representing the following interests:

(a) Two (2) members shall at all times be representative of horse racing interests;

(b) One (1) member shall at all times be representative of trail pleasure riding interests and one (1) member shall at all times be representative of general horse interests;

(c) Two (2) members shall at all times be representative of show interests; and

(d) One (1) member shall at all times be representative of breeding interests.

(2) Each member of the board shall be a citizen of the United States and a bona fide resident of this state, and a member of the Idaho horse council. During a term of office, a member must continue to possess all of the qualifications necessary for appointment. Failure to maintain such qualifications shall be cause for removal from office. The governor may remove any board member at will.

(3) On July 1, 1987, the governor shall appoint three (3) members, each for a term of one (1) year; two (2) members, each for a term of two (2) years; and two (2) members each for a term of three (3) years. Thereafter, the term of office shall be three (3) years.

(4) Vacancies in any unexpired term shall be filled by appointment by the governor for the remainder of the unexpired term. The member appointed to fill a vacancy shall represent the same interest as the member whose office has become vacant from a list of four (4) nominees submitted by the Idaho horse council.

[25-2501, added 1987, ch. 214, sec. 1, p. 457.]

25-2502. OFFICERS -- MEETINGS -- EXPENSES. (1) The board shall annually elect a chairman, a vice-chairman and a secretary-treasurer from among its members. The board shall meet regularly once each six (6) months, and at such other times as called by the chairman or when requested by two (2) or more members of the board.

(2) In the performance of official duties, each board member shall be compensated as provided in section 59-509(f), Idaho Code.

(3) No funds raised pursuant to section 25-2505, Idaho Code, shall be used for travel or expenses outside the state of Idaho.

[25-2502, added 1987, ch. 214, sec. 1, p. 458.]

25-2503. DEFINITIONS. As used in this chapter, unless the context requires otherwise:

(1) The term "board" means the Idaho horse board.

(2) The term "brand board" means the state brand board.

(3) The term "breeding interest" means an interest in horses owned primarily for the purpose of horse reproduction.

(4) The term "general horse interest" means those who actively use horses in a work capacity including, but not limited to, range work, sales yards, feedlots or other related work.

(5) The term "horse" means the equine species.

(6) The term "horse racing interest" means an interest in horses owned primarily for the purpose of racing.

(7) The term "pleasure trail riding interest" means an interest in horses owned primarily for the purpose of pleasure trail riding.

(8) The term "show interest" means an interest in horses owned primarily for the purpose of showing horses at competitive events; i.e., shows, competitive trails or rodeos.

[25-2503, added 1987, ch. 214, sec. 1, p. 458.]

25-2504. POWERS AND DUTIES. The board shall have the following powers and duties:

(1) To conduct scientific research for the benefit of the health of the horse;

(2) To enter into contracts which it deems appropriate in carrying out the promotion of the horse industry of this state;

(3) To sue and be sued as a board, without individual liability of the board members, when the board is acting within the scope of the powers of the board;

(4) To make grants, donations, or contributions to any agency which will promote the horse industry of this state on a national, state or local level;

(5) To employ subordinate officers and employees of the board, prescribe their duties and fix their compensation;

(6) To accept grants, donations, contributions or gifts, from any source for expenditures for any purpose consistent with the provisions of this chapter;

(7) To prepare each year a proposed budget of the board for the next succeeding fiscal year, and to provide upon request a copy of the proposed budget to any person who pays an assessment under this chapter;

(8) To adopt, rescind, modify or amend all proper functional regulations, orders, and resolutions for the exercise of its powers and duties, which shall be provided to anyone upon request; and

(9) To conduct public relations programs for the horse industry.

[25-2504, added 1987, ch. 214, sec. 1, p. 458.]

25-2505. ASSESSMENTS -- COLLECTION. (1) There is hereby levied and imposed upon all horses an assessment of one dollar ($1.00) per head to be paid by the owner. The assessment shall increase to three dollars ($3.00) per head if a referendum held as provided in section 25-2510(1), Idaho Code, results in a majority vote favoring the three dollar ($3.00) per head assessment.

(2) The assessment levied and imposed in this section shall be collected on all brand inspections completed on horses in the state of Idaho. Any person may purchase an Idaho horse board paid assessment card for one hundred dollars ($100) from the Idaho horse board. The paid assessment card shall be evidence to the state brand board, by and through the state brand inspector or a designated agent thereof, at the time a brand inspection fee is collected as provided in section 25-1160, Idaho Code, that the assessment due pursuant to this section has been paid. A paid assessment card shall be valid for a period of one (1) year from the date of purchase.

(3) The state brand inspector shall collect the assessment in addition to, at the same time, and in the same manner as the fee charged for state brand inspections. The assessment so collected belongs to and shall be paid to the Idaho horse board, either directly or later by remittance together with a report detailing collection of the assessment. The board shall reimburse the state brand inspector for the reasonable and necessary expenses incurred for such collection, in an amount determined by the board and the inspector.

[25-2505, added 1987, ch. 214, sec. 1, p. 459; am. 2000, ch. 312, sec. 2, p. 1051; am. 2006, ch. 202, sec. 1, p. 618.]

25-2506. DEPOSIT AND DISBURSEMENT OF FUNDS. Immediately upon receipt, all moneys received by the board shall be deposited in one or more separate accounts in the name of the board in one or more banks or trust companies approved under the provisions of chapter 27, title 67, Idaho Code, as state depositories. The board shall designate such banks or trust companies. All moneys so deposited are hereby appropriated to the Idaho horse board for the purpose of carrying out the provisions of this chapter.

