

COLORADO REVISED STATUTES, TITLE 35, AGRICULTURE

ARTICLE 29.5: COLORADO WINE INDUSTRY DEVELOPMENT ACT

Section

[35-29.5-101. Short title.](#)

[35-29.5-101.5. Legislative declaration.](#)

[35-29.5-102. Definitions.](#)

[35-29.5-103. Colorado wine industry development board - creation - members.](#)

[35-29.5-104. Duties and powers of the board.](#)

[35-29.5-105. Colorado wine industry development fund - use of moneys.](#)

[35-29.5-106. Use of phrase "Colorado Grown" on wine industry labeling.](#)

35-29.5-101. Short title.

Statute text

This article shall be known and may be cited as the "Colorado Wine Industry Development Act".

History

Source: L. 90: Entire article added, p. 1598, § 1, effective July 1.

35-29.5-101.5. Legislative declaration.

Statute text

The general assembly hereby finds, determines, and declares that Colorado has a substantial interest in promoting the development of a viable and stable wine industry in this state. The general assembly further finds, determines, and declares that grape cultivation is closely related to fruit cultivation carried out in various parts of Colorado; that grape cultivation and wine production are a logical supplement to, and development of, existing agricultural business conducted in the state; that wine production has become a significant industry in other states because of the action of state and local governments in those areas to foster development of the industry; that a viable wine industry can enhance Colorado's tourist industry; that some aspects of wine industry development can best be accomplished by an industry-wide approach rather than by individual producers, such as conducting scientific research and disseminating and publishing the results of such research, promoting Colorado wines as distinct from those produced in other regions, and promoting awareness of responsible consumption of wine; and that the state should aid Colorado's wine industry through research and promotion to allow the industry to realize its full potential in this state.

History

Source: L. 97: Entire section added, p. 299, § 5, effective July 1.

35-29.5-102. Definitions.

Statute text

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

(1) "Board" means the Colorado wine industry development board, created in section 35-29.5-103.

(1.5) "Eastern slope" means the area east of the continental divide.

(2) "Fruit product" means any juice, must concentrate, or extract from fruit whether or not partially fermented.

(2.5) "Grand valley viticultural area" means the federally defined area in Mesa county in which wine grapes are grown.

(3) "Grape product" means any juice, must concentrate, or extract made from vinifera grapes, true or hybrid, and whether or not partially fermented.

(3.5) "Western slope" means the area west of the continental divide, excluding the grand valley viticultural area.

(4) (4) "Wine" means any vinous liquor containing not more than twenty-one percent alcohol by volume and produced in all respects in conformity with the laws of the United States and the regulations of the bureau of alcohol, tobacco, and firearms of the United States department of the treasury or any of its successor agencies.

(5) "Wine-growing" means the cultivation in commercial quantities of vinifera grapes in this state.

(6) "Wine-making" means the ownership and control of or the management of a licensed winery in this state.

History

Source: L. 90: Entire article added, p. 1598, § 1, effective July 1. **L. 97:** (1.5), (2.5), and (3.5) added, p. 299, § 6, effective July 1. **L. 2007:** (4) amended, p. 2047, § 91, effective June 1.

35-29.5-103. Colorado wine industry development board - creation - members.

Statute text

(1) There is hereby established a Colorado wine industry development board in the department of agriculture for the purpose of encouraging and promoting viticultural and enological research and experimentation to develop maximum yields and quality from Colorado lands suitable to the production of grapes for commercial wine production, to promote the marketing of wines and wine grapes produced in Colorado, to promote the responsible consumption of all wines, to promote the integration of the Colorado wine industry as a component of the state's tourism program, and to serve as a resource for the entire wine industry of Colorado. The board shall exercise its powers and perform its duties and functions specified by this article under the department of agriculture as if the same were transferred to the department by a **type 1** transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

(2) (a) The board shall consist of nine members appointed by the governor. In making appointments, the governor shall take into consideration any nominations or recommendations made by the wine industry organization in Colorado.

