



ADMINISTRATIVE RULES OF MONTANA



32.24.450 MILK CONTROL ASSESSMENTS

- (1) Pursuant to 81-23-202, MCA, the following assessments are levied upon the Act licensees of this department for the purpose of securing funds to administer and enforce the Act.
 - (a) A fee of \$0.04000 per hundredweight, with no assessment for fees less than \$5.00 per month, on the total volume of all milk subject to the Act produced and sold by a producer-distributor.
 - (b) A fee of \$0.02000 per hundredweight, with no assessment for fees less than \$5.00 per month, on the total volume of all milk subject to the Act sold by a producer.
 - (c) A fee of \$0.02000 per hundredweight, with no assessment for fees less than \$5.00 per month, on the total volume of milk subject to the Act sold by a distributor, excepting that which is sold to another distributor. If the distributor is foreign, the assessment must be paid either by the foreign distributor or by the import jobber.
- (2) The fee assessed in (1) must be paid before the 25th day of each month for milk sold in the preceding month.
- (3) As an aid to the efficient collection of license fees and assessments, each pool handler must deduct from payments due such producers (ARM 32.24.515) any license fees and administrative assessments due the department from such producers under 81-23-105, MCA, and 81-23-202, MCA. The pool handler must remit such fees and assessments to the department together with a statement of individual producer assessment payments. Assessments under 81-23-202(2), MCA, must be reported and paid monthly, as provided by 81-23-202(5), MCA. Assessments under 81-23-105, MCA, and ARM 32.24.460 must be separately reported and paid monthly.
- (4) Each distributor who comes under the jurisdiction of the Act, and of this rule by virtue of distributing milk within the state, either in bulk or packaged form, must file with the bureau on forms supplied by the bureau, on or before the 25th day of each month, a report of sales of such milk during the preceding month.
 - (a) A jobber is not required to file sales reports with the bureau to the extent that milk or dairy products sold by the jobber were reported by the distributor that supplied the jobber and to the extent that the distributor that supplied the jobber filed sales reports and paid the distributor milk control assessment described in (1)(c).
- (5) Each producer-distributor must file with the bureau on forms supplied by the bureau, on or before the 25th day of each month, a report of the receipt and sales of milk during the preceding month. The report of sales must show sales by classes of utilization. The producer-distributor must maintain records of operations as required by the bureau and present them for audit by the bureau when requested.

- (6) To calculate the amount of fees levied on the sale of manufactured dairy products for the assessment described in (1), the following milk equivalent conversion factors must be used:
- (a) Milk equivalent conversion factors, pounds of milk per gallon of product:
- (i) Homogenized whole milk: 7.94 lbs milk per gallon of product;
 - (ii) Homogenized 2% milk: 7.10 lbs milk per gallon of product;
 - (iii) Homogenized 1% milk: 6.40 lbs milk per gallon of product;
 - (iv) Homogenized skim milk: 6.07 lbs milk per gallon of product;
 - (v) Flavored whole milk: 8.13 lbs milk per gallon of product;
 - (vi) Flavored 2% milk: 7.24 lbs milk per gallon of product;
 - (vii) Flavored 1% milk: 6.54 lbs milk per gallon of product;
 - (viii) Flavored skim milk: 6.18 lbs milk per gallon of product;
 - (ix) Buttermilk: 6.87 lbs milk per gallon of product;
 - (x) Egg Nog: 9.82 lbs milk per gallon of product;
 - (xi) Half and Half (10.5% - 18% milkfat): 12.53 lbs milk per gallon of product;
 - (xii) Creamers: 12.53 lbs milk per gallon of product;
 - (xiii) Light Cream (18% - 30% milkfat): 17.60 lbs milk per gallon of product;
 - (xiv) Light Whipping Cream (30 – 36% butterfat): 25.50 lbs milk per gallon of product;
 - (xv) Heavy Whipping Cream (>36% butterfat): 29.41 lbs milk per gallon of product;
 - (xvi) Aerosol Whip: 17.44 lbs milk per gallon of product;
 - (xvii) Ice cream: 7.23 lbs milk per gallon of product;
 - (xviii) Ice milk / sherbet: 0.96 lbs milk per gallon of product;
 - (xix) Frozen yogurt: 5.40 lbs milk per gallon of product;
 - (xx) Frozen dairy novelties: 6.05 lbs milk per gallon of product;
 - (xxi) Ice cream mix: 14.75 lbs milk per gallon of product;
 - (xxii) Shake mix / yogurt mix: 11.80 lbs milk per gallon of product;
- (b) Milk equivalent conversion factors, pounds of milk per pound of product:
- (i) Cottage Cheese: 1.61 lbs milk per pound of product;
 - (ii) Cottage Cheese (low fat or no fat): 1.41 lbs milk per pound of product;
 - (iii) Dry Curd Cottage Cheese: 1.61 lbs milk per pound of product;
 - (iv) Sour Cream and similar dips and dressings: 1.91 lbs milk per pound of product;
 - (v) Non-fat sour cream: 0.51 lbs milk per pound of product;
 - (vi) Yogurt: 0.92 lbs milk per pound of product;

- (vii) Kefir: 0.92 lbs milk per pound of product;
- (viii) Butter: 6.51 lbs milk per pound of product;
- (ix) Cream cheese: 3.61 lbs milk per pound of product; and
- (x) Hard cheese: 4.90 lbs milk per pound of product.

Authorizing statute(s): 81-23-102, 81-23-104, 81-23-202, MCA

Implementing statute(s): 81-1-102, 81-23-103, 81-23-202, MCA

History: NEW, 2017 MAR p. 1151, Eff. 8/1/17; AMD, 2018 MAR p. 450, Eff. 7/1/18; AMD, 2020 MAR p. 330, Eff. 7/1/20; AMD, 2021 MAR p. 69, Eff. 7/1/21; AMD, 2022 MAR p. 239, Eff. 7/1/22; AMD, 2023 MAR p. 213, Eff. 7/1/23; AMD, 2025 MAR, Notice No. 15, Eff. 7/1/25.