Moneys can be withdrawn or paid out of such accounts only upon checks or other orders upon such accounts signed by two (2) officers designated by the board.

Any assessments or money that may be deposited hereunder with the treasurer of the state of Idaho shall be paid to the board, and the state treasurer shall be reimbursed for the reasonable and necessary expenses incurred.

The right is reserved to the state of Idaho to audit the funds of the board at any time.

[25-2506, added 1987, ch. 214, sec. 1, p. 459; am. 1993, ch. 133, sec. 1, p. 328.]

25-2507. BONDING -- RECORDS -- AUDITS. The person or persons who receive and disburse the moneys of the board shall be bonded by and in an amount to be determined by the board.

Accurate records of all receipts and disbursements shall be kept and audited by the legislative council, whose report shall be filed in the board office and made available upon request to any person.

[25-2507, added 1987, ch. 214, sec. 1, p. 460; am. 1993, ch. 327, sec. 12, p. 1203.]

25-2508. ASSESSMENT LIENS. All assessments which become due and owing under the provisions of this chapter constitute a lien upon the horses inspected which shall be prior to all liens except those having a priority under state law.

[25-2508, added 1987, ch. 214, sec. 1, p. 460.]

25-2509. ASSESSMENT IS MANDATORY. The assessment levied by the provisions of this chapter is mandatory and failure or refusal to pay the assessment shall constitute a misdemeanor.

[25-2509, added 1987, ch. 214, sec. 1, p. 460.]

25-2510. REFERENDUM FOR HORSE OWNERS. (1) A referendum may be held at the discretion of the horse board to determine if horse owners favor an increase from one dollar ($1.00) to three dollars ($3.00) in the mandatory assessment prescribed in section 25-2505, Idaho Code. The question shall be made available to all horse owners who had a brand inspection the year prior to the referendum. Horse owners who have been issued a lifetime brand inspection after July 1, 2004, are also eligible to participate in the referendum and may do so by requesting a ballot from the Idaho horse board. The Idaho horse board shall publish notice of the referendum once a week for four (4) consecutive weeks, with the last notice being published one (1) week prior to the referendum, in a newspaper of general circulation in each county in the state. The notice shall set forth the process and procedures for voting. Any horse owner eligible to vote in the referendum, and who wishes to vote, shall contact the Idaho horse board for an official ballot as set forth in the notice. Voting on the referendum shall be open for thirty (30) days. Voting shall be by secret ballots upon which the words "Do you favor an increase from one dollar ($1.00) to three dollars ($3.00) in the mandatory assessment to fund the Idaho Horse Board?" are printed with a square before each of the printed words "YES" and "NO" with directions to insert an "X" mark in the square before the proposition which the voter favors. If a majority of the referendum vote is in favor of the mandatory assessment of three dollars ($3.00), the provisions of section 25-2505, Idaho Code, shall be extended indefinitely or until such time that the horse board deems it necessary to hold another referendum on the issue. If a majority of the referendum vote is against the three dollar ($3.00) assessment, the assessment shall remain at one dollar ($1.00). If the referendum receives a majority vote in favor of the increase, the assessment shall be increased to three dollars ($3.00) on the date the director of the department of agriculture announces the results of the referendum.

(2) After five (5) years from the effective date of the referendum required in subsection (1) of this section, and every five (5) years thereafter, a referendum on the continuation of the mandatory assessment to fund the Idaho horse board may be held at the petition of horse owners, or at the request of the Idaho horse board. The question shall be submitted to all horse owners who paid an assessment the year before the referendum and by owners who hold a lifetime brand inspection issued since July 1, 1993. The question shall be submitted by secret ballots upon which the words, "Do you favor the continuation of a mandatory assessment to fund the Idaho Horse Board?" are printed with a square before each of the printed words "YES" and "NO" with directions to insert an "X" mark in the square before the question which the voter favors. If a majority of the referendum vote is in favor of continuing the mandatory assessment, all of the provisions of chapter 25, title 25, Idaho Code, shall continue. If a majority of the referendum vote is against continuing the mandatory assessment, the assessment imposed in section 25-2505, Idaho Code, shall cease to be mandatory on the date the director of the department of agriculture announces the results of the

referendum vote. The procedures necessary to initiate a referendum under this subsection are as follows:

(a) A referendum shall be held if the Idaho department of agriculture receives a petition requesting such a referendum signed by ten percent (10%) or more of horse owners who have had a brand inspection, in either of the two (2) immediate past years; or

(b) A referendum shall be held if the Idaho department of agriculture receives a written request for such referendum from the Idaho horse board.

(3) Any referendum held pursuant to subsections (1) and (2) of this section shall be conducted as follows:

(a) Any referendum must be supervised by the Idaho department of agriculture.

(b) Any referendum shall be held, and the result determined and declared by the director of the department of agriculture, and recorded in the office of the secretary of state.

(c) Notice of any referendum must be given by the Idaho horse board in the manner set forth in subsection (1) of this section. The ballots must be prepared by the Idaho horse board and be made available to eligible owners. Returned ballots shall be delivered to the Idaho department of agriculture, main office.

(d) The Idaho horse board shall pay the costs of any referendum.

[25-2510, added 1993, ch. 133, sec. 2, p. 328; am. 1997, ch. 39, sec. 1, p. 73; am. 2000, ch. 312, sec. 1, p. 1050; am. 2001, ch. 183, sec. 7, p. 617; am. 2006, ch. 202, sec. 2, p. 618.]