

CHAPTER 150

AGRICULTURE

HOUSE BILL 03-1205

BY REPRESENTATIVE(S) McCluskey, Hoppe, Briggs, Brophy, Fairbank, Fritz, Hall, Johnson R., King, May M., Miller, Rose, White, Wiens, Larson, Rippey, Salazar, Smith, Spradley, and Williams T.;
also SENATOR(S) Taylor, Chlouber, and Isgar.

AN ACT

CONCERNING THE REFUND OF BEEF BOARD FEES BY THE BOARD OF DIRECTORS OF THE COLORADO BEEF COUNCIL AUTHORITY.

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 shall be collected in the manner prescribed in this article.

SECTION 2. 35-57-119, Colorado Revised Statutes, is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

35-57-119. Refunds. (1) ANY PERSON WHO PAID A BEEF BOARD FEE AT THE TIME OF THE BRAND INSPECTION AS REQUIRED BY SECTION 35-57-117 SHALL BE ENTITLED TO AN EIGHTY-FIVE PERCENT REFUND OF SUCH FEE. A CLAIM FOR A REFUND SHALL BE MADE TO THE BOARD OF DIRECTORS OF THE COLORADO BEEF COUNCIL AUTHORITY, HEREINAFTER REFERRED TO AS THE "BOARD", WITHIN TEN DAYS AFTER THE DATE OF THE BRAND INSPECTION.

(2) ONLY THE PERSON WHO PAID THE FEE SHALL SUBMIT A CLAIM FOR A REFUND TO THE BOARD. A WRITTEN AND SIGNED REQUEST FOR A REFUND OF SUCH FEE AND A COPY OF THE COLORADO BRAND INSPECTION CERTIFICATE SHALL BE REQUIRED FOR SUCH REFUND. A PERSON MAY SUBMIT A CLAIM BY FACSIMILE OR BY MAIL. THE

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

POSTMARK DATE OR THE FACSIMILE CONFIRMATION DATE SHALL BE USED TO DETERMINE THE TIMELINESS OF A CLAIM.

(3) THE BOARD, BEFORE PROCESSING OR MAKING A REFUND, MAY REQUIRE ANY ADDITIONAL INFORMATION OR VERIFICATION IT DEEMS NECESSARY TO DETERMINE THE VALIDITY OF THE CLAIM FOR SUCH REFUND. ALL PERSONS WHO FORWARD CLAIMS FOR SUCH REFUNDS SHALL KEEP PERTINENT RECORDS FOR A PERIOD OF AT LEAST THREE YEARS AND SHALL MAKE SUCH RECORDS AVAILABLE TO THE BOARD UPON REQUEST. THE BOARD MAY FILE AN ACTION TO RECOVER A REFUND OF A FEE FROM ANY PERSON WHO HAS OBTAINED SUCH REFUND ILLEGALLY.

(4) ANY PERSON WHO FILES A FRAUDULENT OR FALSE CLAIM FOR A REFUND, OR WHO BY ANY FALSE PRETENSES OBTAINS OR ATTEMPTS TO OBTAIN A REFUND NOT LEGALLY DUE TO 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 ACCORDING TO LAW.

SECTION 3. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to fees assessed on or after the applicable effective date of this act.

Approved: April 17, 2003