

MINUTES

**MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION

Call to Order: By CHAIRMAN CHUCK SWYSGOOD, on January 23, 1995,
at 1:00 p.m.

ROLL CALL

Members Present:

Sen. Charles "Chuck" Swysgood, Chairman (R)
Sen. Gerry Devlin, Vice Chairman (R)
Sen. Thomas A. "Tom" Beck (R)
Sen. Don Hargrove (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Linda J. Nelson (D)
Sen. Bob Pipinich (D)

Members Excused: None

Members Absent: None

Staff Present: Doug Sternberg, Legislative Council
Jennifer Gaasch, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 116
Executive Action: None

{Tape: 1; Side: A; Approx. Counter: ; Comments: .}

HEARING ON SB 116

Opening Statement by Sponsor:

SENATOR MIKE SPRAGUE, SD 6, Billings, presented SB 116. SEN. SPRAGUE stated that this bill would eliminate the Montana state milk control system, deregulate milk prices, and do away with the milk control board.

Proponents' Testimony:

Laurie Ekanger, representing the Office of the Governor, stated that SB 116 was coming to the committee as a recommendation of Governor Racicot. SB 116 proposes that the state get out of the business of controlling milk prices in Montana. The bill would do that by repealing the section of law that sets up the board of milk control, and repealing all the sections of law dealing with price controls for milk. She stated that there is an amendment that **SEN. SPRAGUE** will be introducing (**EXHIBIT #3**). **Ms. Ekanger** discussed three main points; 1) the milk industry and how the prices are controlled, 2) problems with the control of prices in the milk industry, and 3) the reasons why the task force proposed that the state get out of controlling price of milk. **Ms. Ekanger** submitted a summary of her testimony (**EXHIBIT #2**). There was a handout passed out to the committee (**EXHIBIT #1**) which **Ms. Ekanger** referred to throughout her presentation. **Ms. Ekanger** urged the committee's support SB 116.

Jon Noel, director of the Department of Commerce, stated that on page 5 of **EXHIBIT #1** are blend prices and he drew the same comparisons on class one milk. He stated that North Dakota is \$1.95 less expensive than in Montana. He stated that there will probably be federal control and if that results in lower prices then they are important. He stated that the system needs a change.

Fred Happel, representing Montanans for a Better Government, stated that they support SB 116 and read his written testimony (**EXHIBIT #4**).

Richard Strupe, representing Agriculture Economics at Montana State University, stated that he supported SB 116. He stated that change would be hard, but necessary. He stated that there are only five states that are regulating milk, including Montana. He urged the committee to support SB 116.

Vicki Luoma, representing the taxpayer and families, stated that decontrol would benefit the majority of the people and that is what government is for. She gave some figures on milk prices in surrounding states and areas in the state. **Ms. Luoma** stated that she believes that this program would work well if it was given a chance.

Cliff Roessner, representing Helena School District No. 1, gave a handout to the committee (**EXHIBIT #5**). He stated that in the Helena schools they serve approximately 603,000 half pints of milk per year to students. If the prices were lowered they could save the families around \$37,000 to \$40,000 per year. He urged the committee to support SB 116.

David Ashley, representing Department of Administration, referred to page 9 in **EXHIBIT #1**. He read the page and explained it to the committee. He stated that the issue is complex only because of government involvement. He stated that rural areas would save \$.30 under deregulation. **Mr. Ashley** argued the points on page 9 in **EXHIBIT #1**.

Opponents' Testimony:

Tim Huls, dairy farmer from Corvalis, Mt., stated that the state does not decide how much milk a producer can produce. He stated that a person could produce milk even if they did not own quota. **Mr. Huls** stated that in the federally regulated dairies there is an overabundance of milk and that the taxpayer buys the excess of the milk produced. Montana dairy farmers stated that they were not going to produce milk just because they are good at it. They produce for the demand. **Mr. Huls** stated the producers are concerned about quality and who purchased their milk. The board of milk control was not state-funded. He stated that if this bill was passed it would destroy the dairy farms in Montana. **Mr. Huls** stated that the dairy farmers are very efficient and they are getting more efficient as time goes on. He stated that milk producing was a base industry in Montana and they are very important to the state. **Mr. Huls** asked the committee to oppose SB 116.

Jeff Todd, dairyman from the Galatin Valley, stated that his herd has improved their efficiency considerably throughout the years. He stated that he would like to pass the farm down to his sons. **Mr. Todd** asked if a change would really be the best for Montana. He stated that there are a lot of people who tour the dairy farms and they learn from the farm and they learn about Montana.

Kevin Huftman, dairy farmer, stated that it was his only form of income and a stable market was very important to him. **Mr. Huftman** stated that without the promise of a stable market, financing would not be possible. He stated that the roots of Montana families are in agriculture.

Larry Kaufman, representing the Montana Dairyman's Association, stated that he opposed SB 116. **Mr. Kaufman** emphasized that the dairy industry was complicated. He stated that the dairy industry exists in Montana because of milk control. He stated that in Wyoming the industry has only three small plants and most of the milk was packaged in Colorado, South Dakota, or Montana. It was no longer considered a value-added industry in Wyoming. They feel that prices vary in the areas and the bottom line is that the prices of milk in the stores only reflects the supply of milk in that market. In Montana they only supply the milk needed. The state of Montana would be the loser if milk was deregulated. **Mr. Kaufman** stated that the dairy industry from producer to processor represents 80 million dollars per year to Montana's economy. He urged the committee to kill SB 116.

{Tape: 1; Side: B; Approx. Counter: ; Comments: .}

Les Graham, representing the Montana Dairyman's Association, stated that there was already a milk industry in Montana and we should keep it. He stated that if there are some things in the industry that need to be fixed they should be done without elimination of the industry. **Mr. Graham** stated that the dairy farmers want to stay on their farms and not change their lifestyle. He stated that the task force voted 13 to 2 to not go on with the bill, so why is the bill here today?

Marsha Weber, Women In Farm Economics (WIFE), stated they are opposed to SB 116. She stated that by deregulating milk they would be taking away their livelihood.

Tom Harrison, representing the Montana Dairyman's Association, stated that if the industry was to be destroyed it will be gone forever. He stated that this was Montana's largest manufacturing industry.

Dave Ditzel, former member of the Governor's task force, stated that he was in favor of the idea until after hearing the arguments. He stated that it would not help Montana consumers, producers or taxpayers.

Keith Nye, CEO of Dairygold, Inc., stated that they are 100% owned by Montana dairy farmers. They market in several of the states where the market exists. Montana's raw milk production was up 1.83%, consumption was up 3.46%, and supply and demand were in balance. He stated that no one was going to benefit by SB 116. He passed out a notebook to the committee (**EXHIBIT #6**). He also gave the committee a handout (**EXHIBIT #7**), which discusses milk in schools. He urged that SB 116 be killed.

Larry Brown, representing the Agriculture Preservation Association, stated that it was important to protect the base industries in Montana. He stated that the flooding of the out-of-state milk will result in lower prices to begin with, and higher prices later on.

Dick Flickama, dairy farmer, passed out an article for the committee (**EXHIBIT #8**). He explained that this article was from the point of view of a Wisconsin man. He opposed SB 116.

Jennifer Hill, representing Montana Stockgrowers Association (MSGA) and the Montana Woolgrowers Association, stated that they were opposed to SB 116.

Neil McAlpin, representing Meadowgold of Polson, stated that there was no need for the deregulation of milk. He opposed SB 116.

Mark Speneo, dairy producer of Ronan, stated that he was opposed to SB 116.

Bill Stephens, representing the Montana Food Distributors Association, stated that they were opposed to SB 116.

Mike Murphy stated that he opposed SB 116.

Ron Hemp, producer from Great Falls, Mt., stated that the competition was good between Montana dairymen. He stated that he opposed SB 116.

Gary Lever, a dairy farmer from Belgrade, Mt., stated that he opposed SB 116.

Questions From Committee Members and Responses:

SENATOR DON HARGROVE asked **Mr. Noel** if there would be any federal costs associated with federal control? **Mr. Noel** stated that there are no specific charges. **SEN. HARGROVE** asked **Mr. Noel** how the standards of Montana milk production in terms of environmental control and cleanliness are compared to other states? **Mr. Noel** replied that he was unable to answer the question. He stated that those standards are imposed by the Department of Livestock.

SENATOR LINDA NELSON asked **Laurie Ekanger** if she knew the situation of the milk between Montana and North Dakota? **Ms. Ekanger** stated that she did not have that information. **Mr. Keith Nye** stated that there is information in the notebook (**EXHIBIT #6**) that was provided.

SEN. NELSON asked **Mr. Roessner** why the school districts were making a profit from the selling of milk to students. **Mr. Roessner** stated that the Helena school district sells milk for \$.30.

SENATOR GERRY DEVLIN asked if the vote was 13 to 2 in the task force, why was the bill here today? **Mr. Ashley** stated that they passed the bill after being set up into subcommittees.

SEN. DEVLIN asked **Mr. Roessner** about the mark-up of the milk in the schools? **Mr. Roessner** stated that most of the milk was sold with the lunches.

SENATOR RIC HOLDEN asked **Ms. Laurie Ekanger** about the impact of the fiscal note since it was assuming that the same number of dairies that are operating today would be operating after deregulation and the figures are presented as such, thus conflicting with some of the testimony that has been heard. **SEN. HOLDEN** asked what the bill does in relation to losing producers, and the loss of tax revenues. **Ms. Ekanger** stated that the fiscal note was relating to the costs to state government.

SENATOR BOB PIPINICH asked **Mr. Roessner** if the school was charged 19.4 cents per pint of milk and sold for 30 cents where in the budget would the 55% mark-up for the milk go? **Mr. Roessner** replied that the food service program was designed to break even. He stated that the school program made a \$12,000 profit last year. He stated that the mark-up goes to storage and handling costs.

SENATOR GREG JERGESON asked **Dave Ashley** to compare the liquor license quota program to the milk quota program? **Mr. Ashley** stated that state government has found it proper to restrict the supply, and then a marketable quota was created. This bill will get rid of the quota system.

SEN. JERGESON asked **Mr. Ashley** if the quota system has created a property value. **Mr. Ashley** stated that this was correct. **SEN. JERGESON** stated that since it was a property value that it was a taking, and where in the bill would the compensation be for the taking of the loss of the dairy farmer's property. **Mr. Ashley** replied that compensation was not included.

SENATOR JABS asked **Mr. Ashley** if this was to save the consumer money, and if the surplus milk was stored, how much money would the taxpayer have to pay? **Mr. Ashley** replied that states under a federal pricing order have the milk purchased by the federal government and set back into programs.

CHAIRMAN SWYSGOOD asked **Ron Page**, manager of the prison ranch in Deerlodge, Mt., what effect SB 116 would have on the state prison's industry? **Mr. Page** replied that they might not be able to stay in business. The prison ranch and the jobs that it provides to the inmates at the prison would also go out of business.

