

CHAPTER 68

---

**AGRICULTURE**

---

**HOUSE BILL 97-1279**

BY REPRESENTATIVES Smith, Entz, K. Alexander, G. Berry, George, Gotlieb, S. Johnson, Miller, Takis, Taylor, Clarke, Mace, and Schwarz;  
also SENATORS Bishop, Chlouber, B. Alexander, Dennis, and Wattenberg.

**AN ACT**

CONCERNING AMENDMENTS TO THE "COLORADO SHEEP AND WOOL AUTHORITY ACT".

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

**SECTION 1.** 35-57.5-103, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**35-57.5-103. Definitions.** As used in this article, unless the context otherwise requires:

(3) "FEEDER" MEANS A PERSON WHO COMMERCIALY FEEDS SHEEP THAT ARE PURCHASED FROM PRODUCERS OR FED FOR PRODUCERS ON A CONTRACT BASIS.

(4) "HANDLER" MEANS A PERSON WHO BUYS, SHIPS, COMMERCIALY 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, COMMERCIALY FEEDS, PROCESSES, OR DISTRIBUTES SUCH PRODUCER'S OWN SHEEP.

(5) "PRODUCER" MEANS A PERSON WHO RAISES OR BREEDS SHEEP OR PRODUCES WOOL FROM SHEEP.

**SECTION 2.** 35-57.5-105 (1) and (2), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

---

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

**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 ~~nine~~ TWELVE members and ~~nine~~ TWELVE alternates who raise, breed, ~~and~~ grow, OR FEED sheep and wool or lambs for sheep production.

(2) The board members and alternates shall be appointed from the following districts:

(a) ~~Three members and their alternates~~ 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) ~~Three members and their alternates~~ 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 ~~the~~ THOSE counties of ~~Alamosa, Conejos, Costilla, Mineral, Rio Grande, and Saguache,~~ NOT IN DISTRICTS 1 TO 3, which shall be known as district 4.

(e) ~~One member and an alternate from an area comprising those counties not in districts 1 to 4, which shall be known as district 5~~ 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.

**SECTION 3.** 35-57.5-107 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**35-57.5-107. Terms of members and alternates.** (1) ~~The members and alternates of the Colorado sheep and wool board who are in office on July 1, 1993, shall constitute the original board of the sheep and wool authority, and their initial terms on the sheep and wool board shall end at the same time as the terms to which they were appointed on the Colorado sheep and wool board prior to July 1, 1993.~~ 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.

**SECTION 4.** 35-57.5-116 (1), (2), and (3), Colorado Revised Statutes, 1995 Repl. Vol., are amended, and the said 35-57.5-116 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**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 ~~twenty-five~~ 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) ~~The board shall obtain, by November 1 of each year, a certified true copy of the federal government's agricultural stabilization and conservation service list containing the names and addresses of sheep owners in the state and the number of sheep which were shorn and for which such federal payments were received during the year prior to the year the amount of such assessment is submitted to the authority.~~ 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) ~~The sheep and wool board shall require each owner of sheep who received such federal payments to pay said license fee. The license fee shall be computed by multiplying the assessment per head of sheep by the number of sheep shorn as reflected in such list.~~ 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.

**SECTION 5.** 35-57.5-117, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**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.

**SECTION 6.** 35-57.5-119 (2), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**35-57.5-119. Refunds.** (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 ~~ten~~ THIRTY days after the date of payment of the assessment or ~~ten~~ THIRTY days after the due date of the assessment, whichever is ~~earlier~~ LATER, on a form furnished by the board.

**SECTION 7.** 35-40-104 (1), (2), and (3), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

**35-40-104. Predatory animal control license fee on sheep - creation of predatory animal fund.** (1) ~~To carry out the provisions of sections 35-40-101 to 35-40-106, there shall annually be imposed a predatory animal control license fee on sheep, except those in feedlots, as provided in this section. The Colorado sheep and wool board, created by article 57.5 of this title, shall annually determine the total cost of carrying out the provisions of said sections during the following year.~~

(2) ~~It is the responsibility of the Colorado sheep and wool board to provide the commissioner, by November 1 of each year, a certified true copy of the federal government's agricultural stabilization and conservation service list containing the names and addresses of, and the number of sheep, except those in feedlots, shorn by sheep owners in the state who received producer payments from the federal government during the previous calendar year. Based on the total number of sheep in the state for which such federal payments were received and on the total cost to carry out the provisions of sections 35-40-101 to 35-40-106 during the following year, the Colorado sheep and wool board shall determine the assessment to be imposed on each head of sheep, except those in feedlots, and shall notify the commissioner of the amount of such assessment, which assessment shall not exceed twenty-five cents per head. The assessment per head shall be adjusted downward by the number of months any sheep were herded or grazed in another state and for which a predator control tax was paid during the previous year as indicated by proof of payment of the predator control tax from another state. To determine the license fee due from each sheep owner on the federal list, the commissioner shall multiply the assessment per head by the number of sheep, except those in feedlots, for which the sheep owner received such federal payments as indicated by the federal list.~~

(3) ~~When collected, said license fees~~ ANY MONEYS COLLECTED AND CREDITED PURSUANT TO THIS SECTION shall be transmitted to the state treasurer, who shall credit the same to a separate fund known as the predatory animal fund, which fund is hereby created. Such fund shall be administered by the department of agriculture for the

purposes set forth in sections 35-40-101 to 35-40-106 until exhausted.

