
Colorado Statutes

Title 35. AGRICULTURE

LIVESTOCK

Article 57.5. Colorado Sheep and Wool Authority

Current through Chapter 307 of the 2020 Legislative Session

§ 35-57.5-101. Short title

This article shall be known and may be cited as the "Colorado Sheep and Wool Authority Act".

Cite as C.R.S. § 35-57.5-101

History. L. 93: Entire article amended with relocations, p. 1838, § 1, effective July 1.

Editor's Note:

The former §35-57.5-101 was relocated to § [35-57.5-102](#) in 1993.

§ 35-57.5-102. Legislative declaration

- [\(1\)](#) It is hereby declared to be in the interest of the public welfare that owners of sheep be authorized and encouraged to act jointly and in cooperation in promoting and stimulating, by research, education, advertising, and other methods, the increased and efficient production, distribution, use, and sale of sheep and sheep products. It is the intent and purpose of this article to authorize and provide a method and procedure for effectively correlating and encouraging the advancement of the sheep industry and the financing thereof pursuant to the powers of the general assembly as authorized by law. It is further declared that the sheep industry of this state is affected with a public interest in that the stabilization, maintenance, and expansion of the sheep industry of Colorado and of the state, nationwide, and foreign markets for its products are necessary to assure the consuming public an adequate supply of foods which are indispensable in a proper human diet and an adequate supply of animal fiber; to protect, for the state and its political subdivisions, a necessary source of tax revenue; to provide and maintain an adequate standard of living for a great segment of the population of this state; to maintain proper wage scales for those engaged in the sheep industry; and to maintain existing employment.
- [\(2\)](#) The purpose of this article is to enable the sheep industry to effectively correlate and encourage the advancement and improvement of its commodities.

Cite as C.R.S. § 35-57.5-102

History. L. 93: Entire article amended with relocations, p. 1838, § 1, effective July 1.

Editor's Note:

This section is similar to former § [35-57.5-101](#) as it existed prior to 1993, and the former §35-57.5-102 was relocated to § [35-57.5-103](#).

§ 35-57.5-103. Definitions

As used in this article, unless the context otherwise requires:

- [\(1\)](#) "Authority" means the Colorado sheep and wool authority created by section [35-57.5-104\(1\)](#).

[\(1.5\)](#) "Board" or "sheep and wool board" means the Colorado sheep and wool board.

[\(2\)](#) "Commissioner" means the commissioner of agriculture.

[\(3\)](#) "Feeder" means a person who commercially feeds sheep that are purchased from producers or fed for producers on a contract basis.

[\(4\)](#) "Handler" means a person who buys, ships, commercially feeds, processes, or distributes sheep that have been sold by or on behalf of a producer or that have been purchased or otherwise acquired from a producer. "Handler" includes a producer who buys, ships, commercially feeds, processes, or distributes such producer's own sheep.

[\(5\)](#) "Producer" means a person who raises or breeds sheep or produces wool from sheep.

Cite as C.R.S. § 35-57.5-103

History. L. 93: Entire article amended with relocations, p. 1839, § 1, effective July 1. L. 97: (3) to (5) added, p. 177, § 1, effective March 31.

Editor's Note:

This section is similar to former § [35-57.5-102](#) as it existed prior to 1993, and the former §35-57.5-103 was relocated to § [35-57.5-105](#).

§ 35-57.5-104. Colorado sheep and wool authority - creation

[\(1\)](#) There is hereby created the Colorado sheep and wool authority, which shall be a body corporate and a political subdivision of the state. The authority shall not be an agency of state government, nor shall it be subject to administrative direction by any state agency except:

[\(a\)](#) 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 department of personnel pursuant to part 15 of article 30 of title [24](#), C.R.S.

Cite as C.R.S. § 35-57.5-104

History. L. 93: Entire article amended with relocations, p. 1839, § 1, effective July 1. L. 96: (1)(c) amended, p. 1543, § 137, effective June 1.

Editor's Note:

The former §35-57.5-104 was relocated to § [35-57.5-106](#) in 1993.

§ 35-57.5-105. Colorado sheep and wool board - creation

[\(1\)](#) The powers of the authority shall be vested in the Colorado sheep and wool board, which is hereby created, which shall be composed of twelve members and twelve alternates who raise, breed, grow, or feed sheep and wool or lambs for sheep production.