(b) (I) Five of the appointments shall be representatives of licensed wineries in the state. Of such five appointments, one shall be a representative of licensed wineries in the western slope, one shall be a representative of licensed wineries in the grand valley viticultural area, one shall be a representative of licensed wineries in the eastern slope, and two shall be at-large representatives. The appointment of at-large members shall reflect the proportion of fees and excise taxes paid by wineries in each of the three regions. At least one of the winery representatives shall also be a grower.

(II) Two appointments shall be representatives of the wholesale wine distributors in Colorado.

(III) One appointment shall be a representative of wine grape producers.

(IV) One appointment shall be a representative of the retail wine distributors in Colorado.

(c) A representative of the Colorado tourism board, a representative of Colorado state university, and a member of the public shall be invited to serve on the board in an ex officio capacity.

(d) Each member of the board shall be a resident of Colorado.

(e) Each member of the board shall be at least twenty-one years of age.

(3) Except as provided in subsection (4) of this section with respect to initial appointments to the board, members of the board shall serve for terms of four years each to continue in office until a successor is appointed and qualified; except that, in the case of a vacancy on the board, an appointment shall be for the remainder of the unexpired term. No member shall be appointed to consecutive terms; except that any member appointed for less than two years in the case of a vacancy may be appointed upon the expiration of the shorter term to serve a four-year term.

(4) Of the members of the board appointed to terms commencing on and after July 1, 1997, at least one of the representatives from the wholesale wine distributors and one of the

representatives from licensed wineries shall be appointed for terms of three years. Thereafter, all appointments except those necessary to fill mid-term vacancies shall be for one four-year term.

(5) Members of the board shall receive no compensation for their service on the board, but shall be entitled to reimbursement 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.

History

Source: L. 90: Entire article added, p. 1599, § 1, effective July 1. **L. 97:** (2)(a) to (2)(c), (3), and (4) amended, p. 299, § 7, effective July 1.

35-29.5-104. Duties and powers of the board.

Statute text

(1) The board may:

(a) Conduct or contract for scientific research to discover and develop the commercial value of wine, wine-growing, wine-making, grape products, or fruit products;

(b) Disseminate reliable information founded upon the research undertaken under this article, showing the uses or probable uses of wine, wine-growing, wine-making, grape products, or fruit products;

(c) Study state and federal legislation with respect to tariffs, duties, reciprocal trade agreements, import quotas, and other matters of trade concerning the wine 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 wine 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 wine and for the development of new markets through such promotion.

(2) The board shall promote all wines produced or finished by a licensed Colorado winery.

History

Source: L. 90: Entire article added, p. 1600, § 1, effective July 1. **L. 97:** (2) added, p. 301, § 8, effective July 1.

35-29.5-105. Colorado wine industry development fund - use of moneys.

Statute text

(1) There is hereby created in the state treasury the Colorado wine industry development fund. The fund shall consist of moneys credited thereto pursuant to section 12-47-503 (1) (b) and (1) (c), C.R.S. All moneys in such fund are hereby continuously appropriated to the board for the expenses of the board in implementing the provisions of this article.

(2) In any fiscal year, the board shall budget from moneys in the fund at least one-third toward research and development and at least one-third toward promotion and marketing of the Colorado wine industry, including any administrative costs associated therewith. Any revenue generated by research may be deducted from the amount budgeted for research.

History

Source: L. 90: Entire article added, p. 1600, § 1, effective July 1. **L. 97:** (1) and (2) amended, pp. 304, 301, §§ 18, 9, effective July 1.

35-29.5-106. Use of phrase "Colorado Grown" on wine industry labeling. (Repealed)

History

Source: L. 90: Entire article added, p. 1601, § 1, effective July 1. **L. 97:** Entire section amended, p. 304, § 19, effective July 1. **L. 2005:** Entire section repealed, p. 686, § 4, effective June 1. [moved to 12-47-103 (6.5) and 12-47-403(2.7)]