

## CHAPTER 146

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**AGRICULTURE**

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**HOUSE BILL 00-1212**

BY REPRESENTATIVES Hoppe, Johnson, Webster, Coleman, Fairbank, Gagliardi, George, Kester, Larson, McKay, Mitchell, Smith, Spence, Taylor, T. Williams, Witwer, and Young;  
also SENATORS Dennis, Dyer, Hernandez, and Wattenberg.

**AN ACT**

CONCERNING THE ABILITY OF THE COLORADO BEEF COUNCIL AUTHORITY TO USE FEES COLLECTED BY THE STATE BOARD OF STOCK INSPECTION COMMISSIONERS.

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

**SECTION 1.** 35-57-102 (2) (c), Colorado Revised Statutes, is amended to read:

**35-57-102. Legislative declaration.** (2) The purposes of this article are:

(c) To provide funds for the administration and enforcement of this article by voluntary contributions OR FEES IN THE EVENT THE FEDERAL CATTLEMEN'S BEEF PROMOTION AND RESEARCH BOARD, ESTABLISHED IN 7 U.S.C. SEC. 2904 (1), CEASES TO EXIST. SUCH MONEYS to be collected in the manner prescribed in this article.

**SECTION 2.** 35-57-117 (1) and (2), Colorado Revised Statutes, are amended to read:

**35-57-117. Collection of fees for purposes of this article - custody and disbursement.** (1) (a) In order for the board to carry out the provisions and intent of this article, the state board of stock inspection commissioners, by and through the brand commissioner, shall collect a beef board fee on cattle and calves THAT ARE SOLD for which a brand inspection fee is also collected as provided in section 35-41-104 (5). Commencing July 1, 1993, the fee shall not exceed one dollar per head or the amount assessed pursuant to the beef promotion and research order, 7 C.F.R. sec. 1260.172, as amended, whichever is greater.

(b) THE FEE SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL ALSO BE COLLECTED FROM ANY PRODUCER MARKETING CATTLE OF THAT PRODUCER'S OWN

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

PRODUCTION IN THE FORM OF BEEF OR BEEF PRODUCTS TO CONSUMERS, EITHER DIRECTLY OR THROUGH RETAIL OR WHOLESALE OUTLETS, OR FOR EXPORT PURPOSES, AND SUCH PRODUCER SHALL REMIT TO THE BRAND COMMISSIONER THE SET FEE PER HEAD OF CATTLE OR THE EQUIVALENT THEREOF.

(c) THE FEE ASSESSED ON EACH HEAD OF CATTLE SOLD PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL NOT APPLY TO CATTLE OWNED BY A PERSON IF SUCH PERSON:

(I) CERTIFIES THAT THE PERSON'S ONLY SHARE IN THE PROCEEDS OF A SALE OF CATTLE, BEEF, OR BEEF PRODUCT IS A SALES COMMISSION, HANDLING FEE, OR OTHER SERVICE FEE;

(II) CERTIFIES THAT THE PERSON ACQUIRED OWNERSHIP OF THE CATTLE TO FACILITATE THE TRANSFER OF OWNERSHIP OF SUCH CATTLE FROM THE SELLER TO A THIRD PARTY;

(III) ESTABLISHES THAT SUCH CATTLE WERE RESOLD NOT LATER THAN TEN DAYS AFTER THE DATE ON WHICH THE PERSON ACQUIRED OWNERSHIP.

(2) (a) ~~The additional fee is a contribution to and for the board acting as a qualified state beef council pursuant to 7 C.F.R. secs. 1260.172 to 1260.181 and~~ BEEF BOARD FEE COLLECTED PURSUANT TO SUBSECTION (1) OF THIS SECTION shall be kept separate and distinct from other ~~funds~~ MONEYS collected by the state board of stock inspection commissioners. At least once each two months, such ~~contributions~~ FEE shall be transferred or paid over to the board, less a sum not in excess of three percent per head on each animal for which a ~~contribution~~ FEE is collected.

(b) THE BOARD SHALL UTILIZE THE MONEYS COLLECTED PURSUANT TO SUBSECTION (1) OF THIS SECTION IN CARRYING OUT THE PURPOSES OF THIS ARTICLE. In carrying out the purposes of this article, the board may coordinate its activities with any ~~other~~ state agency and may allocate such sums collected under this section as are necessary for such coordination.

**SECTION 3.** 35-57-113, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**35-57-113. Duties and powers of the board.** (2) THE BOARD'S POWERS AND DUTIES, AS SET FORTH IN SUBSECTION (1) OF THIS SECTION, AND ITS ACTIVITIES PURSUANT TO THIS ARTICLE ARE CONSISTENT WITH THOSE OF A QUALIFIED STATE BEEF COUNCIL PURSUANT TO 7 CFR 1260.172 TO 1260.181.

**SECTION 4.** 35-57-118 (1) and (3), Colorado Revised Statutes, are amended to read:

**35-57-118. Collection procedure.** (1) The operators of all stockyards, slaughterhouses, packing plants, and livestock auction markets shall deduct from the proceeds of sale owed by them to the respective owners of animals the ~~contributions~~ BEEF BOARD FEE as authorized by section 35-57-117.

(3) In accordance with the provisions of subsection (1) of this section, operators

shall promptly pay to the state board of stock inspection commissioners all ~~contributions~~ BEEF BOARD FEES collected by them.

**SECTION 5. Repeal.** 35-57-119, Colorado Revised Statutes, is repealed as follows:

**35-57-119. Refunds.** ~~(1) Any person who has paid a contribution at the time of brand inspection as required by section 35-57-117 shall be entitled to a prompt refund of such contribution from the board. Claim for refund shall be made to the Colorado beef board within ten days from the date of the brand inspection on a form furnished by the Colorado beef board.~~

~~(2) Notwithstanding any other laws to the contrary, and to carry out the intent of this section to ensure immediate refund, the board, except as provided by subsection (3) of this section, is authorized to promptly process claims for refund and shall make such refunds without the necessity of verification of payment by the applicant. The refund shall be based only on the signed statement of the refund claim and other information as is contained thereon unless other information or verification is required by subsection (3) of this section.~~

~~(3) 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 contributions illegally obtained.~~

~~(4) Claim for refund shall be signed by the person who paid the contribution. 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 such person, 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.~~

**SECTION 6. 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: May 12, 2000