[\(2\)](#) The board members and alternates shall be appointed as follows:

[\(a\)](#) One member and an alternate from an area comprising the counties of Eagle, Garfield, Grand, Jackson, Moffat, Pitkin, Rio Blanco, and Routt, which shall be known as district 1;

[\(b\)](#) One member and an alternate from an area comprising the counties of Delta, Gunnison, Mesa, Montrose, Ouray, and San Miguel, which shall be known as

district 2;

- (c) One member and an alternate from an area comprising the counties of Archuleta, Alamosa, Conejos, Costilla, Dolores, Hinsdale, La Plata, Mineral, Montezuma, Rio Grande, Saguache, and San Juan, which shall be known as district 3;
- (d) One member and an alternate from an area comprising those counties not in districts 1 to 3, which shall be known as district 4;
- (e) Two members and their alternates, appointed from the state at large, who are actively engaged in the commercial feeding of sheep;
- (f) Six members and their alternates who are actively engaged in sheep production or commercial feeding will be appointed at large. All appointments from this group will be made so that the number of feeders and producers on the board reflects the percentage of fees paid by the feeders and the producers. The selection of at-large producer members shall also be a reflection of the proportion of fees paid by producers in each district within the state.

(3) Each member and alternate of the board shall be appointed by the commissioner from nominations received from producers or producers' organizations in the district in which the member or alternate resides or has a principal place of business.

(4) (Deleted by amendment, L. 93, p. 1839, §1, effective July 1, 1993.)

Cite as C.R.S. § 35-57.5-105

History. L. 93: Entire article amended with relocations, p. 1839, § 1, effective July 1. L. 97: (1) and (2) amended, p. 177, § 2, effective March 31. L. 98: IP(2) amended, p. 828, § 48, effective August 5.

Editor's Note:

This section is similar to former § [35-57.5-103](#) as it existed prior to 1993, and the former §35-57.5-105 was relocated to § [35-57.5-107](#).

Cross References:

For additional duties of the board, see § [35-40-205](#).

§ 35-57.5-106. Qualifications of members and alternates

- (1) Each member and alternate of the board shall have the following qualifications, which shall continue during such person's term of office:
 - (a) The person shall be a citizen of the United States.
 - (b) The person shall be a bona fide resident of the state of Colorado and reside or maintain a principal place of business in the district from which the person is appointed.
 - (c) The person shall have demonstrated, through membership in a sheep producers' organization or an organization representing this type of production or business or through public or other service, an active interest in the development of the sheep industry of Colorado.
 - (d) The person shall have been actively engaged in the raising, breeding, or growing of sheep for a period of at least three years and shall derive a substantial

proportion of his or her income from that type of production or business.

Cite as C.R.S. § 35-57.5-106

History. L. 93: Entire article amended with relocations, p. 1840, § 1, effective July 1.

Editor's Note:

This section is similar to former § [35-57.5-104](#) as it existed prior to 1993, and the former §35-57.5-106 was relocated to § [35-57.5-108](#).

§ 35-57.5-107. Terms of members and alternates

- [\(1\)](#) The appointments of members and alternates to the Colorado sheep and wool board shall be made on or before July 1, 1997. Four members shall be appointed for terms of one year, four members shall be appointed for terms of two years, and four members shall be appointed for terms of three years. Thereafter, all appointments shall be for three-year terms.
- [\(2\)](#) Upon the expiration of the term of a member and such member's alternate as provided in subsection (1) of this section, their reappointment or successors shall be appointed by the commissioner for a term of three years; except that, in the case of a vacancy of a member, such member's appointed alternate shall serve the balance of the member's unexpired term, and, in the case of a vacancy of an alternate, the commissioner shall appoint a person as provided in section [35-57.5-105\(3\)](#) who shall serve for the unexpired term.

Cite as C.R.S. § 35-57.5-107

History. L. 93: Entire article amended with relocations, p. 1840, § 1, effective July 1. L. 97: (1) amended, p. 178, § 3, effective March 31.

Editor's Note:

This section is similar to former § [35-57.5-105](#) as it existed prior to 1993, and the former §35-57.5-107 was relocated to § [35-57.5-109](#).

§ 35-57.5-108. Declaring office of member or alternate vacant

The commissioner shall immediately declare the office of any member or alternate of the board vacant whenever the commissioner finds that: The member or alternate no longer is actively engaged in the production of sheep; the member or alternate has become a resident of another state; or the member or alternate is unable to perform the duties of the office.

Cite as C.R.S. § 35-57.5-108

History. L. 93: Entire article amended with relocations, p. 1841, § 1, effective July 1.

