

HB1320_L.001

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

Date

Committee on Agriculture, Livestock, & Natural Resources.

After consideration on the merits, the Committee recommends the following:

HB09-1320 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

3 "SECTION 1. 25-5.5-101 (3) and (4) (b), Colorado Revised
4 Statutes, are amended, and the said 25-5.5-101 is further amended BY
5 THE ADDITION OF A NEW SUBSECTION, to read:

6 **25-5.5-101. Definitions.** As used in this part 1, unless the context
7 otherwise requires:

8 (3) "Dairy farm" means the place or premises on which one or
9 more ~~milking cows or goats~~ LACTATING HOOVED ANIMALS are kept and
10 from which a part or all of the milk produced thereon is delivered, sold,
11 or offered for sale to a dairy plant for manufacturing purposes.

12 (4) (b) For the purposes of this subsection (4), "dairy plant", when
13 used in connection with the requirements therefor or the licensing thereof,
14 means any establishment that manufactures dairy products; except that
15 any "dairy plant" ~~which~~ THAT is located in an establishment licensed
16 pursuant to part 2 of article 44 of title 12 16 OF ARTICLE 4 OF TITLE 25,
17 C.R.S., is exempt from the licensing requirements of this article if such
18 establishment sells or serves dairy products exclusively and directly to the
19 final consumer of the product.

20 (20) "TRANSFER OR RECEIVING STATION" MEANS ANY PLACE,
21 PREMISES, OR ESTABLISHMENT WHERE MILK OR MILK PRODUCTS ARE

1 TRANSFERRED DIRECTLY FROM ONE MILK TANK TRUCK TO ANOTHER OR
2 WHERE RAW MILK IS RECEIVED, COLLECTED, HANDLED, STORED, OR
3 COOLED AND PREPARED FOR FURTHER TRANSPORTING. THE TERM
4 "TRANSFER OR RECEIVING STATION" SHALL NOT INCLUDE A DAIRY FARM.

5 SECTION 2. 25-5.5-107 (2), (4) (a), and (7), Colorado Revised
6 Statutes, are amended to read:

7 25-5.5-107. Testing and sampling of dairy products - unlawful
8 acts - licensing - dairy protection cash fund - created. (2) It is
9 unlawful for any person to sample or test milk, cream, or any other dairy
10 product to determine the value of such product when bought and sold or
11 to instruct another person for such purpose without first having a license
12 granted by the department, and such WHICH license shall be conspicuously
13 displayed in his THE PERSON'S place of business. Licenses shall be
14 granted to those persons who have completed a course in milk and cream
15 testing in any recognized college or dairy school or to those persons who
16 have passed a satisfactory examination under the direction of the
17 department. Payment of a yearly fee of three FIFTY dollars is required,
18 and the license shall be issued for a period of one year from the July 1
19 next preceding the actual date of issue; however, such THE license shall
20 be subject to cancellation by the department at any time if it finds that the
21 person holding said THE license is incompetent or guilty of violating any
22 of the provisions of this part 1.

23 (4) (a) (I) A temporary permit to operate the following dairy plants
24 may be issued by the department upon application and upon the payment
25 of a yearly license fee in the amount of ten dollars SPECIFIED IN
26 SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) for each condensary, cheese
27 factory, ice-cream factory, or other place of business where dairy products
28 are manufactured or put in containers for sale or distribution.

29 (II) EXCEPT FOR A TRANSFER OR RECEIVING STATION, WHICH
30 SHALL BE CHARGED THE FEE SET FORTH IN SUB-SUBPARAGRAPH (A) OF
31 THIS SUBPARAGRAPH (II), THE FEE FOR A LICENSE ISSUED UNDER THIS
32 SUBSECTION (4) SHALL BE DETERMINED AND PAID ACCORDING TO THE
33 ANNUAL AVERAGE DAILY AMOUNT OF MILK RECEIVED FOR
34 MANUFACTURING BY THE DAIRY PLANT, AS FOLLOWS:

35 AMOUNT OF DAIRY MANUFACTURED	FEE
36 OR PUT IN CONTAINERS, PER DAY	



1	(A) UNDER 1,000 POUNDS	\$ 300
2	(B) 1,000 TO 19,999 POUNDS	\$ 600
3	(C) 20,000 TO 449,999 POUNDS	\$1,000
4	(D) 450,000 OR MORE POUNDS	\$1,600

5 (7) All moneys collected by the department for the license fees
6 provided for in this section shall be transmitted to the state treasurer, who
7 shall credit the same to the ~~general fund~~ DAIRY PROTECTION CASH FUND,
8 REFERRED TO IN THIS SUBSECTION (7) AS THE "FUND", WHICH IS HEREBY
9 CREATED IN THE STATE TREASURY. THE GENERAL ASSEMBLY SHALL
10 ANNUALLY APPROPRIATE THE MONEYS IN THE FUND TO THE DEPARTMENT
11 FOR THE PAYMENT OF EXPENSES NECESSARY TO ADMINISTER THIS
12 SECTION. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING
13 IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL NOT REVERT TO THE
14 GENERAL FUND OR ANY OTHER FUND.

15 **SECTION 3. Effective date - applicability.** This act shall take
16 effect June 30, 2009, and shall apply to fees paid for licenses issued under
17 section 25-5.5-107, Colorado Revised Statutes, on or after said date.

18 **SECTION 4. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety."

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