

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~~
28 ~~and waste~~, and to make the distribution of milk ~~and cream~~ and products manufactured from milk ~~and cream~~ AND

1 PRODUCTS MANUFACTURED FROM MILK between the producer and consumer as direct as can be efficiently and
2 economically done, and to stabilize the marketing of those commodities;

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

11 (F) DUE TO THE NATURE OF MILK AND THE CONDITIONS SURROUNDING THE PRODUCTION AND MARKETING
12 OF MILK AND DUE TO THE VITAL IMPORTANCE OF MILK TO THE HEALTH AND WELL-BEING OF THE CITIZENS OF THIS STATE,
13 IT IS NECESSARY TO INVOKE THE POWERS OF THE STATE TO PROVIDE CONSTANT SUPERVISION AND REGULATION OF THE
14 MILK INDUSTRY OF THE STATE;

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

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

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

27 ~~(k)(i)(J)~~ investigation and experience have further shown that, due to the nature of milk and the
28 conditions surrounding its production and marketing, unless the producers are guaranteed and ensured a

1 reasonable profit on milk, ~~both~~ the supply and quality of milk are affected to the detriment of and against the
2 best interest of the citizens of this state ~~whose health and well-being are thereby vitally affected;~~

3 ~~(j)(k)~~ where no supervision and regulation are provided for the orderly and profitable marketing of
4 milk, past experience has shown that the ~~credit~~ economic status of both producers and distributors of milk is
5 adversely affected ~~to a serious degree~~, thereby entailing loss and hardship ~~upon~~ on all within the community
6 with whom these producers and distributors carry on business relations;

7 ~~(m)(k)(L)~~ due to the nature of milk and the conditions surrounding its production and distribution, the
8 natural law of supply and demand has been found inadequate to protect the industry in this and other states
9 and in the public interest it is necessary to provide state supervision and regulation of the milk industry in this
10 state.

11 (2) The general purpose of this chapter is to protect and promote public welfare and to eliminate
12 unfair and demoralizing trade practices in the milk industry. It is enacted in the ~~exercise of the police~~ powers of
13 the state."

14
15 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

16 - END -