Editor's Note:

This section is similar to former § [35-57.5-106](#) as it existed prior to 1993, and the former §35-57.5-108 was relocated to § [35-57.5-110](#).

§ 35-57.5-109. Removal of member or alternate

- [\(1\)](#) The commissioner may remove any member or alternate of the board for inefficiency, neglect of duty, or misconduct in office. Such member or alternate shall be entitled to a public hearing before the board with the commissioner presiding, after service upon the member or alternate ten days before the hearing of a copy of the charges against the member or alternate together with a notice of the time and place of the hearing. At the hearing, the member or alternate shall be given an opportunity to be heard in person or by counsel and shall be permitted to present evidence to answer the charges and explain the facts alleged.

(2) In every case of removal, the commissioner shall file in the office of the secretary of state a complete statement of all charges against the member or alternate and the commissioner's findings thereon, together with a record of the entire proceedings had in connection therewith.

Cite as C.R.S. § 35-57.5-109

History. L. 93: Entire article amended with relocations, p. 1841, § 1, effective July 1.

Editor's Note:

This section is similar to former § [35-57.5-107](#) as it existed prior to 1993, and the former §35-57.5-109 was relocated to § [35-57.5-111](#).

§ 35-57.5-110. Expenses of members, alternates, and employees

Members, alternates, officers, and employees of the board may receive compensation for actual and necessary travel and other actual expenses incurred in the performance of their official duties. The board shall adopt uniform and reasonable regulations governing the incurring and paying of such expenses.

Cite as C.R.S. § 35-57.5-110

History. L. 93: Entire article amended with relocations, p. 1841, § 1, effective July 1.

Editor's Note:

This section is similar to former § [35-57.5-108](#) as it existed prior to 1993, and the former §35-57.5-110 was relocated to § [35-57.5-112](#).

§ 35-57.5-111. Meeting place

The board shall establish a meeting place anywhere within this state, but the selection of the location shall be guided by consideration for the convenience of a majority of those most likely to have business with the board or to be affected by its acts.

Cite as C.R.S. § 35-57.5-111

History. L. 93: Entire article amended with relocations, p. 1842, § 1, effective July 1.

Editor's Note:

This section is similar to former § [35-57.5-109](#) as it existed prior to 1993, and the former §35-57.5-111 was relocated to § [35-57.5-113](#).

§ 35-57.5-112. Meetings

The first board appointed shall meet as soon as practicable for the purpose of organizing. It shall elect a chairman from among its members and a secretary-treasurer who may or may not be from among its members. It shall adopt a general statement of policy for guidance and shall transact such other business as is necessary to start the work of the board. Thereafter, the board shall meet regularly once each three months or at such other times as called by the chairman. The chairman may call special meetings at any time and shall call a special meeting when requested by three or more members of the board.

Cite as C.R.S. § 35-57.5-112

History. L. 93: Entire article amended with relocations, p. 1842, § 1, effective July 1.

Editor's Note:

This section is similar to former § [35-57.5-110](#) as it existed prior to 1993, and the former §35-57.5-112 was relocated to § [35-57.5-114](#).

§ 35-57.5-113. Duties and powers of the board

- (1)** The board may:
- (a)** Conduct or contract for scientific research to discover and develop the commercial value of sheep and sheep products;

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- (b) Disseminate reliable information founded upon the research undertaken under this article, showing the uses or probable uses of sheep and sheep products;
 - (c) Study state and federal legislation with respect to tariffs, duties, reciprocal trade agreements, import quotas, and other matters of trade concerning the sheep industry;
 - (d) Sue and be sued as a board, without individual liability, for acts of the board within the scope of the powers conferred upon it by this article;
 - (e) Enter into contracts which it deems appropriate to the carrying out of the purposes of the board as authorized by this article;
 - (f) Make grants to research agencies for the financing of special or emergency studies or for the purchase or acquisition of facilities necessary to carry out the purposes of the board as authorized by this article;
 - (g) Appoint subordinate officers and employees of the board and prescribe their duties and fix their compensation;
 - (h) Cooperate with and enter into contracts with any local, state, or nationwide organization or agency engaged in work or activities similar to those of the board and enter into contracts with such organizations or agencies for carrying on joint programs;
 - (i) Act jointly and in cooperation with the federal government or any agency thereof in the administration of any program of the government or of a governmental agency deemed by the board to be beneficial to the sheep industry of this state and expend funds in connection therewith if such program is compatible with the powers conferred by this article;
 - (j) Adopt, rescind, modify, or amend all proper regulations, orders, and resolutions for the exercise of its powers and duties; and
 - (k) Enter into contracts for the promotion of sheep and for the development of new markets through such promotion.