Closing by Sponsor:

SENATOR MIKE SPRAGUE stated that there was some criteria that he needed before sponsoring the bill, and they were downsizing government and saving the taxpayer money. He stated that having this industry subsidized by the state government was a disgrace. He asked if SB 116 was being introduced for the first time, would it be a good idea? This would be the way to look at the bill and the program. The control was a system implemented for 60 years and it was time for change. He asked for favorable consideration of the committee on SB 116.


SENATE AGRICULTURE, LIVESTOCK & IRRIGATION COMMITTEE

January 23, 1995

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ADJOURNMENT

Adjournment: 2:57 p.m.



CHUCK SWYSGOOP, Chairman



JENNIFER GAASCH, Secretary

CS/JG

MONTANA SENATE
1995 LEGISLATURE
AGRICULTURE COMMITTEE

ROLL CALL

DATE _____

1-23-95

[illegible]

SEN:1995
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CS-09

SENATE AGRICULTURE

EXHIBIT NO. 1

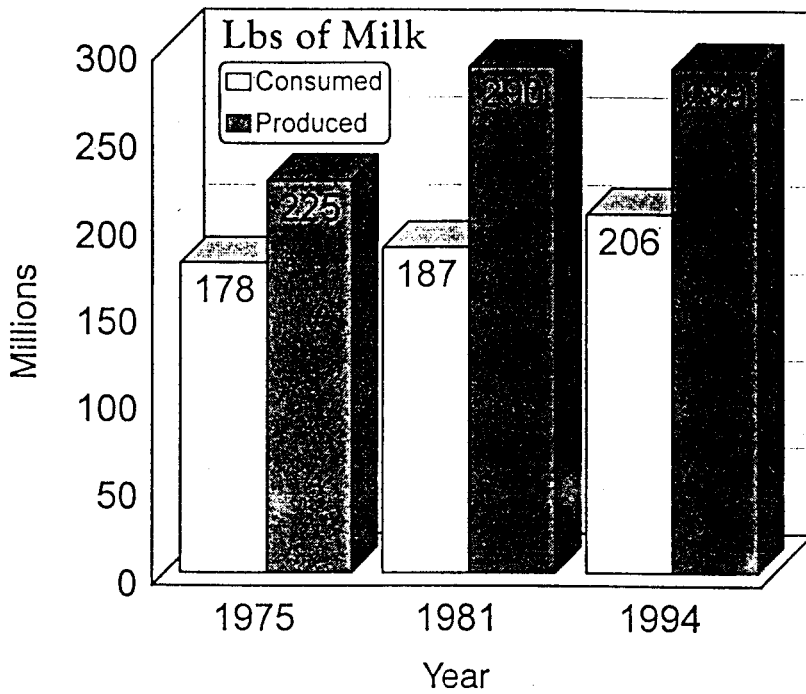
DATE 1-23-95

BILL NO. SB 116

SB 116 "MILK DECONTROL" INFORMATION PACKET
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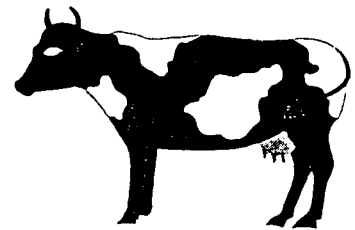
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Compiled by Laurie Ekanger, Office of the Governor, January 23,
1995, Telephone 444-3111

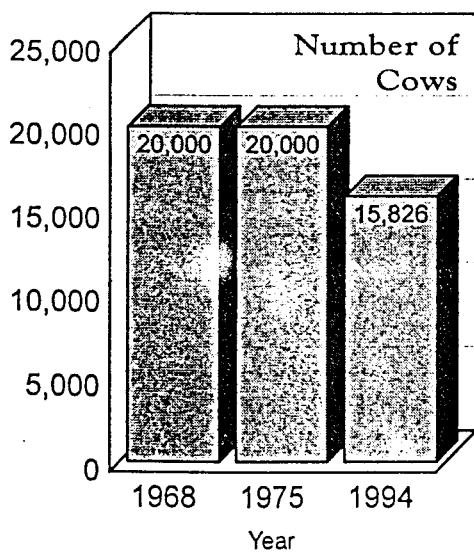


Milk

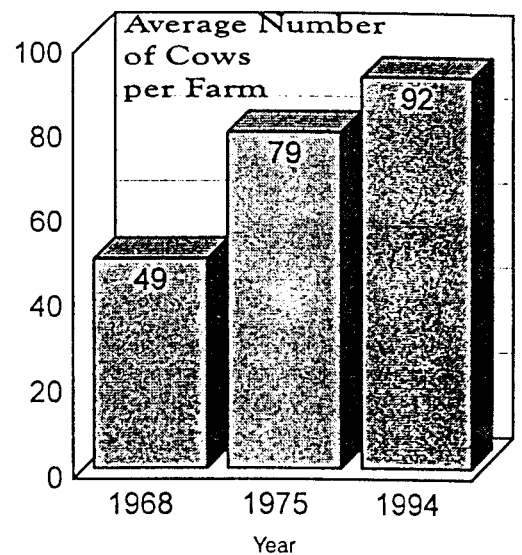
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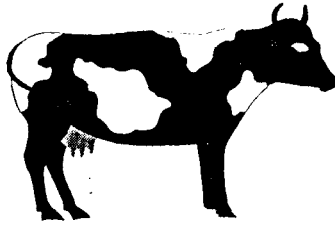


Production

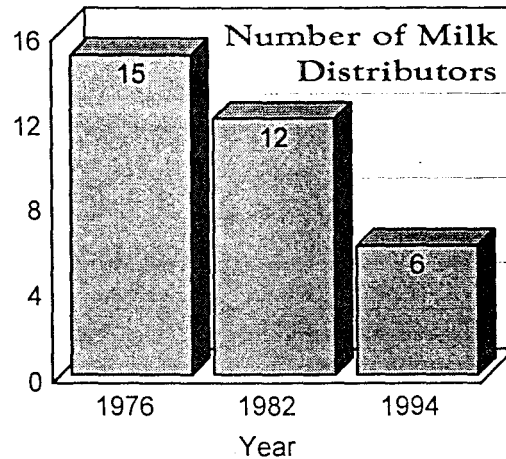
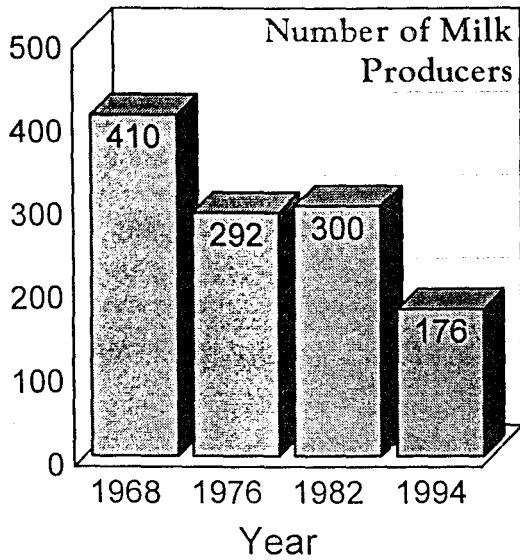


Cows



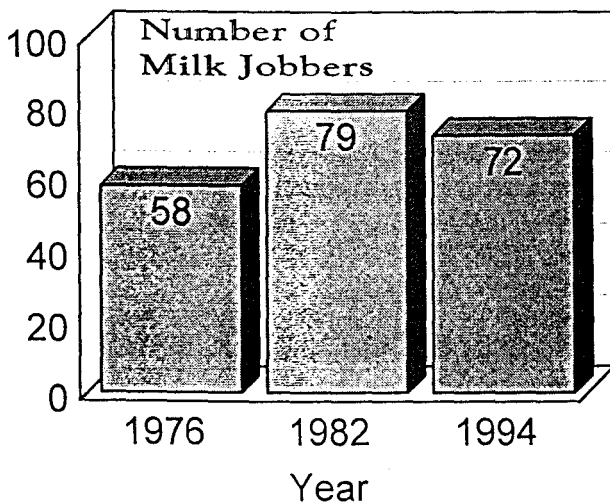
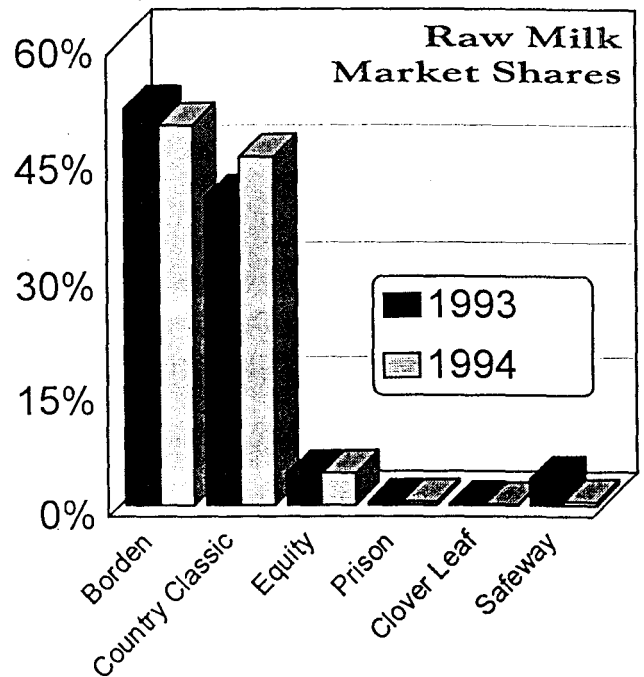


Milk Industry



DISTRIBUTORS

- Borden (Meadow Gold)
 - Billings
 - Kalispell
 - Great Falls
- Country Classic (co-op of 79 producers)
 - Bozeman
- Equity (co-op of 5 producers)
 - Kalispell
- Montana State Prison
 - Deer Lodge
- CLOver Leaf
 - Helena
- Safeway (transferred to Country Classic March 1994)



MILK REGULATION

STATE (Board of Milk Control/Department of Commerce)

- 1) Quota System for production (see page 4)
- 2) Price Setting (417 prices) (see page 16)

Gallon 2% 1/95

- Producer \$1.20
- Distributor \$2.262 to 2.523 depending on delivery
- Retail \$2.90

