

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0892.01 Yelana Love x2295

SENATE BILL 23-240

SENATE SPONSORSHIP

Bridges and Kirkmeyer, Zenzinger, Ginal, Jaquez Lewis, Kolker, Pelton B., Priola, Simpson, Will

HOUSE SPONSORSHIP

Bird and Bockenfeld, Sirota

Senate Committees
Appropriations

House Committees
Appropriations

A BILL FOR AN ACT

101 **CONCERNING FEES A DAIRY PLANT IS REQUIRED TO PAY TO THE**
102 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Joint Budget Committee. The bill:

- Removes a \$50 fee for dairy plant employees who sample or test milk, cream, or any other dairy product;
- Increases the licensing fee a dairy plant is required to pay by 30%; and
- Creates a new fee of one cent for every 100 pounds of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

HOUSE
2nd Reading Unamended
April 3, 2023

SENATE
3rd Reading Unamended
March 30, 2023

SENATE
2nd Reading Unamended
March 29, 2023

milk, to be paid by a dairy plant that receives 20,000 pounds or more of milk each day.

The department of public health and environment is required to cap the amount a dairy plant must pay in total for the licensing fee and volume of production fee at \$150,000.

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

SECTION 1. In Colorado Revised Statutes, 25-5.5-107, **amend** (2) and (4)(a)(II); and **add** (4)(a)(III) and (4)(a)(IV) as follows:

25-5.5-107. Testing and sampling of dairy products - unlawful acts - licensing - dairy protection cash fund - created. (2) It is unlawful for any person to sample or test milk, cream, or any other dairy product to determine the value of such product when bought and sold or to instruct another person for such purpose without first having a license granted by the department, which license shall be conspicuously displayed in the person's place of business. Licenses shall be granted to those persons who have completed a course in milk and cream testing ~~in~~ AT any recognized college or dairy school or to those persons who have passed a satisfactory examination under the direction of the department. ~~Payment of a yearly fee of fifty dollars is required, and the license shall be issued for a period of one year from the July 1 next preceding the actual date of issue; however,~~ The license shall be subject to cancellation by the department at any time if it finds that the person holding the license is incompetent or guilty of violating this part 1.

(4) (a) (II) Except for a transfer or receiving station, which shall be charged the fee set forth in ~~sub-subparagraph (A) of this subparagraph~~ ~~(H)~~ SUBSECTION (4)(a)(II)(A) OF THIS SECTION, the fee for a license issued under this subsection (4) shall be determined and paid according to the annual average daily amount of milk received for manufacturing by the

1 dairy plant, as follows:

2 Annual average daily	Fee
3 amount of milk received	
4 (A) Under 1,000 pounds	\$ 300 \$390
5 (B) 1,000 to 19,999 pounds	\$ 600 \$780
6 (C) 20,000 to 449,999 pounds	\$1,000 \$1,300
7 (D) 450,000 or more pounds	\$1,600 \$2,080

8 (III) SUBJECT TO THE LIMITATION IN SUBSECTION (4)(a)(IV) OF
9 THIS SECTION AND IN ADDITION TO THE FEE REQUIRED IN SUBSECTION
10 (4)(a)(II) OF THIS SECTION, A DAIRY PLANT THAT RECEIVES MORE THAN
11 TWENTY THOUSAND POUNDS OF MILK PER DAY SHALL PAY ONE CENT FOR
12 EACH ONE HUNDRED POUNDS OR FRACTION THEREOF OF MILK RECEIVED.

13 (IV) IF THE TOTAL AMOUNT OF FEES REQUIRED IN SUBSECTIONS
14 (4)(a)(II) AND (4)(a)(III) OF THIS SECTION WOULD REQUIRE A DAIRY PLANT
15 TO PAY MORE THAN ONE HUNDRED FIFTY THOUSAND DOLLARS IN A YEAR,
16 THE DEPARTMENT SHALL REDUCE THE VOLUME OF PRODUCTION FEE IN
17 SUBSECTION (4)(a)(III) OF THIS SECTION UNTIL THE TOTAL AMOUNT THE
18 DAIRY PLANT IS REQUIRED TO PAY UNDER SUBSECTIONS (4)(a)(II) AND
19 (4)(a)(III) OF THIS SECTION IS ONE HUNDRED FIFTY THOUSAND DOLLARS.

20 **SECTION 2. Effective date.** This act takes effect July 1, 2023.

21 **SECTION 3. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.