

1 SENATE BILL NO. 71
2 INTRODUCED BY D. SALOMON
3 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE STATE POLICY REGARDING MILK PRICE
6 CONTROL; REMOVING POLICY STATEMENTS THAT NO LONGER REFLECT THE CURRENT STATE OF
7 MILK PRODUCTION IN MONTANA; AMENDING SECTION 81-23-102, MCA; AND PROVIDING AN
8 IMMEDIATE EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11

12 **Section 1.** Section 81-23-102, MCA, is amended to read:

13 **"81-23-102. Policy.** (1) ~~It is hereby declared~~ The legislature declares that:

14 (a) milk is a necessary article of food for human consumption;

15 (b) the production and maintenance of an adequate supply of healthful milk of proper chemical and
16 physical content, free from contamination, is vital to the public health and welfare;

17 (c) the production, transportation, processing, storage, distribution, and sale of milk in the state of
18 Montana is an industry affecting the public health and interest;

19 ~~(d) unfair, unjust, destructive, and demoralizing trade practices have been and are now being carried~~
20 ~~on in the production, transportation, processing, storage, distribution, and sale of milk and products~~
21 ~~manufactured from milk, which trade practices constitute a constant menace to the health and welfare of the~~
22 ~~inhabitants of this state and tend to undermine the sanitary regulations and standards of content and purity of~~
23 ~~milk;~~

24 ~~(e)~~(d) health regulations alone are insufficient to prevent disturbances in the milk industry and to
25 safeguard the consuming public from further inadequacy of a supply of this necessary commodity;

26 ~~(f)~~(e) it is the policy of this state to promote, foster, and encourage the intelligent production and
27 orderly marketing of milk ~~and cream~~ and products manufactured from milk ~~and cream~~, ~~to eliminate speculation~~

Amendment - 1st Reading-white - Requested by: Mark Noland - (S) Business, Labor, and Economic Affairs

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Drafter: Erin Sullivan, 406-444-3594

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1 ~~and waste, and to make the distribution of milk and cream and products manufactured from milk and cream~~
2 ~~between the producer and consumer as direct as can be efficiently and economically done, and to stabilize the~~
3 ~~marketing of those commodities;~~

4 ~~(g) investigations have revealed and experience has shown that, due to the nature of milk and the~~
5 ~~conditions surrounding the production and marketing of milk and due to the vital importance of milk to the health~~
6 ~~and well-being of the citizens of this state, it is necessary to invoke the police powers of the state to provide a~~
7 ~~constant supervision and regulation of the milk industry of the state to prevent the occurrence and recurrence of~~
8 ~~those unfair, unjust, destructive, demoralizing, and chaotic conditions and trade practices within the industry~~
9 ~~which have in the past affected the industry and which constantly threaten to be revived within the industry and~~
10 ~~to disrupt or destroy an adequate supply of pure and wholesome milk to the consuming public and to the~~
11 ~~citizens of this state;~~

12 ~~(h)(f) milk is a perishable commodity that is easily contaminated with harmful bacteria, that cannot be~~
13 ~~stored for any great length of time, that must be produced and distributed fresh daily, and the supply of which~~
14 ~~cannot be regulated from day to day but, due to natural and seasonal conditions, must be produced on a~~
15 ~~constantly uniform and even basis;~~

16 ~~(i)(g) the demand for this perishable commodity fluctuates from day to day and from time to time~~
17 ~~making it necessary that the producers and distributors shall produce and carry on hand a surplus of milk in~~
18 ~~order to guarantee and ensure to the consuming public an adequate supply at all times, which surplus must of~~
19 ~~necessity be converted into byproducts of milk at great expense and often at a loss to the producer and~~
20 ~~distributor;~~

21 ~~(j)(h) this surplus of milk, though necessary and unavoidable, unless regulated, tends to undermine~~
22 ~~and destroy the milk industry, which causes producers to relax their diligence in complying with the provisions~~
23 ~~of the health authorities and often to produce milk of an inferior and unsanitary quality;~~

24 ~~(k)(i) investigation and experience have further shown that, due to the nature of milk and the~~
25 ~~conditions surrounding its production and marketing, unless the producers are guaranteed and ensured a~~
26 ~~reasonable profit on milk, both the supply and quality of milk are affected to the detriment of and against the~~
27 ~~best interest of the citizens of this state whose health and well-being are thereby vitally affected;~~