(2) The board shall establish a license fee for the purpose of funding the services provided to the sheep industry by the board and for funding the activities of the board performed pursuant to the provisions of this article.

Cite as C.R.S. § 35-57.5-113

History. L. 93: Entire article amended with relocations, p. 1842, § 1, effective July 1.

Editor's Note:

This section is similar to former § [35-57.5-111](#) as it existed prior to 1993, and the former §35-57.5-113 was relocated to § [35-57.5-116](#).

§ 35-57.5-114. Acceptance of grants and gifts

The board may accept grants, donations, contributions, or gifts from any source for expenditures in connection with any purpose consistent with the powers conferred on the board.

Cite as C.R.S. § 35-57.5-114

History. L. 93: Entire article amended with relocations, p. 1843, § 1, effective July 1.

Editor's Note:

This section is similar to former § [35-57.5-112](#) as it existed prior to 1993, and the former §35-57.5-114 was relocated to § [35-57.5-118](#).

§ 35-57.5-115. Rules and regulations

The board is authorized to promulgate regulations necessary to carry out the intent and purposes of this article.

Cite as C.R.S. § 35-57.5-115

History. L. 93: Entire article amended with relocations, p. 1843, § 1, effective July 1.

Editor's Note:

The former § 35-57.5-115 was relocated to § [35-57.5-119](#).

§ 35-57.5-116. License fee - expenditure of funds

- [\(1\)](#) The board shall determine the amount of assessment per head of sheep upon which the annual license fee provided for in section [35-57.5-113\(2\)](#) shall be computed. The amount of such assessment shall not exceed fifty cents per head of sheep and shall be set by the board by November 1 of the year prior to the calendar year the license fee is to be charged. In any calendar year, the fee shall not increase by more than five cents over the amount assessed at the end of the immediately preceding calendar year.
- [\(2\)](#) All producers and commercial feeders of sheep in the state shall pay the license fee for each sheep marketed; except that no fee shall be collected on any sheep fed in the state for a period of less than thirty days. The fee shall be collected from such producers and feeders by handlers, who shall remit the proceeds to the authority. The fee shall be payable upon each transfer of the sheep or of any right, title, or interest therein.
- [\(2.5\)](#)

 - [\(a\)](#) The operators of feedlots, slaughterhouses, packing plants, and livestock auction markets shall deduct from the proceeds of sale owed by them to the owners of sheep handled at such facilities, and shall promptly remit to the authority, the fees payable under this section. Each payment pursuant to this subsection (2.5) shall be accompanied by a list of the names and addresses of the sheep owners on whose behalf the payment is made and the number of sheep marketed by each such owner.
 - [\(b\)](#) When the operator of a feedlot, slaughterhouse, packing plant, or livestock auction market sends or gives any written statement to an owner of sheep or to such owner's agent relating to the proceeds owing to the owner, the operator shall include a statement of the amount deducted from such proceeds pursuant to paragraph (a) of this subsection (2.5).
- [\(3\)](#) A producer or feeder who, by virtue of his or her activities or circumstances, becomes a handler as defined in section [35-57.5-103\(4\)](#) or who sells, ships, or otherwise disposes of sheep to a person not subject to this article shall forthwith remit to the authority an amount equal to the amount of fees that would otherwise have been payable under subsection (2) of this section.
- [\(4\)](#) When collected, such license fees shall be paid to the authority and administered by the board for the purposes set forth in this article.
- [\(5\)](#) The license fee to defray the costs of this program pursuant to the provisions of this

article shall remain in full force and effect from year to year without change unless there is filed with the board a petition signed by at least fifty-one percent of the growers of sheep in the state upon whom the most recent license fee was imposed requesting the repeal of said license fee in total discontinuance of the program or a petition requesting an increase or decrease of said license fee, in which latter case, the board shall fix a new assessment and provide for continuation of the program.

Cite as C.R.S. § 35-57.5-116

History. L. 93: Entire article amended with relocations, p. 1843, § 1, effective July 1. L. 97: (1), (2), and (3) amended and (2.5) added, p. 179, § 4, effective March 31.

Editor's Note:

This section is similar to former § [35-57.5-113](#) as it existed prior to 1993.

§ 35-57.5-117. Acts constituting violation

It is a violation of this article for any person to fail to pay or remit to the authority an assessment pursuant to section [35-57.5-116](#) or to knowingly falsify any document furnished in connection with such a payment or remission.

Cite as C.R.S. § 35-57.5-117

History. L. 93: Entire article amended with relocations, p. 1844, § 1, effective July 1. L. 97: Entire section amended, p. 180, § 5, effective March 31.

Editor's Note:

This section is similar to former §35-57.5-113.5 as it existed prior to 1993.

§ 35-57.5-118. Enforcement

- [\(1\)](#) The board shall be responsible for the enforcement of this article.
- [\(2\)](#) Any assessment levied in such specified amount as may be determined by the board pursuant to the provisions of section [35-57.5-116](#) shall constitute a personal debt of every person so assessed and shall be due and payable to the authority when payment is called for by the board.
- [\(3\)](#) Upon the failure of such person to pay any such assessment upon the date determined by the board, the board may recover such amount plus costs and attorney fees by action in any court of competent jurisdiction.
- [\(4\)](#) Whenever it appears to the board, upon sufficient evidence satisfactory to the board, that any person has engaged in or is about to engage in any act or practice constituting a violation of any provision of this article or of any rule or of any order promulgated under this article, the board may apply to any court of competent jurisdiction to temporarily or permanently restrain or enjoin the act or practice in question and to enforce compliance with this article or any rule or order under this article. In any such action, the board shall not be required to plead or prove irreparable injury or the inadequacy of the remedy at law. Under no circumstances shall the court require the board to post a bond.
- [\(5\)](#)

 - [\(a\)](#) Any person who violates any provision of this article or any regulation made pursuant to this article is subject to a civil penalty, as determined by the board. The maximum penalty shall not exceed one thousand dollars per violation.
 - [\(b\)](#) No civil penalty may be imposed unless the person charged was given notice and opportunity for a hearing pursuant to article [4](#) of title [24](#), C.R.S.

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- (c) If the board is unable to collect such civil penalty or if any person fails to pay all or a set portion of the civil penalty as determined by the board, the board may recover such amount plus costs and attorney fees by action in any court of competent jurisdiction.
 - (d) Whenever the board is found to have lacked substantial justification to impose a civil penalty, the person charged may recover such person's costs and attorney fees from the authority.
 - (e) Moneys collected from any civil penalties under the provisions of this section shall be paid to the authority, who shall use such funds to defray the costs of the administration of this article.
 - (f) Before imposing any civil penalty, the board may consider the effect of such penalty on the ability of the person charged to stay in business.

(6) (Deleted by amendment, L. 93, p. 1844, §1, effective July 1, 1993.)

Cite as C.R.S. § 35-57.5-118

History. L. 93: Entire article amended with relocations, p. 1844, § 1, effective July 1.

Editor's Note:

This section is similar to former § [35-57.5-114](#) as it existed prior to 1993.

§ 35-57.5-119. Refunds

- (1) Unless otherwise specified in this article, there shall be no refunds of assessments.
- (2) Any sheep producer or lamb feeder who has paid an assessment as required by section [35-57.5-116](#) shall be entitled to a prompt refund of seventy-five percent of such assessment from the board. Claim for refund shall be made to the board within thirty days after the date of payment of the assessment or thirty days after the due date of the assessment, whichever is later, on a form furnished by the board.
- (3) Notwithstanding any other laws to the contrary and to carry out the intent of this section to insure prompt refund, the board, except as provided by subsection (4) of this section, is authorized to expeditiously process claims for refund. The refund shall be based on the signed statement of the refund claim and any other information that is attached thereto unless other information or verification is required by subsection (4) of this section.
- (4) The board, before processing and making a refund, may require any additional information or verification it deems necessary to determine the validity of the claim for refund. All persons who forward claims for refund shall keep pertinent records for a period of at least three years, which shall be available for audit by the board. The board may file an action to recover from any person a refund of assessment illegally obtained.
- (5) The claim for refund shall be signed by the person who paid the assessment. Any person who files a fraudulent or false claim for refund, or who, by any false pretenses, obtains or attempts to obtain a refund not legally due him, or who signs a refund claim in the name of and for another person commits theft, as defined in section [18-4-401](#), C.R.S., and shall be punished accordingly.

Cite as C.R.S. § 35-57.5-119

History. L. 93: Entire article amended with relocations, p. 1845, § 1, effective July 1. L. 97: (2) amended, p. 180, § 6, effective March 31.

Editor's Note:

This section is similar to former § [35-57.5-115](#) as it existed prior to 1993.