**SECTION 8.** 35-40-114, Colorado Revised Statutes, 1995 Repl. Vol., is repealed as follows:

**35-40-114. Acts constituting violation.** ~~It is a violation of this part 1 for any person to fail to pay an assessment pursuant to section 35-40-104.~~

**SECTION 9.** 35-40-115 (1), (2), and (3), Colorado Revised Statutes, 1995 Repl. Vol., are repealed as follows:

**35-40-115. Enforcement.** (1) ~~The commissioner shall be responsible for the enforcement of this part 1.~~

(2) ~~Any assessment levied in such specified amount as may be determined by the commissioner pursuant to the provisions of section 35-40-104 shall constitute a personal debt of every person so assessed and shall be due and payable to the commissioner when payment is called for by the commissioner.~~

(3) ~~Upon the failure of such person to pay any such assessment upon the date determined by the commissioner, the commissioner may recover such amount plus costs and attorney fees by action in any court of competent jurisdiction.~~

**SECTION 10.** 35-40-204 (1) (a), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**35-40-204. Establishment of program - continuance or discontinuance - license fees.** (1) (a) The owners of at least fifty-one percent of the sheep, or the owners of at least fifty-one percent of the cattle, or the owners of at least fifty-one percent of both sheep and cattle acting jointly in the county, as shown by the assessment rolls of the last preceding assessment, ~~and by the list of sheep owners receiving payments from the federal government during the last preceding calendar year provided by the local federal agricultural stabilization and conservation service office;~~ may petition the board of county commissioners to establish a predatory animal control program as provided for in this part 2.

**SECTION 11.** 35-40-205 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**35-40-205. License fee - expenditure of funds.** (1) To defray the expense of the protection afforded by a program established under the provisions of this part 2, the board of county commissioners of any county has the power to require all owners or persons in possession of any cattle, one year old or over, to pay a license fee not exceeding thirty cents per head of cattle so owned or possessed by ~~him~~ THE OWNER OR PERSON in the county or brought in from another county or state and herded or grazed in the county. The assessor shall ascertain, in addition to the regular assessment for taxation purposes, all cattle which will be one year old or over as of February 1 within the county in any year in which the program is in effect, and shall keep such information in a separate record from the regular assessment, and shall include any cattle that shall be brought into the county between February 1 and January 31 of the following year to be herded or grazed for any part of the year. The

board of county commissioners also has the power to require all sheep owners in the county who ~~received sheep producer payments from the federal government~~ MARKETED SHEEP during the previous calendar year to pay a license fee not exceeding ~~sixty cents~~ ONE DOLLAR per head of sheep for which such payments were received. It is the responsibility of the Colorado sheep and wool board to provide the county assessor, by October 1 of each year, with a ~~certified true copy of the federal government's agricultural stabilization and conservation service~~ list containing the names and addresses of such sheep owners in the county and the number of sheep ~~which were shorn and for which such payments were received by each sheep owner~~ MARKETED DURING THE IMMEDIATELY PRECEDING TWELVE MONTHS. Such information shall be transmitted by the county assessor to the board of county commissioners by November 1 of each year. The board of county commissioners also has the power to require all sheep owners who herded or grazed sheep in the county to pay a license fee not exceeding ~~sixty cents~~ ONE DOLLAR per head of sheep. The board of county commissioners shall then order the license fee to be levied against all such sheep or cattle, or both, and shall adjust the fee on cattle on the basis of the number of months any cattle will be herded or grazed in the county, and shall adjust the fee on sheep on the basis of the number of months the sheep were herded or grazed in the county during the previous year.

**SECTION 12.** 35-40-206, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**35-40-206. Other money credited to fund.** All furs and skins of predatory animals taken as a result of the expenditure of ~~license fees which are levied for the program established by this part 2~~ THE PREDATORY ANIMAL CONTROL FUND shall be sold, and the proceeds of such sale deposited in said predatory animal control fund for use in carrying out the purposes of this part 2.

**SECTION 13.** 30-1-102 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**30-1-102. Fees of county treasurer.** (3) In addition to any other fees to which the county treasurer is entitled and notwithstanding the provisions of subsection (2) of this section, the county treasurer may charge an administrative fee of five dollars when the payment of any real property tax statement, exclusive of any license fees collected pursuant to sections ~~35-40-104~~, 35-40-205 and 35-57.5-116, C.R.S., is less than ten dollars. The fee shall be credited to the county general fund, pursuant to section 30-25-105, to cover the cost of processing such tax statement.

**SECTION 14. 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: March 31, 1997