

1 *House* BILL NO. *200*
 2 INTRODUCED BY *Murphy* *Lehning* *Barrett*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE
 5 DEPARTMENT OF LIVESTOCK TO CARRY OUT RESEARCH PROGRAMS INTO
 6 BEEF PRODUCTION AND TO PROMOTE BEEF CONSUMPTION; PROVIDING
 7 FUNDING FOR SUCH PROGRAMS THROUGH A VOLUNTARY CHECKOFF
 8 ASSESSMENT ON EACH CHANGE OF OWNERSHIP OF LIVESTOCK;
 9 AMENDING SECTIONS 46-104 AND 46-804, R.C.M. 1947."

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

12 Section 1. Section 46-104, R.C.M. 1947, is amended to
 13 read as follows:

14 "46-104. Duties and powers of department. The
 15 department shall exercise general supervision over, and, so
 16 far as possible, protect the livestock interests of the
 17 state from theft and disease, and recommend legislation
 18 which, in the judgment of the department, fosters this
 19 industry. The department may compel the attendance of
 20 witnesses, employ counsel to assist in the prosecution of
 21 violations of laws made for the protection of the livestock
 22 interests, and assist in the prosecution of persons charged
 23 with feloniously branding or stealing livestock, or any
 24 other crime under the laws of this state for the protection
 25 of stock owners. It may adopt rules governing the recording

1 and use of livestock brands. The department shall promote
 2 scientific and practical research into all phases of beef
 3 production and encourage the use and consumption of beef and
 4 beef products."

5 Section 2. There is a new R.C.M. section numbered
 6 46-104.1 that reads as follows:

7 46-104.1. Research functions -- additional powers.

8 (1) In exercising its powers to promote research into beef
 9 production and encourage beef consumption the department
 10 may:

11 (a) conduct scientific research to discover and
 12 develop the commercial value of beef and products thereof;

13 (b) disseminate or contract to others the
 14 responsibility for disseminating reliable information
 15 founded upon the research undertaken under this section,
 16 showing the value of beef and its products for any use for
 17 which they may be found useful and profitable;

18 (c) study legislation, state and federal, with respect
 19 to tariffs, duties, reciprocal trade agreements, import
 20 quotas, and other matters concerning the effect on beef
 21 industry, and represent and protect the interests of the
 22 beef industry with respect to any legislation or proposed
 23 legislation or executive action which may affect that
 24 industry;

25 (d) make grants to research agencies who are financing

1 special or emergency studies, or for the purchase or
2 acquisition of facilities necessary to carry out the
3 purposes authorized by this section;

4 (e) enter into contracts or contract with other
5 organizations, either public or private, the responsibility
6 for advertising beef and to develop new markets through such
7 advertising;

8 (f) cooperate with any other local, state, or national
9 commission, organization, or agency, whether voluntary or
10 established by state or federal law, including recognized
11 livestock groups, engaged in work or activities similar to
12 the work and activities of the department, and make
13 contracts and agreements with such organizations or agencies
14 for carrying on joint programs beneficial to the beef
15 industry;

16 (g) accept or receive any and all grants, donations,
17 contributions or gifts from any governmental agency or
18 private source and use and expend the same in compliance
19 with the conditions, if any, for any purpose consistent with
20 the provisions of this section, provided such conditions are
21 valid under the laws of the state of Montana and in aid of
22 the purposes of this section;

23 (h) operate jointly with beef commissions or similar
24 agencies established by state law, and adjoining states.

25 (2) In exercising its powers to promote research into

1 beef production and encourage beef consumption the
2 department shall, from the assessments and contributions
3 received by the department, pay at least twenty percent
4 (20%) of such moneys to the national livestock and meat
5 board and twenty percent (20%) to the national beef industry
6 council to carry out certain works and programs as approved
7 by the department, on a national basis.

8 Section 3. Section 46-804, R.C.M. 1947, is amended to
9 read as follows:

10 "46-804. Fees for inspection and livestock
11 transportation permits. (1) For the service of inspection
12 before removal from a county, or before change of ownership,
13 the inspector making the inspections shall receive
14 twenty-five cents (\$.25) per head for twelve (12) head or
15 less, or three dollars (\$3) for from twelve (12) head to
16 twenty (20) head and shall receive twenty cents (\$.20) per
17 head for each head over twenty (20) head. For the issuance
18 of a market consignment permit or transportation permit
19 (other than a permanent permit) before removal from a
20 county, the inspector, sheriff or deputy sheriff issuing the
21 permits shall receive twenty-five cents (\$.25) for each
22 permit issued for twelve (12) head or less; fifty cents
23 (\$.50) for each permit for twelve (12) to thirty (30) head
24 and one dollar (\$1) for each permit issued for over thirty
25 (30) head and shall receive in addition his necessary actual

1 expenses, to be paid by the owner or the person for whom the
 2 inspection is made or permit issued. For the issuance of a
 3 permanent horse transportation permit, the state stock
 4 inspector taking the application for permit shall receive
 5 five dollars (\$5) per head for each permit issued. All
 6 inspection and permit fees and expenses shall be collected
 7 by the inspector, sheriff, or deputy sheriff at the time of
 8 inspection or issuance of permit and all the fees and
 9 expenses collected by a deputy state stock inspector,
 10 sheriff or deputy sheriff shall be retained by him and all
 11 such fees and expenses collected by a state stock inspector
 12 shall be sent by him to the department for deposit in the
 13 state treasury to the credit of the earmarked revenue fund
 14 for the use of the department.

15 (2) For the service of inspection before livestock is
 16 sold or offered for sale at a licensed public market, a
 17 state stock inspector making the inspection shall receive
 18 twenty cents (\$.20) per head for an animal originating
 19 within the county in the state in which the market is
 20 maintained, or transported under a market consignment
 21 permit, and ten cents (\$.10) per head for an animal
 22 previously inspected before removal from a county as herein
 23 provided. All fees shall be paid by the owner or by the
 24 person for whom the inspection is made. For inspecting an
 25 animal before it is removed from the premises of a licensed

1 public market the state stock inspector making the
 2 inspection shall receive ten cents (\$.10) per head from the
 3 owner or the person for whom the inspection is made. All
 4 fees for inspection at the market shall be collected by the
 5 state stock inspector making the inspection at the time the
 6 inspection is made and shall be sent by him to the
 7 department for deposit in the state treasury to the credit
 8 of the earmarked revenue fund for the use of the department.

9 (3) All inspection fees and expenses shall be paid to
 10 the department for deposit in the state treasury to the
 11 credit of the earmarked revenue fund for the use of the
 12 department. State stock inspectors shall be paid for their
 13 services and receive their expenses as fixed by the
 14 department.

15 (4) Additionally there is levied on each change of
 16 ownership, an assessment of twenty-five cents (\$.25) per
 17 head on all Montana cattle sold in this state or elsewhere
 18 to be paid by the seller, at the time of sale, as a part of
 19 the brand inspection services and brand inspection made of
 20 such animals, under the same authority and at the same time,
 21 place and manner, and upon the same animal that it makes
 22 brand inspection and collects brand inspection fees. Such
 23 amount is in addition to and a part of the brand inspection
 24 fee, set forth above.

25 (5) Any person who has paid an assessment, in the

1 amount of twenty-five cents (\$.25) per head, as an addition
2 to the brand inspection fee as provided for in this section,
3 may within twenty (20) days after the payment of such
4 assessment, but not later than thirty (30) days after making
5 such payment, apply to the department for a refund of such
6 assessment and such a refund shall be promptly made by the
7 department. Application for such refund shall be made
8 directly to the department on forms furnished only by the
9 department for such refund applications. All claims for a
10 refund shall be verified as set forth on the application for
11 refund as furnished by the department. In the event no
12 application for refund is made, all moneys collected from
13 said assessment, shall be used by the department to promote
14 research into beef production and encourage beef consumption
15 as set forth in section 46-104.1.

16 (6) All checkoff assessments and contributions for
17 beef production shall be paid to the department for deposit
18 in the state treasury to the credit of a separate earmarked
19 revenue fund designated exclusively for the use of the
20 department for beef promotion and for the administration of
21 the checkoff program."

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