

SENATE BILL NO. 88

INTRODUCED BY BECK, GRADY
BY REQUEST OF THE DEPARTMENT
OF CORRECTIONS AND HUMAN SERVICES

IN THE SENATE

JANUARY 6, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION.
	FIRST READING.
JANUARY 11, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 12, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
JANUARY 13, 1993	THIRD READING, PASSED. AYES, 48; NOES, 1.
	ENGROSSING REPORT.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 14, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION.
	FIRST READING.
FEBRUARY 4, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 6, 1993	SECOND READING, CONCURRED IN.
FEBRUARY 9, 1993	THIRD READING, CONCURRED IN. AYES, 100; NOES, 0.
FEBRUARY 10, 1993	RETURNED TO SENATE.

IN THE SENATE

FEBRUARY 10, 1993	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 88
2 INTRODUCED BY Frank Bradley
3 BY REQUEST OF THE DEPARTMENT
4 OF CORRECTIONS AND HUMAN SERVICES
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE
7 MONTANA STATE PRISON DAIRY MAY BE A LICENSEE OF THE
8 DEPARTMENT OF COMMERCE; AMENDING SECTION 81-23-101, MCA; AND
9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
10

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

12 **Section 1.** Section 81-23-101, MCA, is amended to read:

13 **"81-23-101. Definitions.** (1) Unless the context
14 requires otherwise, in this chapter, the following
15 definitions apply:

16 (a) "Board" means the board of milk control provided
17 for in 2-15-1802.

18 (b) "Class I milk" includes all bottled or packaged
19 milk, low fat, buttermilk, chocolate milk, whipping cream,
20 commercial cream, half-and-half, skim milk, fortified skim
21 milk, skim milk flavored drinks, and any other fluid milk
22 not specifically classified in this chapter, whether raw,
23 pasteurized, homogenized, sterile, or aseptic.

24 (c) "Class II milk" includes milk used in the
25 manufacture of ice cream and ice cream mix, ice milk,

1 sherbet, eggnog, cultured sour cream, cottage cheese,
2 condensed milk, and powdered skim for human consumption.

3 (d) "Class III milk" includes milk used in the
4 manufacture of butter, cheddar cheese, process cheese,
5 livestock feed, powdered skim other than for human
6 consumption, and skim milk dumped.

7 (e) "Consumer" means a person or an agency, other than
8 a dealer, who purchases milk for consumption or use.

9 (f) "Dealer" means a producer, distributor,
10 producer-distributor, jobber, or independent contractor.

11 (g) "Department" means the department of commerce
12 provided for in Title 2, chapter 15, part 18.

13 (h) "Distributor" means a person purchasing milk from
14 any source, either in bulk or in packages, and distributing
15 it for consumption in this state. The term includes what are
16 commonly known as jobbers and independent contractors. The
17 term, however, excludes a person purchasing milk from a
18 dealer licensed under this chapter, for resale over the
19 counter at retail or for consumption on the premises.

20 (i) "Jobber prices" means those prices at which milk
21 owned by a distributor is sold, in bulk or in packages, to a
22 jobber or independent contractor.

23 (j) "Licensee" means a person who holds a license from
24 the department.

25 (k) "Market" means an area of the state designated by

1 the department as a natural marketing area.

2 (l) "Milk" means the lacteal secretion of a dairy
3 animal or animals, including those secretions when raw and
4 when cooled, pasteurized, standardized, homogenized,
5 recombined, concentrated fresh, or otherwise processed and
6 all of which is designated as grade A by a duly constituted
7 health authority and also includes those secretions which
8 are in any manner rendered sterile or aseptic,
9 notwithstanding whether they are regulated by any health
10 authority of this or any other state or nation.

11 (m) "Person" means ~~a--person~~ an individual, firm,
12 corporation, or cooperative association or the dairy
13 operated by the department of corrections and human services
14 at the Montana state prison.

15 (n) "Producer" means a person who produces milk for
16 consumption in this state, selling it to a distributor.

17 (o) "Producer prices" means those prices at which milk
18 owned by a producer is sold in bulk to a distributor.

19 (p) "Producer-distributor" means a person both
20 producing and distributing milk for consumption in this
21 state.

22 (q) "Retail prices" means those prices at which milk
23 owned by a retailer is sold, in bulk or in packages, over
24 the counter at retail or for consumption on the premises.

25 (r) "Retailer" means a person selling milk in bulk or

1 in packages over the counter at retail or for consumption on
2 the premises and includes but is not limited to retail
3 stores of all types, restaurants, boardinghouses,
4 fraternities, sororities, confectionaries, public and
5 private schools, including colleges and universities, and
6 both public and private institutions and instrumentalities
7 of all types and description.

8 (s) "Wholesale prices" means those prices at which milk
9 owned by a distributor is sold, in bulk or in packages, to a
10 retailer.

11 (2) The department may assign new milk products, not
12 expressly included in one of the classes defined in this
13 section, to the class which in its discretion it determines
14 to be proper."

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

-End-

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
AND IRRIGATION

Senate BILL NO. 88

INTRODUCED BY Don G. Bradley

BY REQUEST OF THE DEPARTMENT
OF CORRECTIONS AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE
MONTANA STATE PRISON DAIRY MAY BE A LICENSEE OF THE
DEPARTMENT OF COMMERCE; AMENDING SECTION 81-23-101, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 81-23-101, MCA, is amended to read:

"81-23-101. Definitions. (1) Unless the context
requires otherwise, in this chapter, the following
definitions apply:

(a) "Board" means the board of milk control provided
for in 2-15-1802.

(b) "Class I milk" includes all bottled or packaged
milk, low fat, buttermilk, chocolate milk, whipping cream,
commercial cream, half-and-half, skim milk, fortified skim
milk, skim milk flavored drinks, and any other fluid milk
not specifically classified in this chapter, whether raw,
pasteurized, homogenized, sterile, or aseptic.

(c) "Class II milk" includes milk used in the
manufacture of ice cream and ice cream mix, ice milk,

sherbet, eggnog, cultured sour cream, cottage cheese,
condensed milk, and powdered skim for human consumption.

(d) "Class III milk" includes milk used in the
manufacture of butter, cheddar cheese, process cheese,
livestock feed, powdered skim other than for human
consumption, and skim milk dumped.

(e) "Consumer" means a person or an agency, other than
a dealer, who purchases milk for consumption or use.

(f) "Dealer" means a producer, distributor,
producer-distributor, jobber, or independent contractor.

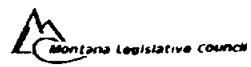
(g) "Department" means the department of commerce
provided for in Title 2, chapter 15, part 18.

(h) "Distributor" means a person purchasing milk from
any source, either in bulk or in packages, and distributing
it for consumption in this state. The term includes what are
commonly known as jobbers and independent contractors. The
term, however, excludes a person purchasing milk from a
dealer licensed under this chapter, for resale over the
counter at retail or for consumption on the premises.

(i) "Jobber prices" means those prices at which milk
owned by a distributor is sold, in bulk or in packages, to a
jobber or independent contractor.

(j) "Licensee" means a person who holds a license from
the department.

(k) "Market" means an area of the state designated by



1 the department as a natural marketing area.

2 (1) "Milk" means the lacteal secretion of a dairy
3 animal or animals, including those secretions when raw and
4 when cooled, pasteurized, standardized, homogenized,
5 recombined, concentrated fresh, or otherwise processed and
6 all of which is designated as grade A by a duly constituted
7 health authority and also includes those secretions which
8 are in any manner rendered sterile or aseptic,
9 notwithstanding whether they are regulated by any health
10 authority of this or any other state or nation.

11 (m) "Person" means ~~a--person~~ an individual, firm,
12 corporation, or cooperative association or the dairy
13 operated by the department of corrections and human services
14 at the Montana state prison.

15 (n) "Producer" means a person who produces milk for
16 consumption in this state, selling it to a distributor.

17 (o) "Producer prices" means those prices at which milk
18 owned by a producer is sold in bulk to a distributor.

19 (p) "Producer-distributor" means a person both
20 producing and distributing milk for consumption in this
21 state.

22 (q) "Retail prices" means those prices at which milk
23 owned by a retailer is sold, in bulk or in packages, over
24 the counter at retail or for consumption on the premises.

25 (r) "Retailer" means a person selling milk in bulk or

1 in packages over the counter at retail or for consumption on
2 the premises and includes but is not limited to retail
3 stores of all types, restaurants, boardinghouses,
4 fraternities, sororities, confectionaries, public and
5 private schools, including colleges and universities, and
6 both public and private institutions and instrumentalities
7 of all types and description.

8 (s) "Wholesale prices" means those prices at which milk
9 owned by a distributor is sold, in bulk or in packages, to a
10 retailer.

11 (2) The department may assign new milk products, not
12 expressly included in one of the classes defined in this
13 section, to the class which in its discretion it determines
14 to be proper."

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

-End-

1 Senate BILL NO. 88
2 INTRODUCED BY Jack Bradley
3 BY REQUEST OF THE DEPARTMENT
4 OF CORRECTIONS AND HUMAN SERVICES
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE
7 MONTANA STATE PRISON DAIRY MAY BE A LICENSEE OF THE
8 DEPARTMENT OF COMMERCE; AMENDING SECTION 81-23-101, MCA; AND
9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
10

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

12 **Section 1.** Section 81-23-101, MCA, is amended to read:

13 "81-23-101. Definitions. (1) Unless the context
14 requires otherwise, in this chapter, the following
15 definitions apply:

16 (a) "Board" means the board of milk control provided
17 for in 2-15-1802.

18 (b) "Class I milk" includes all bottled or packaged
19 milk, low fat, buttermilk, chocolate milk, whipping cream,
20 commercial cream, half-and-half, skim milk, fortified skim
21 milk, skim milk flavored drinks, and any other fluid milk
22 not specifically classified in this chapter, whether raw,
23 pasteurized, homogenized, sterile, or aseptic.

24 (c) "Class II milk" includes milk used in the
25 manufacture of ice cream and ice cream mix, ice milk,

1 sherbet, eggnog, cultured sour cream, cottage cheese,
2 condensed milk, and powdered skim for human consumption.

3 (d) "Class III milk" includes milk used in the
4 manufacture of butter, cheddar cheese, process cheese,
5 livestock feed, powdered skim other than for human
6 consumption, and skim milk dumped.

7 (e) "Consumer" means a person or an agency, other than
8 a dealer, who purchases milk for consumption or use.

9 (f) "Dealer" means a producer, distributor,
10 producer-distributor, jobber, or independent contractor.

11 (g) "Department" means the department of commerce
12 provided for in Title 2, chapter 15, part 18.

13 (h) "Distributor" means a person purchasing milk from
14 any source, either in bulk or in packages, and distributing
15 it for consumption in this state. The term includes what are
16 commonly known as jobbers and independent contractors. The
17 term, however, excludes a person purchasing milk from a
18 dealer licensed under this chapter, for resale over the
19 counter at retail or for consumption on the premises.

20 (i) "Jobber prices" means those prices at which milk
21 owned by a distributor is sold, in bulk or in packages, to a
22 jobber or independent contractor.

23 (j) "Licensee" means a person who holds a license from
24 the department.

25 (k) "Market" means an area of the state designated by

1 the department as a natural marketing area.

2 (l) "Milk" means the lacteal secretion of a dairy
3 animal or animals, including those secretions when raw and
4 when cooled, pasteurized, standardized, homogenized,
5 recombined, concentrated fresh, or otherwise processed and
6 all of which is designated as grade A by a duly constituted
7 health authority and also includes those secretions which
8 are in any manner rendered sterile or aseptic,
9 notwithstanding whether they are regulated by any health
10 authority of this or any other state or nation.

11 (m) "Person" means a--person an individual, firm,
12 corporation, or cooperative association or the dairy
13 operated by the department of corrections and human services
14 at the Montana state prison.

15 (n) "Producer" means a person who produces milk for
16 consumption in this state, selling it to a distributor.

17 (o) "Producer prices" means those prices at which milk
18 owned by a producer is sold in bulk to a distributor.

19 (p) "Producer-distributor" means a person both
20 producing and distributing milk for consumption in this
21 state.

22 (q) "Retail prices" means those prices at which milk
23 owned by a retailer is sold, in bulk or in packages, over
24 the counter at retail or for consumption on the premises.

25 (r) "Retailer" means a person selling milk in bulk or

1 in packages over the counter at retail or for consumption on
2 the premises and includes but is not limited to retail
3 stores of all types, restaurants, boardinghouses,
4 fraternities, sororities, confectionaries, public and
5 private schools, including colleges and universities, and
6 both public and private institutions and instrumentalities
7 of all types and description.

8 (s) "Wholesale prices" means those prices at which milk
9 owned by a distributor is sold, in bulk or in packages, to a
10 retailer.

11 (2) The department may assign new milk products, not
12 expressly included in one of the classes defined in this
13 section, to the class which in its discretion it determines
14 to be proper."

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

-End-

1 SENATE BILL NO. 88

2 INTRODUCED BY BECK, GRADY

3 BY REQUEST OF THE DEPARTMENT
4 OF CORRECTIONS AND HUMAN SERVICES
56 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE
7 MONTANA STATE PRISON DAIRY MAY BE A LICENSEE OF THE
8 DEPARTMENT OF COMMERCE; AMENDING SECTION 81-23-101, MCA; AND
9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 81-23-101, MCA, is amended to read:

13 "81-23-101. Definitions. (1) Unless the context
14 requires otherwise, in this chapter, the following
15 definitions apply:16 (a) "Board" means the board of milk control provided
17 for in 2-15-1802.18 (b) "Class I milk" includes all bottled or packaged
19 milk, low fat, buttermilk, chocolate milk, whipping cream,
20 commercial cream, half-and-half, skim milk, fortified skim
21 milk, skim milk flavored drinks, and any other fluid milk
22 not specifically classified in this chapter, whether raw,
23 pasteurized, homogenized, sterile, or aseptic.24 (c) "Class II milk" includes milk used in the
25 manufacture of ice cream and ice cream mix, ice milk,1 sherbet, eggnog, cultured sour cream, cottage cheese,
2 condensed milk, and powdered skim for human consumption.3 (d) "Class III milk" includes milk used in the
4 manufacture of butter, cheddar cheese, process cheese,
5 livestock feed, powdered skim other than for human
6 consumption, and skim milk dumped.7 (e) "Consumer" means a person or an agency, other than
8 a dealer, who purchases milk for consumption or use.9 (f) "Dealer" means a producer, distributor,
10 producer-distributor, jobber, or independent contractor.11 (g) "Department" means the department of commerce
12 provided for in Title 2, chapter 15, part 18.13 (h) "Distributor" means a person purchasing milk from
14 any source, either in bulk or in packages, and distributing
15 it for consumption in this state. The term includes what are
16 commonly known as jobbers and independent contractors. The
17 term, however, excludes a person purchasing milk from a
18 dealer licensed under this chapter, for resale over the
19 counter at retail or for consumption on the premises.20 (i) "Jobber prices" means those prices at which milk
21 owned by a distributor is sold, in bulk or in packages, to a
22 jobber or independent contractor.23 (j) "Licensee" means a person who holds a license from
24 the department.

25 (k) "Market" means an area of the state designated by

1 the department as a natural marketing area.

2 (l) "Milk" means the lacteal secretion of a dairy
3 animal or animals, including those secretions when raw and
4 when cooled, pasteurized, standardized, homogenized,
5 recombined, concentrated fresh, or otherwise processed and
6 all of which is designated as grade A by a duly constituted
7 health authority and also includes those secretions which
8 are in any manner rendered sterile or aseptic,
9 notwithstanding whether they are regulated by any health
10 authority of this or any other state or nation.

11 (m) "Person" means ~~a--person~~ an individual, firm,
12 corporation, or cooperative association or the dairy
13 operated by the department of corrections and human services
14 at the Montana state prison.

15 (n) "Producer" means a person who produces milk for
16 consumption in this state, selling it to a distributor.

17 (o) "Producer prices" means those prices at which milk
18 owned by a producer is sold in bulk to a distributor.

19 (p) "Producer-distributor" means a person both
20 producing and distributing milk for consumption in this
21 state.

22 (q) "Retail prices" means those prices at which milk
23 owned by a retailer is sold, in bulk or in packages, over
24 the counter at retail or for consumption on the premises.

25 (r) "Retailer" means a person selling milk in bulk or

1 in packages over the counter at retail or for consumption on
2 the premises and includes but is not limited to retail
3 stores of all types, restaurants, boardinghouses,
4 fraternities, sororities, confectionaries, public and
5 private schools, including colleges and universities, and
6 both public and private institutions and instrumentalities
7 of all types and description.

8 (s) "Wholesale prices" means those prices at which milk
9 owned by a distributor is sold, in bulk or in packages, to a
10 retailer.

11 (2) The department may assign new milk products, not
12 expressly included in one of the classes defined in this
13 section, to the class which in its discretion it determines
14 to be proper."

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

-End-