- 3) Investigate complaints

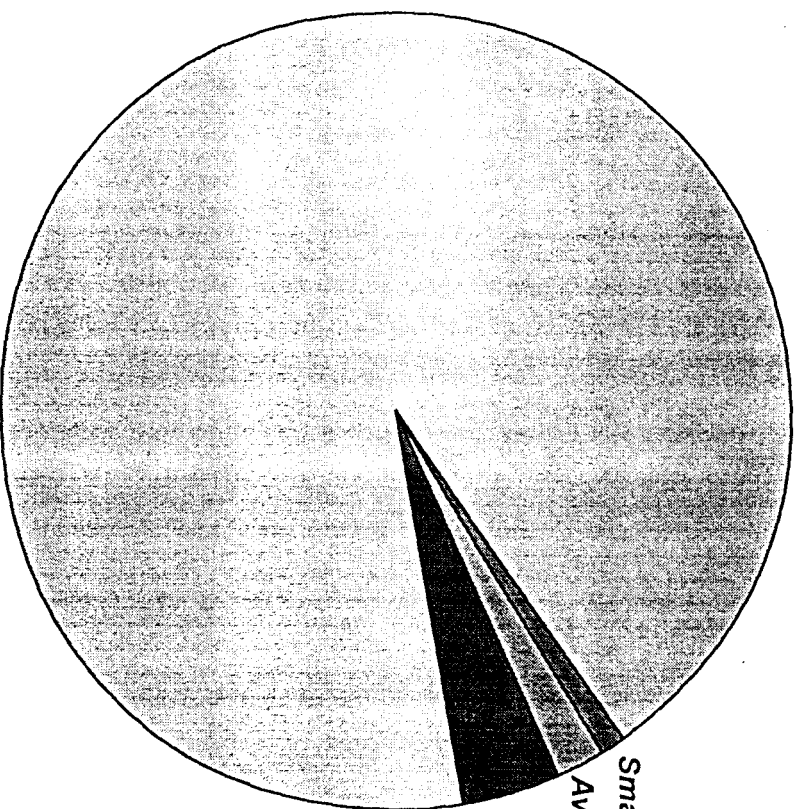
FEDERAL (U.S. Department of Agriculture)

- 1) Federal Milk Market Order System (at request of producers)
(see page 5)
- 2) Purchase of surplus milk products (like butter & cheese)

Montana Milk Quota System

1994 Quota Available - 811,275 lbs. per day
Quota Allotments owned by 176 producers

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Smallest .05% 385 lbs. per day

Average 0.56% 4508 lbs. per day

Largest 3.25% 26,366 lbs. per day

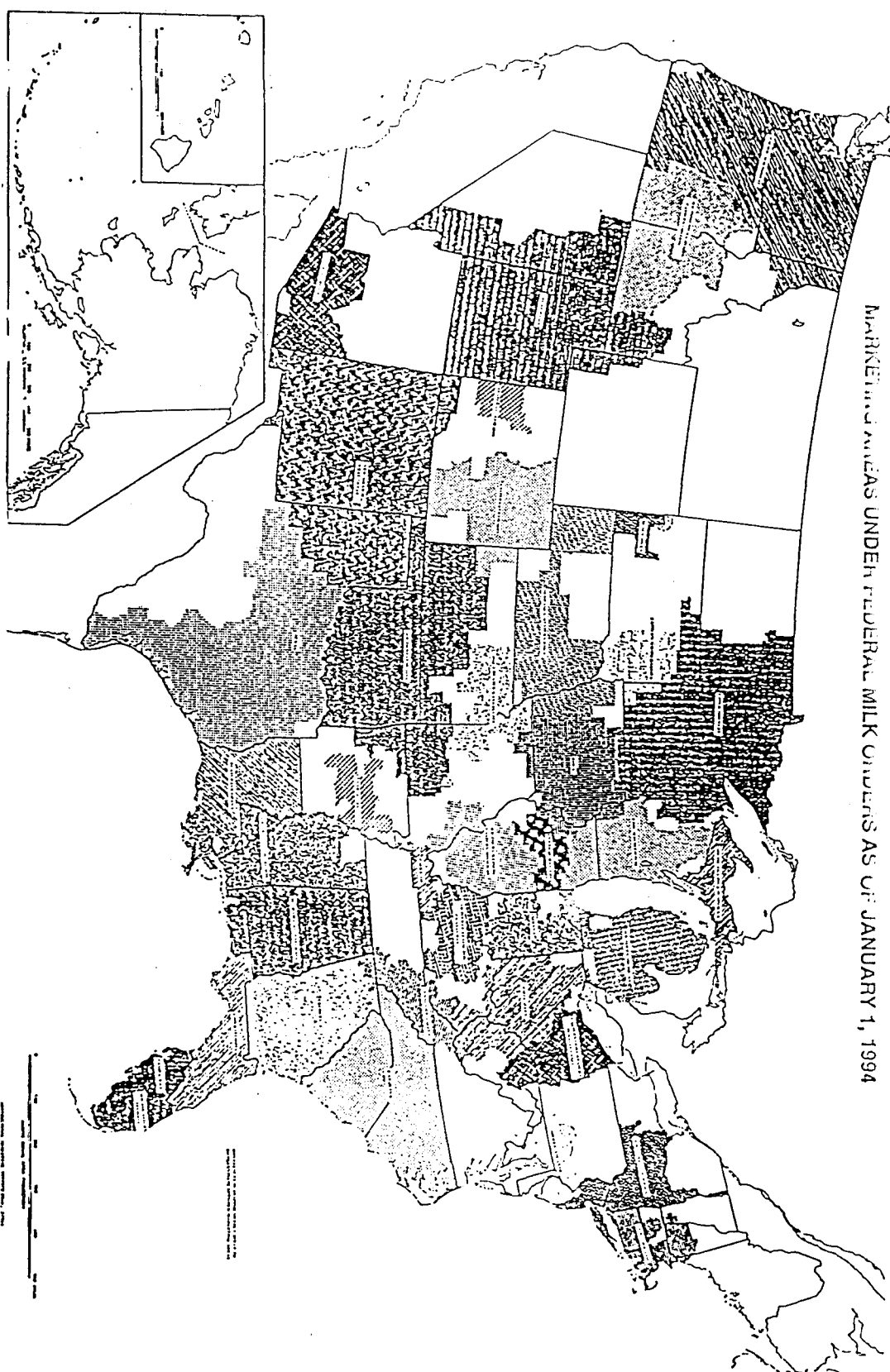
Current quota value \$16 - 18 per pound of quota (per day)
(about \$800 per cow)

*Transferring quota

*Producer quota committee

*Buyer must "stand in the shoes of seller"
or forfeit 10% of quota

MARKETING AREAS UNDER FEDERAL MILK ORDERS AS OF JANUARY 1, 1994



Producer Prices - Blend Price

Per 100 Weight - November 1994

Montana Price	13.41
North Dakota (state price order)	12.52

Federal Price Orders In Surrounding States

Western South Dakota	13.96
Pacific Northwest	12.18
Southwest Idaho	12.04
Area "sin"	12.75

EXHIBIT 1
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MILK SURVEY

SIZE POPULATION	VERY SMALL 300/1,500	SMALL 2,400/3,500	MEDIUM 24,000/35,000	LARGE 50,000/160,000
Montana	Wibaux 2.90	Hamilton 2.90	Helena 2.90	Billings 2.90
Utah	Huntington 2.27	Nephi 1.99	Logan 2.19	Salt Lake 2.09
South Dakota	Geddes 2.99	Dell Rapids 2.45	Aberdeen 2.54	Sioux Falls 2.45
Wyoming	Ranchester 2.75	Newscastle 2.49	Laramie 2.39	Cheyenne 2.29
Idaho	Downey 2.35	Gooding 2.17	Twin Falls 2.19	Boise 2.12

Montana Higher By:

+31

+63

+58

+66

- Survey was taken January 19, 1995
- Prices are for one gallon 2%
- During January 1995, Malmstrom Air Force Base (which is not controlled by the prices established by the Montana Milk Control Board) was selling milk for \$1.81 per gallon of 2% low fat milk.

SURVEY PARTICIPANTS

UTAH

Salt Lake City
Nephi
Logan
Huntington

Farmer Jacks Supermarket
Mt. Nebo Thriftway
Jacks Foodtown
Thrift Market

(801) 972-4585
(801) 623-2561
(801) 563-6251
(801) 687-9976

SOUTH DAKOTA

Sioux Falls
Dell Rapids
Aberdeen
Geddes

Hy-Vee
Tim's Food Market
Ken's Fairway Foods
K & J Market

(605) 334-4570
(605) 428-5451
(605) 225-6671
(605) 337-2401

WYOMING

Cheyenne
Laramie
New Castle
Rochester

Safeway
Albertsons
Deckers Food
Buckhorn Foods

(307) 638-6337
(307) 742-3731
(307) 746-2779
(307) 655-9766

IDAHO

Boise
Twin Falls
Gooding
Downey

Albertsons
IGA Super Center
Cooks Food Town
Downey Food Center

(208) 336-5278
(208) 733-6401
(208) 934-8449
(208) 987-5915

**GOVERNOR'S TASK FORCE TO RENEW
MONTANA GOVERNMENT**

**Recommendation to Decontrol Milk Prices/Eliminate
the Milk Control Board**

Arguments in Support of Decontrolling Milk:

- 1) Prices in Montana are extraordinarily high.
 - a) A January 1995 survey shows Montana milk sold through full service grocery stores is higher than in similar sized towns in South Dakota, Wyoming, and Idaho.

Milk Prices by Community Size

	<u>Very small</u>	<u>Small</u>	<u>Medium</u>	<u>Large</u>
Montana	\$2.90	\$2.90	\$2.90	\$2.90
Surrounding states	2.59	2.27	2.32	2.29
Montana higher by:	.31	.63	.58	.67

An average Montana resident drinks 28 gallons of milk annually. If 25 gallons are purchased through full service grocery stores at prices comparable to surrounding states, Montana consumers would save \$12.6 million annually.

- b) School milk prices in Montana are set by the Board of Milk Control at 19.5 cents versus competitively bid prices of 12.1 to 13 cents received by school districts in Spearfish, South Dakota, Sheridan, Wyoming, and Idaho Falls, Idaho. The annual potential savings to Montana school children is \$1.3 million.
 - c) State agencies buy 300,000 gallons per year. A 50 cent per gallon savings would save state agencies \$150,000 per year.

Total annual savings: \$14.1 million.

- 2) The free market, rather than a government agency, can more efficiently set milk prices.
- 3) As a result of Montana milk price laws, a significant amount of milk produced in Montana is shipped to Wyoming or Idaho before returning to Montana, to avoid Montana milk price regulation.
- 4) Montana is one of only five states that control milk prices at wholesale, retail, and producer levels. (Montana, North Dakota, Nevada, Maine, Pennsylvania)

Arguments advanced by industry representatives at Task Force public hearings in support of continued milk price controls:

- 1) "It's a complex issue."

The hidden message is "don't change it". In reality, any artificial pricing system with quotas, minimum prices, statewide pools, class 1, class 2, etc. is complex. Eliminating state price controls would make the milk market as straightforward as other commodity markets.

- 2) "Out of state milk will come into the state."

Yes, a free market will exist. Montana producers now supply parts of Wyoming.

- 3) "Without price controls, marginal producers will cut corners on health practices."

However, under decontrol, health regulations will stay in place. Even with control, health concerns have existed in Montana. States without price controls have successfully dealt with this concern.

- 4) "Dairymen pay for the Milk Control Board."

Yes, but they pass along the cost to consumers and it prevents the public from receiving competitive prices.

- 5) "Prices will go down for awhile and then go up after all the competition is eliminated."

In reality, the survey of surrounding states didn't show this. Wyoming decontrolled its dairy industry in 1979. Wyoming survey prices range from 15 cents to 61 cents lower than Montana.

- 6) "Prices may go down in urban areas but they'll go up in rural areas."

The survey showed that rural areas would benefit by price decontrol--about 31 cents per gallon--while urban areas would benefit about 65 cents per gallon. Currently, the milk industry can charge more for milk in rural areas ... but they don't. If prices in excess of the minimum are not charged now, why would prices exceed the current minimums after decontrol?

- 7) "If we eliminate state price control the federal government will control prices; the industry would prefer being regulated by the state."

Wrong. The dairy industry can request federal price controls. Federal price control would only occur if the dairy industry voted for it.

GOUGH, SHANAHAN, JOHNSON & WATERMAN

Attorneys at Law

EXHIBIT 1

DATE 1-23-95

SB 116

JOCK O. ANDERSON
WILLIAM H. COLDIRON
DAVID C. DALTHORP
WILLIAM P. DRISCOLL
HOLLY JO FRANZ
THOMAS E. HATTERSLEY, III
CORDELL JOHNSON
ALAN L. JOSCELYN
MICHAEL S. LATTIER
JAMES B. LIPPERT
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RONALD F. WATERMAN

33 SOUTH LAST CHANCE GULCH

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TAYLOR B. WEIR (1883-1962)
EDWIN S. BOOTH (1907-1976)

ADMINISTRATOR
PATRICE E. PAYNE

TELEPHONE (406) 442-8560
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April 22, 1994

RECEIVED

APR 25 1994

Mr. William Ross
Bureau Chief, Milk Control Bureau
Department of Commerce
1520 East Sixth Avenue, Room 50
P.O. Box 200512
Helena, MT 59620-0512

MILK CONTROL BUREAU

Re: Interstate Program; Our File 16036-001

Dear Bill:

This letter responds to your request for comments dated April 11, 1994. Additionally, this letter will serve as Meadow Gold's further response to your request for information regarding the specifics of the interstate program recently initiated by Meadow Gold in Idaho.

First I will address the current Meadow Gold program. The program as it currently exists was revised in some of its specifics to follow the guidelines of your April 11th letter. I trust that you will find that it complies with both the letter and the spirit of the six enumerated guidelines in that letter.

The Montana retailer participating in the program will place its orders into the Meadow Gold facility at Ogden, Utah. The Ogden facility will relay the order into the Kalispell facility where it will be filled.

The invoicing for the milk order will be prepared in Ogden, Utah, showing sale at Bonner's Ferry, Idaho, and directing payment to be made to Ogden.

Meadow Gold has contracted with an independent hauler to transport the milk from Kalispell to the point of sale at Bonner's Ferry, Idaho. Legal title, risk of loss, and all attendant responsibility will pass to the retailer-purchaser at that point. The retailer will be responsible for transporting the milk from Bonner's Ferry, Idaho, to whatever point or points in Montana it chooses. The purchaser is currently contracting with the same independent hauler for the return haul as is used by Meadow Gold.

Mr. William Ross
April 22, 1994
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The interstate program conducted for customers in the Bitterroot is being operated in identical fashion. Again, the point of sale will be Bonner's Ferry, Idaho. They are using the same independent hauler and that hauler is simply continuing on down to those locations.

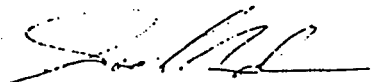
If you have any other questions regarding Meadow Gold's interstate program, please advise.

Now, my comments on your April 11, 1994, letter.

It is our opinion that the use of an independent hauler is not necessary to establish an interstate program. As a matter of fact, I believe such a requirement is unlawful. Meadow Gold has ICC authority to engage in interstate trucking. This program involves interstate trucking and the state of Montana doesn't have the authority to limit its right to engage in that activity. It should be free to contract with the retailers to haul the retailer's milk on the same basis as any other trucking operation. At this point we have revised our operation to meet this guideline rather than start with a dispute but it is being done for no apparent legal reason and at considerable disruption to business operations of our company and our customers. It is an issue that needs to be addressed immediately.

Sincerely yours,

GOUGH, SHANAHAN, JOHNSON & WATERMAN



Jock O. Anderson

JOA/maf
cc: Mr. Joe Bengoechea



July 28, 1994

Mr. Frank Perkins
ARA Services
457 Daniels
Billings Montana 59101

Dear Frank:

This letter is in response to our recent phone conversation concerning a milk program for School District #2 for 1994-1995.

Darigold is prepared to furnish the Billings schools with all of the necessary dairy products. This proposal includes ordering, delivery and credits for all stale or damaged products. Flavored milk has been very successful in various school districts in the U.S., so we have included a schedule of flavored milk that would be available to the school districts during the next year.

Understanding that all of the schools in the District would be included in this program, Darigold proposes the following prices;

Half pints of milk would be the jobber price announced by the Montana Board of Milk Control, F.O.B. Powell, Wyoming. Although ARA takes possession of the product in Wyoming, Darigold would haul from Powell to each school on a timely and reliable basis. This system parallels other successful milk programs in the state of Montana. The additional cost for this service would be .035¢ per ½ pint.

COUNTRY CLASS DAIRY, INC.

1001 N. 7th Ave. • P.O. Box 968 • Bozeman, Montana 59711-0968 • 406-586-5425 • 800-321-4563 • Fax 406-586-5110



The following is a comparison of actual school costs to the Darigold program;

Milk Control
Board Price
^

Date	Product	District Cost	Jobbar Price	Plus .035¢	Savings
Sept 1993	½ pt 2%	.192	.1392	.1742	.0178
	½ pt Flavored Milk	.201	.1442	.1792	.0218
Oct 1993	½ pt 2%	.190	.1371	.1721	.0179
	½ pt Flavored Milk	.20	.1426	.1776	.0224
Nov 1993	½ pt 2%	.193	.1405	.1755	.0175
	½ pt Flavored Milk	.202	.1455	.1805	.0215
Dec 1993	½ pt 2%	.196	.1437	.1787	.0173
	½ pt Flavored Milk	.205	.1487	.1837	.0213
Jan 1994	½ pt 2%	.199	.1461	.1811	.0179
	½ pt Flavored Milk	.208	.1511	.1861	.0219
Feb, Mar & Apr 1994	½ pt 2%	.199	.1459	.1809	.0181
	½ pt Flavored Milk	.208	.1509	.1859	.0221
May 1994	½ pt 2%	.20	.1471	.1821	.0179
	½ pt Flavored Milk	.209	.1521	.1871	.0219
June 1994	½ pt 2%	.201	.1482	.1832	.0178
	½ pt Flavored Milk	.21	.1532	.1882	.0218
July 1994	½ pt 2%	.193	.1401	.1751	.0179
	½ pt Flavored Milk	.202	.1451	.1801	.0219
Aug 1994	½ pt 2%	.193	.1395	.1745	.0185
	½ pt Flavored Milk	.202	.1445	.1795	.0225

Based on August 1994 pricing at an estimated 1,400,000 ½ pints of milk (80% chocolate and

EXHIBIT 1

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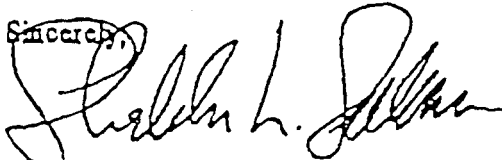
SB 116

20% 2%), the savings would be \$30,380 for the next school year.

Since Montana public funds are involved in school milk programs, Darigold does ensure that 100% of the milk processed for the schools will come from Montana cows and be processed in Montana by our Montana owned dairy.

I do appreciate your consideration of this proposal and will be available to you or any member of your staff for further discussions.

Sincerely,



Sheldon Sollars

Sales

Darigold Farms



Meadow Gold Dairies Inc.
100 South Broadway
P.O. Box 629
Billings, MT 59103
406 262 2118

September 28, 1994

Frank Parkins, Director
ARA Food Services
415 North 30th
Billings, MT 59101

Dear Frank:


Per our conversations concerning the milk bid for the Billings, Montana School District, Meadow Gold Dairies, Billings, is willing to meet the competitive bid of .03¢ per 1/2 pint off the Montana Published Price List, submitted by Darigold, Bozeman, Montana.

I would ask for consideration due to the facts that Meadow Gold, Billings, has been doing business with the Billings School District for over 30 years. Our local payroll is over \$140,000 monthly. We pay \$23,000.00 in local taxes and we employ 63 people in Billings.

The Yellowstone Milk Producers produce 100% of the milk used in the school systems. The producers' payroll is approximately \$6,500,000 per year. Meadow Gold buys 100% of its milk from the Yellowstone Milk Producers. We are a part of the community. I would like to schedule a meeting to work out the details of the bid.

We thank you for your consideration.

Sincerely,


Joe Bengoechea
General Manager

JB:jt

Enc.

cc: Peter Carparelli
Del Hanson

BEFORE THE BOARD OF MILK CONTROL OF THE STATE OF MONTANA

ANNOUNCEMENT OF CLASS I PRICES

ISSUED IN REFERENCE TO SECTION 13 OF THE RULE 8.86.301

PUBLISHED: DECEMBER 5, 1994
EFFECTIVE: JANUARY 1, 1995
12:01 a.m.

Due to the latest data available as of December 5, 1994, as applied to the Distributor Formula (Docket #1-90, first price announcement effective 2/01/91) and the Producer Formula (Docket #69-84, first price announcement effective 7/01/84) the Producer Formula Index has been calculated to be 268.52. The Distributor Index has been calculated to be 314.00.

The following prices at the producer, on-the-farm wholesale and retail, institutional, jobber, wholesale, retail and warehouse levels have been determined from the following indexes. On-the-farm prices are applicable to only those producer-distributors whose milk is both produced and sold on-the-farm.

SECTION 1: MINIMUM PRODUCER CLASS I PRICE IN MONTANA

CLASS I PRICE TO BE PAID TO PRODUCERS AND OTHERS, MID-POINT AND DIFFERENTIAL:

EFFECTIVE January 1, 1995, the minimum price to be paid milk producers and others under ARM 8.86.301 will be \$15.01 per hundred pounds of milk testing 3.5% butterfat, f.o.b. the distributor's plant.

When milk does not test 3.5% butterfat, compute the applicable price by applying a differential of eight and one-half cents for each one-tenth of one percent butterfat above or below the midpoint to each producer payment. The value of one pound of butterfat utilized will be eighty-five cents (\$0.85).

SECTION 2: DEFINITIONS

WHOLE MILK	- homogenized and/or pasteurized testing at least 3.25%
CHOCOLATE MILK	- testing not less than 3.25%
LOWFAT MILK	- testing not less than .5% nor more than 2%
CHOC LOWFAT MILK	- testing not less than .5% nor more than 2%
BUTTERMILK	- testing 2% or less
SKIM MILK	- testing less than .5%
CHOCOLATE DRINK	- testing less than .5%
HALF & HALF CREAM	- testing at least 10.5%
COMMERCIAL CREAM	- testing at least 18%
WHIPPING CREAM	- testing not less than 30%
SCHOOLS	- elementary and high schools

JANUARY 1995

MONTANA PRICE ANNOUNCEMENT

SECTION 3 MINIMUM WHOLESALE AND RETAIL PRICES IN MONTANA:

WHOLE MILK	FULL SERVICE WHOLESALE TO GROCERY STORES	DROP DELIVERY GROCERY STORES (\$150 MINIMUM)	DOCK PICKUP GROCERY STORES (1000 GAL/WEEK)	REGULAR WHOLESALE PRICE	RETAIL PRICE
1/2 Pint (schools)	\$0.000	\$0.000	\$0.000	\$0.197	---
1/2 Pint	\$0.209	\$0.199	\$0.187	\$0.214	\$0.24
1/3 Quart	\$0.261	\$0.249	\$0.234	\$0.272	\$0.30
Pint	\$0.331	\$0.315	\$0.296	\$0.349	\$0.38
Quart	\$0.653	\$0.623	\$0.585	\$0.678	\$0.75
1/2 Gallon	\$1.288	\$1.228	\$1.154	\$1.341	\$1.48
3 Quart	\$1.923	\$1.834	\$1.724	\$2.008	\$2.21
Gallon	\$2.558	\$2.440	\$2.293	\$2.677	\$2.94
CHOCOLATE MILK					
1/2 Pint (schools)	\$0.000	\$0.000	\$0.000	\$0.184	---
1/2 Pint	\$0.218	\$0.208	\$0.195	\$0.224	\$0.25
1/3 Quart	\$0.305	\$0.291	\$0.273	\$0.314	\$0.35
Pint	\$0.365	\$0.349	\$0.328	\$0.384	\$0.42
Quart	\$0.696	\$0.664	\$0.624	\$0.728	\$0.80
1/2 Gallon	\$1.366	\$1.303	\$1.225	\$1.431	\$1.57
Gallon	\$2.723	\$2.598	\$2.441	\$2.847	\$3.13
LOWFAT MILK					
1/2 Pint (schools)	\$0.000	\$0.000	\$0.000	\$0.197	---
1/2 Pint	\$0.209	\$0.199	\$0.187	\$0.214	\$0.24
Pint	\$0.331	\$0.315	\$0.296	\$0.342	\$0.38
Quart	\$0.644	\$0.614	\$0.577	\$0.672	\$0.74
1/2 Gallon	\$1.262	\$1.204	\$1.131	\$1.321	\$1.45
3 Quart	\$1.893	\$1.806	\$1.697	\$1.984	\$2.18
Gallon	\$2.523	\$2.407	\$2.262	\$2.635	\$2.90
CHOCOLATE LOWFAT MILK					
1/2 Pint (schools)	\$0.000	\$0.000	\$0.000	\$0.206	---
1/2 Pint	\$0.218	\$0.208	\$0.195	\$0.224	\$0.25
Pint	\$0.357	\$0.340	\$0.320	\$0.374	\$0.41
Quart	\$0.696	\$0.664	\$0.624	\$0.725	\$0.80
1/2 Gallon	\$1.349	\$1.287	\$1.209	\$1.411	\$1.55
Gallon	\$2.688	\$2.565	\$2.410	\$2.806	\$3.09
BUTTERMILK					
1/2 Pint (schools)	\$0.000	\$0.000	\$0.000	\$0.206	---
1/2 Pint	\$0.200	\$0.191	\$0.179	\$0.212	\$0.23
Pint	\$0.322	\$0.307	\$0.289	\$0.340	\$0.37
Quart	\$0.644	\$0.614	\$0.577	\$0.676	\$0.74
1/2 Gallon	\$1.270	\$1.212	\$1.139	\$1.330	\$1.46
Gallon	\$2.540	\$2.424	\$2.278	\$2.655	\$2.92

EXHIBIT 1
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MONTANA PRICE ANNOUNCEMENT

SECTION 3 MINIMUM WHOLESALE AND RETAIL PRICES IN MONTANA:

	FULL SERVICE WHOLESALE TO GROCERY STORES	DROP DELIVERY GROCERY STORES (\$150 MINIMUM)	DOCK PICKUP GROCERY STORES (1000 GAL/WEEK)	REGULAR WHOLESALE PRICE	RETAIL PRICE
SKIM MILK					
1/2 Pint (schools)	\$0.000	\$0.000	\$0.000	\$0.203	.-
1/2 Pint	\$0.200	\$0.191	\$0.179	\$0.209	\$0.23
Quart	\$0.618	\$0.589	\$0.554	\$0.648	\$0.71
1/2 Gallon	\$1.227	\$1.170	\$1.100	\$1.284	\$1.41
Gallon	\$2.445	\$2.332	\$2.192	\$2.552	\$2.81
CHOCOLATE DRINK					
1/2 Pint (schools)	\$0.000	\$0.000	\$0.000	\$0.203	.-
1/2 Pint	\$0.200	\$0.191	\$0.179	\$0.209	\$0.23
Quart	\$0.670	\$0.639	\$0.601	\$0.698	\$0.77
1/2 Gallon	\$1.305	\$1.245	\$1.170	\$1.362	\$1.50
Gallon	\$2.593	\$2.473	\$2.324	\$2.708	\$2.98
HALF AND HALF CREAM					
Pint	\$0.522	\$0.498	\$0.468	\$0.546	\$0.60
Quart	\$1.027	\$0.979	\$0.920	\$1.077	\$1.18
Gallon		.-	.-	\$4.429	.-
COMMERCIAL CREAM					
Gallon	\$5.542	\$5.287	\$4.969	\$5.794	\$6.37
WHIPPING CREAM					
1/2 Pint	\$0.479	\$0.457	\$0.429	\$0.496	\$0.55
Pint	\$0.948	\$0.905	\$0.850	\$0.991	\$1.09
Quart	\$1.888	\$1.801	\$1.693	\$1.972	\$2.17
1/2 Gallon		.-	.-	\$3.873	.-
Gallon		.-	.-	\$7.744	.-

SECTION 4--PRODUCER-DISTRIBUTOR RETAIL PRICES IN MONTANA:

PRODUCT	RAW 1/2 GALLON	PASTEURIZED 1/2 GALLON	RAW GALLON	PASTEURIZED GALLON
WHOLE MILK	\$0.86	\$0.97	\$1.70	\$1.92
CHOCOLATE MILK	\$0.90	\$1.01	\$1.79	\$2.01
LOWFAT MILK	\$0.83	\$0.94	\$1.65	\$1.87
CHOCOLATE LOWFAT	\$0.87	\$0.98	\$1.74	\$1.96
BUTTERMILK	.-	\$0.93	.-	\$1.85
SKIM MILK	\$0.79	\$0.90	\$1.57	\$1.79
CHOCOLATE DRINK	\$0.83	\$0.94	\$1.65	\$1.87
COMMERCIAL CREAM	.-	.-	.-	\$3.96

JANUARY 1995

MONTANA PRICE ANNOUNCEMENT

SECTION 5: MINIMUM PRICE THAT MUST BE CHARGED TO JOBBERS AND/OR INDEPENDENT CONTRACTORS BY DISTRIBUTORS AND INSTITUTIONAL BID PRICES IN MONTANA

J O B B E R P R I C E S A T:				
	REGULAR	FULL SERVICE	DROP DELIVERY	INSTITUTIONAL
WHOLE MILK	WHOLESALE	GROCERY STORES	WHOLESALE	BID PRICE
1/2 Pint (schools)	\$0.1450	.-----	.-----	.-----
1/2 Pint	\$0.1545	\$0.1517	\$0.1461	\$0.1969
1/3 Quart	\$0.1985	\$0.1924	\$0.1857	\$0.2502
Pint	\$0.2650	\$0.2550	\$0.2461	\$0.3211
Quart	\$0.5189	\$0.5050	\$0.4883	\$0.6238
1/2 Gallon	\$1.0294	\$0.9999	\$0.9666	\$1.2337
3 Quart	\$1.5421	\$1.4949	\$1.4454	\$1.8474
Gallon	\$2.0560	\$1.9898	\$1.9242	\$2.4628
CHOCOLATE MILK				
1/2 Pint (schools)	\$0.1378	.-----	.-----	.-----
1/2 Pint	\$0.1600	\$0.1567	\$0.1511	\$0.2061
1/3 Quart	\$0.2219	\$0.2169	\$0.2091	\$0.2889
Pint	\$0.2844	\$0.2739	\$0.2650	\$0.3533
Quart	\$0.5467	\$0.5289	\$0.5111	\$0.6698
1/2 Gallon	\$1.0794	\$1.0433	\$1.0082	\$1.3165
Gallon	\$2.1505	\$2.0815	\$2.0121	\$2.6192
LOWFAT MILK				
1/2 Pint (schools)	\$0.1428	.-----	.-----	.-----
1/2 Pint	\$0.1523	\$0.1495	\$0.1439	\$0.1969
Pint	\$0.2568	\$0.2506	\$0.2417	\$0.3146
Quart	\$0.5068	\$0.4913	\$0.4746	\$0.6182
1/2 Gallon	\$1.0009	\$0.9681	\$0.9358	\$1.2153
3 Quart	\$1.5027	\$1.4521	\$1.4037	\$1.8253
Gallon	\$1.9979	\$1.9356	\$1.8711	\$2.4242
CHOCOLATE LOWFAT MILK				
1/2 Pint (schools)	\$0.1478	.-----	.-----	.-----
1/2 Pint	\$0.1578	\$0.1545	\$0.1490	\$0.2061
Pint	\$0.2745	\$0.2651	\$0.2556	\$0.3441
Quart	\$0.5363	\$0.5202	\$0.5024	\$0.6670
1/2 Gallon	\$1.0509	\$1.0164	\$0.9820	\$1.2981
Gallon	\$2.0929	\$2.0273	\$1.9589	\$2.5815
BUTTERMILK				
1/2 Pint (schools)	\$0.1461	.-----	.-----	.-----
1/2 Pint	\$0.1494	\$0.1428	\$0.1378	\$0.1950
Pint	\$0.2522	\$0.2422	\$0.2338	\$0.3128
Quart	\$0.5021	\$0.4843	\$0.4676	\$0.6219
1/2 Gallon	\$0.9920	\$0.9586	\$0.9264	\$1.2236
Gallon	\$1.9812	\$1.9173	\$1.8528	\$2.4426

JANUARY 1995

MONTANA PRICE ANNOUNCEMENT

SECTION 5: MINIMUM PRICE THAT MUST BE CHARGED TO JOBBERS AND/OR INDEPENDENT CONTRACTORS BY DISTRIBUTORS AND INSTITUTIONAL BID PRICES IN MONTANA

SKIM MILK	REGULAR WHOLESALE	FULL SERVICE GROCERY STORES	DROP DELIVERY WHOLESALE	INSTITUTIONAL BID PRICE
1/2 Pint (schools)	\$0.1436	.----	.----	.----
1/2 Pint	\$0.1469	\$0.1419	\$0.1369	\$0.1923
Quart	\$0.4832	\$0.4665	\$0.4504	\$0.5962
1/2 Gallon	\$0.9598	\$0.9281	\$0.8964	\$1.1813
Gallon	\$1.9106	\$1.8511	\$1.7883	\$2.3478
CHOCOLATE DRINK				
1/2 Pint (schools)	\$0.1436	.----	.----	.----
1/2 Pint	\$0.1469	\$0.1419	\$0.1369	\$0.1923
Quart	\$0.5110	\$0.4955	\$0.4782	\$0.6422
1/2 Gallon	\$1.0031	\$0.9714	\$0.9381	\$1.2530
Gallon	\$1.9974	\$1.9334	\$1.8667	\$2.4914
HALF AND HALF CREAM				
Pint	\$0.4041	\$0.3907	\$0.3774	\$0.5023
Quart	\$0.7998	\$0.7720	\$0.7453	\$0.9908
Gallon	\$3.2663	.----	.----	\$4.0747
COMMERCIAL CREAM				
Gallon	\$4.2371	\$4.0970	\$3.9552	\$5.3305
WHIPPING CREAM				
1/2 Pint	\$0.3637	\$0.3542	\$0.3420	\$0.4563
Pint	\$0.7268	\$0.7029	\$0.6790	\$0.9117
Quart	\$1.4481	\$1.4014	\$1.3530	\$1.8142
1/2 Gallon	\$2.8567	.----	.----	\$3.5632
Gallon	\$5.7124	.----	.----	\$7.1245

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BY ORDER OF THE BOARD OF MILK CONTROL

William E. Ross
 WILLIAM E. ROSS, Bureau Chief
 Montana Milk Control Bureau

EXHIBIT 1
DATE 1-23-95
SB 116

QUESTION AND ANSWERS ABOUT MILK

Q) Wyoming decontrolled its milk program in 1979 and its industry has been devastated. Will that happen in Montana?

A) By Board of Milk Control action (rather than legislative action) Wyoming decontrolled its milk pricing in 1979. John Misock, Deputy Director of the Wyoming Department of Agriculture, believes that decontrol had little effect on the Wyoming industry. Before decontrol, Wyoming produced about 130 million pounds of milk per year. They produce about 130 million pounds a year now.

In the 1950s, Wyoming had 600 producers, some of whom simply had one cow tied to a fence post. In 1982, Wyoming had 120 producers. Today they have 70 producers. John cited three reasons for the decline in the number of producers. First, economies of scale have led to fewer, but larger, producers. Second, 40 of the 120 producers took advantage of the 1985 USDA dairy herd buy out program. Third, chain stores' distribution practices make it difficult for the small producers to get their milk into the distribution channels.

Wyoming has three primary processors: Mydland (Sheridan); WDCI (a regional cooperative with 600 members in several states based in Riverton); and Dairy Gold (located in Cheyenne).

Q) Which states control milk prices?

A) Montana, North Dakota, Maine, Nevada and Pennsylvania have price controls at the producer, wholesaler and retailer levels. California, Hawaii, New Jersey, Virginia and Vermont have price controls at just the producer levels.

The trend has been away from state price regulation. Since 1965 eleven states have terminated their involvement in retail price controls. (Alabama, California, Georgia, Louisiana, Mississippi, New Hampshire, New Jersey, South Carolina, South Dakota, Vermont and Virginia).

Q) Why do processors (like Country Classic and Meadow Gold) ship milk to Idaho or Wyoming and bring it back into Montana to sell?

A) The short answer is that processors and retailers can avoid wholesale price controls by shipping milk out of state, switching ownership of the milk, and then bringing it back into the state. The Department of Commerce has interpreted that to be interstate commerce not subject to Montana's milk control laws (based on a decision of the 9th Circuit Court of Appeals).

From an economic perspective, it works like this for a gallon of 2% milk. Under the way you would expect the program to work, the dairyman would get \$1.20/gallon from the processor/distributor. The processor/distributor would be guaranteed a margin of \$1.43 (January, 1995 prices). But by sending the milk out of state, the processor/distributor can sell it to the grocery stores for as little as they choose. In effect, we've already deregulated the wholesale pricing of milk.

Currently, a significant amount of milk sold to grocery stores goes out of state first. (An audit of Country Classic several years ago showed that about 49% of their production was sent out of state before being delivered to Montana outlets) And this practice is growing. Witness Country Classic's offer to supply milk to the Billings school district by sending it to Powell, Wyoming first. Rather than selling it for the 19.5 cents per 1/2 pint set by the Montana Board of Milk Control, they've offered the milk to the school district's school lunch contractor for 17.6 cents.

Keep in mind that grocery stores are still guaranteed \$2.90 per gallon from the customer.

TESTIMONY SUMMARY
SUPPORTING SB116

SENATE AGRICULTURE

EXHIBIT NO. 2

DATE 1-23-95

BILL NO. SB116

MONTANA STATE GOVERNMENT SHOULD GET OUT OF THE MILK PRICE CONTROL BUSINESS FOR THE FOLLOWING REASONS:

- Price Controls don't work. Montana wholesalers are circumventing state wholesale price controls by shipping Montana milk out of state, transferring ownership, and then selling it back to Montana retailers as out of state milk. Any discounts are NOT passed on to Montana consumers who must buy milk at the state controlled price.
- Eliminating state price controls will not affect the health and safety of milk products. Health and safety are regulated separately from price controls.
- If state government no longer sets milk prices, Montana dairy farmers can request, if they choose, to have their sale price controlled by the Federal government (as is done in most of the nation).
- Montanans are penalized by state milk price controls that set retail prices higher than surrounding states. If Montana retail milk prices were comparable to those in neighboring states, Montanans could save over \$14,000,000 a year.

For these reasons, please vote DO PASS on SB116

Presented by Laurie Ekanger, Office of the Governor, January 23, 1995, phone 444-3111.

Amendments to Senate Bill No. 116
Introduced Reading Copy

Requested by Senator Sprague
For the Committee on Agriculture

Prepared by Doug Sternberg, Legislative Council
January 17, 1995

1. Title, line 7.

Following: "CONTROL;"

Insert: "ALLOWING THE DEPARTMENT OF LIVESTOCK TO COLLECT THE ASSESSMENT ON MILK PRODUCERS AND TO USE THE REVENUE TO FUND THE DEPARTMENT'S MILK INSPECTION AND MILK DIAGNOSTIC LABORATORY FUNCTIONS; PROVIDING THAT UNENCUMBERED MONEY REMAINING IN THE MILK CONTROL BOARD STATE SPECIAL REVENUE ACCOUNT BE TRANSFERRED TO THE DEPARTMENT OF LIVESTOCK'S SPECIAL REVENUE ACCOUNT FOR INSPECTION AND LABORATORY FUNCTIONS;"

2. Page 1, line 26.

Following: "~~81-23-202.~~"

Insert: "(3) The department shall adopt rules and establish fees for licenses for selling or producing milk.

(4) The department shall assess a fee of 14.97 cents per hundredweight on the volume of class I milk produced and sold by a producer, to be used for the administration of the milk inspection and milk diagnostic laboratory functions of the department. The assessment must be paid quarterly before January 15, April 15, July 15, and October 15 of each year. The assessment must be placed in an account in the state special revenue fund and must be used by the department for the purposes of this subsection.

NEW SECTION. Section 2. Disposition of unencumbered money in milk control board account. Unencumbered money remaining in the milk control board state special revenue account on January 1, 1996, must be placed in the state special revenue account established in 81-22-102(4) to the credit of the department of livestock to be used for the administration of the milk inspection and milk diagnostic laboratory functions of the department."

Renumber: subsequent sections

TESTIMONY OF FRED HAPPEL ON SB 116

Mr. Chairman, members of the committee, I am Fred Happel, I represent Montanans for Better Government. We support SB 116 and urge you to give it a favorable recommendation. Government price supports have been totally discredited, and they only interfere with the free enterprise system.

While SB 116 is a step in the right direction, it should be noted that it only effects one industry. We advocate a generalized ending of regulation from which all Montanans benefit. Also, Montana dairy farmers should be given relief from any unnecessary regulations and restrictions on property, so that they can fairly compete in the open market.

Despite these shortcomings, we favor Senator Sprague's bill and urge you to adopt a do pass report.

MILK AND CREAM MARKETED: Quantity, Price, and Cash Receipts, 1984-1993

Year	MILK SOLD TO PLANTS		MILK SOLD DIRECTLY TO CONSUMERS		
	Quantity Mil. Lbs.	Cash Receipts 000 Dols.	Quantity 000 Qts.	Price Per Quart Cents	Cash Receipts 000 Dols.
1984	316	43,608	1,395	55.0	767
1985	329	43,099	1,395	54.0	753
1986	320	40,640	1,395	50.0	698
1987	322	40,250	1,395	45.0	628
1988	333	40,626	1,395	45.0	628
1989	311	41,985	1,395	55.0	767
1990	308	42,196	1,395	49.0	684
1991	312	38,064	1,395	48.0	670
1992	310	41,230	930	50.0	465
1993	290	38,570	930	49.0	456

DAIRY PRODUCTS MARKETED: Income and Value, 1984-1993

Year	Combined Marketing of Milk and Cream				Used for Milk, Cream and Butter on Farms Where Produced		Gross Farm Income from Dairy Products ^{3/}	Farm Value of Milk Produced ^{2/,4/}
	Milk Utilized Mil. Lbs.	Average Returns ^{1/}		Cash Receipts from Marketings 000 Dols.	Utilized Mil. Lbs.	Value ^{2/} 000 Dols.		
		Per 100 Pounds Milk --Dollars--	Per Pound Milkfat					
1984	319	13.91	3.91	44,375	10	1,391	45,767	47,436
1985	332	13.21	3.72	43,852	7	925	44,777	46,098
1986	323	12.80	3.63	41,338	6	768	42,106	43,257
1987	325	12.58	3.57	40,878	6	755	41,633	42,639
1988	336	12.28	3.51	41,254	8	982	42,236	43,218
1989	314	13.62	3.84	42,752	7	953	43,706	44,522
1990	311	13.79	3.93	42,880	6	827	43,707	44,810
1991	315	12.30	3.46	38,734	6	738	39,472	40,578
1992	312	13.36	3.79	41,695	6	802	42,497	43,700
1993	292	13.37	3.76	39,026	7	936	39,961	41,031

^{1/} Cash receipts divided by milk for milkfat represented in combined marketings.

^{2/} Valued at average returns per 100 pounds of milk in combined marketings of milk and cream.

^{3/} Cash receipts from marketings of milk and cream plus value of milk used for home consumption and farm-churned butter.

^{4/} Includes value of milk fed to calves.

1993 - U.S. = \$12.86 CWT, MT. = \$13.37 CWT
ALL MILK

DAIRY PRODUCTS MANUFACTURED, 1984-1993

Year	Creamery Butter --(000) Pounds--	Cheese		Ice Cream	Ice Milk ^{1/} --(000) Gallons--	Sherbet
		Cottage Cheese Creamed				
1984	1,768	6,511		1,984	1,017	88
1985	1,794	4,287		1,895	1,368	102
1986	1,843	3,858		1,882	1,301	86
1987	1,533	3,646		1,511	1,094	2/
1988	1,350	3,281		2/	1,087	2/
1989	1,193	4,090		2/	871	2/
1990	1,017	4,195		2/	926	2/
1991	1,178	4,144		2/	987	2/
1992	1,161	4,067		2/	1,210	2/
1993	1,067	3,934		2/	1,059	2/

^{1/} Includes low fat ice cream. ^{2/} Not published to avoid disclosing individual plant operations.



SENATE AGRICULTURE

EXHIBIT NO. 5DATE 1-23-95BILL NO. SB 116

July 28, 1994

Mr. Frank Perkins
ARA Services
457 Daniels
Billings Montana 59101

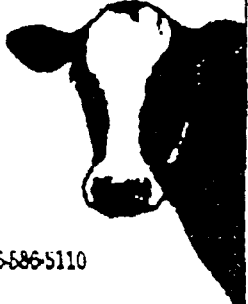
Dear Frank:

This letter is in response to our recent phone conversation concerning a milk program for School District #2 for 1994-1995.

Darigold is prepared to furnish the Billings schools with all of the necessary dairy products. This proposal includes ordering, delivery and credits for all stale or damaged products. Flavored milk has been very successful in various school districts in the U.S., so we have included a schedule of flavored milk that would be available to the school districts during the next year.

Understanding that all of the schools in the District would be included in this program, Darigold proposes the following prices;

Half pints of milk would be the jobber price announced by the Montana Board of Milk Control, F.O.B. Powell, Wyoming. Although ARA takes possession of the product in Wyoming, Darigold would haul from Powell to each school on a timely and reliable basis. This system parallels other successful milk programs in the state of Montana. The additional cost for this service would be .035¢ per ½ pint.


COUNTRY CLASS DAIRIES, INC.

1001 N. 7th Ave. • P.O. Box 988 • Bozeman, Montana 59711-0988 • 406-586-5425 • 800-321-4563 • Fax 406-586-5110

The following is a comparison of actual school costs to the Darigold program;

Date	Product	District Cost	Jobber Price	Plus .035¢	Savings
Sept 1993	½ pt 2%	.192	.1392	.1742	.0178
	½ pt Flavored Milk	.201	.1442	.1792	.0218
Oct 1993	½ pt 2%	.190	.1371	.1721	.0179
	½ pt Flavored Milk	.20	.1426	.1776	.0224
Nov 1993	½ pt 2%	.193	.1405	.1755	.0175
	½ pt Flavored Milk	.202	.1455	.1805	.0215
Dec 1993	½ pt 2%	.196	.1437	.1787	.0173
	½ pt Flavored Milk	.205	.1487	.1837	.0213
Jan 1994	½ pt 2%	.199	.1461	.1811	.0179
	½ pt Flavored Milk	.208	.1511	.1861	.0219
Feb, Mar & Apr 1994	½ pt 2%	.199	.1459	.1809	.0181
	½ pt Flavored Milk	.208	.1509	.1859	.0221
May 1994	½ pt 2%	.20	.1471	.1821	.0179
	½ pt Flavored Milk	.209	.1521	.1871	.0219
June 1994	½ pt 2%	.201	.1482	.1832	.0178
	½ pt Flavored Milk	.21	.1532	.1882	.0218
July 1994	½ pt 2%	.193	.1401	.1751	.0179
	½ pt Flavored Milk	.202	.1451	.1801	.0219
Aug 1994	½ pt 2%	.193	.1395	.1745	.0185
	½ pt Flavored Milk	.202	.1445	.1795	.0225

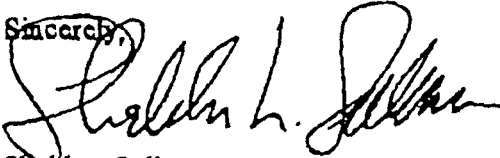
Based on August 1994 pricing, at an estimated 1,400,000 ½ pints of milk (80% chocolate and

20% 2%), the savings would be \$30,380 for the next school year.

Since Montana public funds are involved in school milk programs, Darigold does ensure that 100% of the milk processed for the schools will come from Montana cows and be processed in Montana by our Montana owned dairy.

I do appreciate your consideration of this proposal and will be available to you or any member of your staff for further discussions.

Sincerely,



Sheldon Sollars

Sales

Darigold Farms

SPEARFISH SCHOOL DISTRICT 40-2
400 EAST HUDSON
SPEARFISH, SOUTH DAKOTA 57783-2495

Bid proposal and specifications for :

MILK BID FOR THE 1994-95 SCHOOL YEAR

Item to be purchased during the school year:

- | | | |
|----|--|----------------------------|
| A. | 1/2 pint homogenized milk
1 percent butterfat | \$ <u>.126</u> per serving |
| B. | 1/2 pint whole milk | \$ <u>.133</u> per serving |
| C. | 1/2 pint chocolate milk
1 percent butterfat | \$ <u>.13</u> per serving |

Item to be delivered to Spearfish East Elementary, West Elementary, Central Elementary, Middle School and Spearfish High School three times a week.

Estimated number of servings to be used during the year would be approximately 275,000.

Bidder Gillette Dairy of the Black Hills, Inc.

Signature 

Address P.O. Box 2553 - 1699 Sedivy Lane

Rapid City, SD 57709-2553

Telephone (605) 348-1500 or (800) 933-3247

Date July 19, 1994

Bids to be returned to the Office of the Business Manager, Spearfish School District 40-2, 400 East Hudson, Spearfish, South Dakota 57783-2495 by 1 p.m. July 21, 1994.

EXHIBIT 5
DATE 1-23-95
SB 116

Idaho Falls School District

Tally Sheet
Dairy Bid
August 11, 1994

	<u>Darigold</u>	<u>Meadow Gold *</u>	<u>Challenge Dairy</u>
600,000 1/2 pts. 2% Grade A Homogenized Milk	.145	.1306	.137
1,000 1/2 gal. 2% Grade A Homogenized Milk	1.09	1.043	1.02
2,400 1/2 gal 3.5% Milk Shake Base	1.50	1.403	1.315
500,000 1/2 pts. 1% Grade A Homogenized Choc. Milk	.154	.1466	.154
300,000 1/2 pts. 1% Grade A Homogenized Milk	.142	.1301	.135
2,000 1/2 gal Grade A Buttermilk	1.207	1.068	1.29

Entire bid submitted on an "all or none" basis.

* We recommend the Board award the bid to Meadow Gold as the lowest bidder meeting specification.

Bobbi Landon
School Lunch Supervisor

SHERIDAN COUNTY SCHOOL DISTRICT #2					
1993-94 MILK BID ANALYSIS					
					2% 17
	TOTAL	1% MILK	2% MILK	WHOLE MILK	CHOC MIL
Average Annual Purchases	488,943	51,408	299,718	11,988	125,8
GILLETTE DAIRY BID PRICE		0.1216	0.1221	0.1265	0.12
ANNUAL BID CALCULATION	60,607.79	6,251.2128	36,595.5678	1,516.4820	16,244.52
MEADOWGOLD BID PRICE		0.1210	0.1210	0.1240	0.13
ANNUAL BID CALCULATION	60,833.84	6,220.3680	36,265.8780	1,486.5120	16,861.0360
	-226.06	30.84	329.69	29.97	-616.5



SENATE AGRICULTURE

EXHIBIT NO. 6

DATE 1-28-95

BILL NO. 55116

LET'S TALK FACTS ABOUT MONTANA'S DAIRY INDUSTRY



January - 1995 Compilation



Country Classic Dairies, Inc.
dba DARIGOLD Farm of Montana



The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

(binder)

S'COOL MILK

BILLINGS SCHOOL DISTRICT #2 - MILK FACTS

SENATE AGRICULTURE

EXHIBIT NO. 87

DATE 1-23-95

BILL NO. SB 116

Every drop of milk purchased by the ARAMARK Corporation from Country Classic Dairies, Inc., dba DARIGOLD Farms of Montana, comes from Montana dairy farms located in the following Montana Counties; Gallatin, Dawson, Jefferson, Lake, Lewis & Clark, Powell, Ravalli and Sanders.

The ARAMARK Corporation purchases some milk from Country Classic f.o.b. the Powell, Wyoming distribution facility owned by Country Classic and formerly known as Cream of the Valley Dairy, Inc., of Powell, Wyoming.

Bob's Dairy Service of Billings, Montana physically distributes the milk consumed in School District #2 to each school location.

Bob's Dairy Service of Billings formerly (before DARIGOLD) purchased their milk in Wyoming from a Rapid City, South Dakota bottling plant which utilized South Dakota farm milk. At the request of Yellowstone Milk Producer's Association of Billings, DARIGOLD solicited and secured the milk business of Bob's Dairy Service that financially benefits all Montana dairy farmers equally from the sale of 100% Montana milk.

The Billings School District #2 saves approximately 1.75 cents per half pint container of milk as compared to a minimum priced Montana regulated transaction.

Where do the savings come from? Bob's Dairy Service of Billings delivers every other day to school locations as compared to a required more frequent delivery schedule of the previous school year 1993-4, along with more flexible delivery times. Example, afternoon deliveries weren't allowed last year.

ARAMARK Corporation contracts with School District #2 to provide and supply the total food service system in that district for school year 1994-5.

The Montana Milk Control Board has authority to revise the pricing formulation of "Montana State Institutional" category by way of an administrative rule making procedure which includes a public hearing for input testimony.


Country Classic doesn't advocate throwing away the baby with the bathwater and we believe the potential repeal of the Montana Milk Control Act would be catastrophic to Montana's dairy industry. We also understand our present Montana milk regulatory system is one of the best in the United States.

During the "Governor's Task Force to Renew Montana Government" public meetings, the testimony presented by Country Classic at the Bozeman meeting had the following suggestion;

"We would suggest that if this task force wishes to accomplish a savings to the State without the devastation of this vital Montana industry, that it recommend that the prices for which State institutions and schools buy their milk be deregulated and awarded to the lowest bidder. In most instances, we believe that would provide lower prices to those institutions and schools, based on economy and location. The dairy industry is presently doing this with the federal enclaves contained in the state which are not subject to State regulations. We would support such a recommendation."

If the minimum Montana prices for half pints of "school milk" were reformulated to reflect a lower announced price comparable to the District #2 level, it needs to be understood that it is also likely that rural school districts may not qualify for the same scale of economies. Some rural Wyoming school districts pay 4-5¢ more per half pint unit than the present Montana regulated minimum price.

It may also be in the best interest of Montana citizens to regulate the retail (consumer) price for which a student purchases milk. Example: A large Montana city school district currently sells a half pint of 2% milk for 40¢ each and buys that same milk for 19.41¢ per unit. This represents a markup of over 100%.



S'COOL MILK

I-90 Corridor

Cost Comparisons

(February 95 - school district costs)

Public School District Name	Net Cost Per Half Pint 2%	Student Cost	School District Mark Up %
Billings	17.66¢	25¢	42%
Bozeman	19.41¢	30¢	55%
Butte	19.41¢	40¢	106%
Missoula	19.41¢	30¢	55%



Among the "lower 48", Montana is the third largest state. Within the "Big Sky Country's" 145,000 square miles, there are about 190 commercial dairy farms. Those dairies primarily provide milk for the fluid milk and cultured product needs of the state's 850,000 residents. Whether measuring milk or consumers "per square mile", Montana's dairy industry must put a premium on efficiency, particularly transportation.

The relatively small number of dairy producers means dairy interests must work together better than many larger dairy states' interests do. Spread out over such a far-flung geographic stretch, Montana's dairy industry simply can't afford to the luxuries of overlapping hauling routes or internal bickering.

Farm quotas limit excess output

Montana's milk output totals 325 million lbs. annually. Seventy percent of farm milk goes to Class I (fluid) use. In July of 1990, Montana's Milk Control Board instituted a monthly milk production quota program for producers. Quotas were necessarily installed because costs of transporting excess milk supplies out-of-state were simply too expensive.

The state bureau prices farm milk under a simple formula: Class I milk is valued at the prior month's Minnesota-Wisconsin price plus \$3.00. Class II and III milk is priced under a more complicated arrangement, which factors in commodity prices for butter and nonfat dry milk. The state dairy pricing scheme effectively lowers manufacturing milk's farm value in order to provide lower raw product incentives to the state's lone cheese plant. Excess farm milk which cannot be accommodated within the state must be trucked to plants in North Dakota or Idaho. Associated trucking costs are killers.

The state's farm milk quotas have been in place over two years. But it took nearly 30 years of spade work by the Montana Dairymen's Association (a dairy policy group) to gain the quota-based marketing arrangement. Presently, quota holders may purchase or sell quota. The prevailing price ranges from \$16 to \$22 per daily quota pound. The on-farm quotas were determined by production histories for the 12-month period prior to the quota policy's inception.

Quota milk is the blended price of all three classes. Surplus milk is valued at the Class III price,

minus potential allowable deducts for additional marketing costs.

Producers are obligated to maintain 90% of their annual quota's production, or else some quota may be lifted from them. However, in the early years of this program, such penalties have not been enacted, as the state's industry learns to live with its new administrative procedures. When quotas are transferred between producers, 10% of that amount is intercepted and held by the state milk control board for future reassignment. So far, however, none of that board-held quota has been relinquished, as the state tries to pare down a bit more reserve milk.

Montana's Milk Control Board cannot restrict milk and milk products entering the state. That would be a likely violation of interstate commerce laws, which far larger, more sophisticated dairy states (such as California) won't dare touch.

Dry weather, short growing season

Montana's relatively short growing season limits its dairy producers to two cuttings of forage - generally alfalfa. In a dry year, there may be only one hay crop for some. For producers up along the Canadian border, the growing season is very short.

Cattle and wheat are Montana's major agricultural endeavors. The vast range land provides ample grazing room for many cattle. Dry land wheat farming is a spectacle when viewed from the air. Farmers plant wheat in alternating strips several hundred yards wide creating a striped panorama extending in some places nearly as far as the eye can see from 20,000 feet aloft. Every other strip is held out of production each year, under dryland wheat production techniques. Boy, do they have a lot of straw in Montana!

If there's an epicenter to Montana dairy industry, that would be in the communities just west of Bozeman, around Manhattan and Amsterdam. The 30 dairies in that area are mainly operated by producers of Netherlands descent.

Up along the Canadian border, one finds nearly two dozen Hutterite colonies, producing about one-quarter of the state's entire milk supply. The Hutterite forebears exited the Innsbruck, Austria locale a couple centuries ago, departing religious persecution and a government intolerant of the Hutterite's refusal to serve in the military. The Hutterite colonies are self-contained economic units which

feature common ownership of all property. They raise cattle, hogs, chickens and dairy.

List of processors

Here's a list of the dairy processors in Montana and their locations:

- *Darigold Farms (Bozeman) -- Processes and packages Class I and Class II products. Darigold is owned by a 78-member producer cooperative and has a trademark affiliation with the Seattle, Washington-based co-op of the same name.

- *Equity Supply Cooperative (Kalispell) -- produces fluid and cultured products.

- *Meadow Gold (Kalispell) -- this Borden subsidiary is also a fluid and cultured products plant.

- *Meadow Gold (Great Falls) -- another Borden plant producing fluid and cultured products.

- *Montana State Prison (Deer Lodge) -- about one-fifth of the prison's 300-cow herd is processed into fluid milk for this and other state agencies. (Labor turnover and whereabouts can be a problem here!)

- *Meadow Gold (Billings) -- Strictly a Class I plant.

- *Clover Leaf (Helena) -- produces fluid and cultured products.

- *Glacier Mountain Cheese (Gallatin Gateway) -- is Montana's sole cheese plant.

Efficiencies: transportation and marketing

Spread out over such a wide expanse, the three key concerns of Montana's dairy industry are "transportation, transportation, and transportation", according to Keith Nye, cco of Darigold. Nye reports that Darigold wears out over-the-road transport units in about two and a half years, putting on 500,000 miles in that time. It's not only the distances but some of the ups and downs that wear out rolling stock.

Montana dairy producers don't want to be the biggest. In their faraway state, producers understand that meeting the fluid markets' needs is their primary challenge. The state milk pricing program is geared towards meeting the fluid market's needs, with a modest reserve for Class II and Class III use.

Dairying amid the northern reaches of the Rocky Mountains offers its own set of challenges, amid some spectacular views.

(Editor's note: I recently had the privilege of addressing the annual meeting of the Montana Dairymen's Assn. While there, I enjoyed meeting some fine folks and learning about their industry. What a beautiful state!)



**MONTANA CONTAINER
CORPORATION**

SENATE AGRICULTURE

EXHIBIT NO. 9

DATE 1-23-95

BILL NO. SB 116

1925 Dead Man's Gulch
Bozeman, Montana 59715
406-586-3393

January 19, 1995

COPY

Senator Charles Swysgood
Chairman, Senate Agriculture Committee
Box 1115
Capitol Station
Helena, MT 59620

Dear Senator Swysgood:

I am writing to express my opposition to Senate Bill 116.

While I have a great deal of respect and admiration for Governor Marc Racicot and the success he and the Montana Legislature have produced, I believe it would be a mistake to eliminate the Montana Milk Control Board and their regulatory authority. The Montana Milk Industry works and works quite well.

Montana Container manufactures one gallon plastic milk bottles and corrugated shipping containers for the Dairy Industry in Montana. We employ 30 people and a significant number are directly involved in the manufacturing, sale, and distribution to the Dairy Industry.

In the construction industry employees remind each other to measure twice, cut once. If they error the cost is usually small. In making a decision on Senate Bill 116 an error could be disastrous to Montana's Dairy Industry. I urge you to vote no on this Bill.

Thank you for considering my comments.

Sincerely,

Robert N. Boie
President

NAME Larry Brown
ADDRESS 6260 Head Dr Helena
HOME PHONE 442-9075 WORK PHONE 442-3050
REPRESENTING Ag. Pres. Assoc
APPEARING ON WHICH PROPOSAL? SB116
DO YOU: SUPPORT _____ OPPOSE X AMEND _____

COMMENTS:

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE January 23, 1995

SENATE COMMITTEE ON Agriculture, Livestock, and Irrigation

BILLS BEING HEARD TODAY: SB 116

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
<i>Les Graham</i>	MDA	116		✓
DENNIS TVERSEN	Mort. Dairy Industry			
Ron Hego	Producer	116		✓
<i>Les Lauritzen</i>	Tax Payers	116	✓	
<i>Stephen Nielsen</i>	Tax Payers	116	✓	
<i>Garry Kaufman</i>	Bullseye MDA	116	116	✓
<i>Dick Erickson</i>	DARIGOLD APA	116		✓
Brian McCombs	MDA	116		✓
<i>Fred Long</i>	LIVESTOCK BOARD	116		✓
<i>Gary Leibrand</i>	Leibrand Dairy Inc.	116		✓
<i>Jacob P. Wipf</i>	Miller Col Dairy	116		✓
<i>Joe Wipf</i>	Miller Dairy	116		✓
NEIL MCALPIN	HEADGOLD POLSON	116		✓
LAWRENCE CORIVETZ	DAIRYMAN SELF ROMAN	116		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE January 23, 1995

SENATE COMMITTEE ON Agriculture, Livestock & Irrigation

BILLS BEING HEARD TODAY: SB 116

< ■ >

PLEASE PRINT

< ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Fred Appel	Mont. for Better Govt.	111	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Clyff Roerson	Helena School Dist #1	116	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jennifer Hill	MSGAA, MWGA	116	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Harrison	MDP	116	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Larry Brown	Ag. Pres. Assoc	116	<input type="checkbox"/>	<input checked="" type="checkbox"/>
William E. Ross	Self	116	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vicki Luoma	self-taxpayers	116	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jami Halko	self	116	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jon Noel	Dept of Commerce	116	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Keith Nye	DAR160LP, Inc	116	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bill Stevens	11th Fed West Assn	116	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jeff Todd	Dairy Producers	116	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Toni Zuk	Mont Dairymen's	116	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Brad Griffin	MT Retail Assoc	116	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE January 23, 1995

SENATE COMMITTEE ON Agriculture, livestock, & Irrigation

BILLS BEING HEARD TODAY: SB 116

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Dave Ashley	St. of MT.	116	✓	
Marcia Weber	B Wife	116	✓	✓
Cecelia Danelson	WIFE	116		✓
Jeri Banning	WIFE	116		✓
Jim H. Bickner	PRODUCER	116		✓
Ward Hauaha	Meadowgold	116		✓
Mildred Smith	Producer + wife	116		✓
Brad Smith	Producer	116		✓
Sydney Label	WIFE	116		✓
George Kiefer	Meadow Gold	116		✓
John Jensen	Meadow Gold	116		✓
Ed Waldner	Producer	116		✓
Steve Beerman	producer	116		✓
Brian Beerman	producer	116		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE January 23, 1995

SENATE COMMITTEE ON Agriculture, Livestock & Irrigation

BILLS BEING HEARD TODAY: SB 116

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
John F. Tlenzner	Milford Colony	116		✓
Wm W. Kleinsasser	Milford Colony	116		✓
Phyllis Albright	Danigold	116		✓
Ken Hoff	Producer	116		✓
Stan Dyk	Producer Danigold	116		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY