

DAIRY PROMOTION ACT AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: David Ure

LONG TITLE

General Description:

This bill eliminates the option to request a transfer of the assessment for dairy products to the National Dairy Board.

Highlighted Provisions:

This bill:

▶ eliminates the option to request a transfer of the assessment for dairy products to the National Dairy Board.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-22-7, as last amended by Chapter 301, Laws of Utah 1999

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **4-22-7** is amended to read:

4-22-7. Assessment imposed on sale of milk or cream produced, sold, or contracted for sale in state -- Time of assessment -- Collection by dealer or producer-handler -- Penalty for delinquent payment or collection -- Statement to be given to producer.



28 (1) An assessment of ten cents is imposed upon each 100 pounds of milk or cream
29 produced and sold, or contracted for sale, through commercial channels in this state.

30 (2) The assessment shall be:

31 (a) based upon daily or monthly settlements; and

32 (b) due at a time set by the commission, which may not be later than the last day of the
33 month next succeeding the month of sale.

34 (3) (a) The assessment shall be:

35 (i) assessed against the producer at the time the milk or milk fat is delivered for sale;

36 (ii) deducted from the sales price; and

37 (iii) collected by the dealer or producer-handler.

38 (b) The proceeds of the assessment shall be paid directly to the commission who shall
39 issue a receipt to the dealer or producer-handler.

40 (c) If a dealer or producer-handler fails to remit the proceeds of the assessment or
41 deduct the assessment on time, a penalty equal to 10% of the amount due shall be added to the
42 assessment.

43 (4) (a) At the time of payment of the assessment, the dealer or producer-handler shall
44 deliver a statement to the producer calculating the assessment.

45 (b) The commission may require other relevant information to be included in the
46 statement.

47 [~~(5) (a) A producer who objects to having the Utah Dairy Commission receive the~~
48 ~~assessment imposed under this section may, by January 31, submit a written request to the~~
49 ~~commission to transfer to the National Dairy Board an amount equal to the assessment the~~
50 ~~producer paid during the previous year.]~~

51 [~~(b) Unless the request for transfer is withdrawn, the transfer shall be made on or~~
52 ~~before May 30 of the year it is requested.]~~

53 [(~~ε~~) (5)] If the mandatory assessment required by the Dairy and Tobacco Adjustment
54 Act of 1983, Pub. L. No. 98-180, 97 Stat. 1128 (1150.152), is abolished, a producer who
55 objects to payment of the assessment imposed under this section, may, by January 31, submit a
56 written request to the commission for a refund of the amount of the assessment the producer
57 paid during the previous year.

Legislative Review Note
as of 1-19-05 3:56 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0156

Dairy Promotion Act Amendments

25-Jan-05

1:08 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst