

SENATE BILL NO. 278

INTRODUCED BY E. SMITH, NELSON

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A PORK RESEARCH AND MARKETING COMMITTEE TO PROMOTE EFFECTIVE RESEARCH INTO THE PRODUCTION AND MARKETING OF SWINE; AND PROVIDING FOR A TEN CENT (10¢) PER HEAD CHECK-OFF OF ALL SWINE SOLD IN MONTANA."

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

Section 1. Short title. This act may be cited as the "Montana Pork Research and Marketing Act".

Section 2. Creation of Montana pork research and marketing committee -- powers and duties exercised by the administrative committee. (1) There is hereby established a committee of pork research and marketing in the department of livestock of the state of Montana for administrative purposes only. The committee shall consist of:

- (a) an appointive administrative committee;
(b) ex officio members provided for in section 4 of this act.

(2) The department of livestock, acting with the advice and consent of the appointive administrative committee, may appoint administrative, secretarial and clerical assistance.

(3) No researchers or professional or scientific personnel may be employed to carry out the provisions of this act except as provided in section 14 of this act.

(4) The duties prescribed by this act shall be carried out by the administrative committee and it shall have the general supervision of all activities and personnel, but it may delegate details of supervision and administration to the department of livestock.

Section 3. Definitions. As used in this act, unless the context otherwise requires:

(1) "Committee" means the administrative committee hereby established to be known as the Montana pork research and marketing committee.

(2) "Producer" means anyone actively engaged in the production of swine and includes a person, partnership, association, corporation, cooperative, trust and any and all business units, devices, and arrangements.

(3) "Purchaser" means any licensed or bonded livestock dealer or livestock market in the state of Montana.

Section 4. Governor to appoint administrative committee -- duties -- composition -- districts -- nominees -- term of office. (1) The governor of the state of Montana shall appoint an administrative committee to be known as the Montana pork research and marketing committee, which committee shall:

1 (a) Advise and direct and be primarily responsible
2 for the enforcement and application of this act; and

3 (b) be responsible for conducting basic researches and
4 market development and other programs of the committee and
5 its objectives as herein stated.

6 (2) The administrative committee shall be composed of:

7 (a) Five (5) members each of whom is a citizen of
8 Montana, and each of whom derives a substantial portion of
9 his income from producing swine in Montana,

10 (b) Four ex officio members (who may not vote on any
11 decisions, orders or regulations of the administrative
12 committee):

13 (i) the commissioner of the department of agriculture,

14 (ii) the dean of agriculture of Montana state
15 university,

16 (iii) administrator of brand enforcement, livestock
17 department,

18 (iv) administrator of animal health, livestock
19 department.

20 (3) One member of the administrative committee shall
21 be appointed from each of the following districts, and shall
22 be a resident of, and shall have swine operations in the
23 district from which appointed:

24 District I. consisting of Deer Lodge, Flathead,
25 Granite, Lake, Lincoln, Mineral, Missoula, Powell, Ravalli,

1 Sanders, Glacier, Liberty, Pondera, Teton, Toole,
2 Broadwater, Cascade, Lewis and Clark, Meagher, Beaverhead,
3 Gallatin, Jefferson, Madison, and Silverbow.

4 District II. consisting of Blaine, Chouteau, Hill,
5 Fergus, Golden Valley, Judith Basin, Musselshell, Petroleum,
6 Wheatland, Big Horn, Carbon, Park, Stillwater, Sweet Grass,
7 Yellowstone.

8 District III. consisting of Daniels, Dawson, Garfield,
9 McCone, Richland, Roosevelt, Sheridan, Valley, Treasure,
10 Carter, Custer, Fallon, Powder River, Prairie, Rosebud,
11 Wibaux, and Phillips.

12 (4) Two (2) members of the administrative committee
13 shall be appointed at large.

14 (5) A list of nominees for appointment to the
15 administrative committee may be submitted to the governor by
16 any farm or ranch organization which has substantial numbers
17 of its membership actively engaged in swine production.
18 Each nominee must be from the district for which the
19 appointment shall be made except for the at-large nominees.
20 The first list of nominees shall be submitted in less than
21 thirty-one (31) days after the effective date of this act
22 and thereafter names of nominees shall be submitted not less
23 than thirty-one (31) days prior to the expiration of any
24 committee member's term.

25 (6) Committee members shall be appointed for a term of

1 five (5) years, except that the terms of office of the
2 committee members first appointed shall be as follows:

- 3 (a) District I for four (4) years;
- 4 (b) District II for three (3) years;
- 5 (c) District III for two (2) years;
- 6 (d) At large No. 1 for five (5) years;
- 7 (e) At large No. 2 for one (1) year.
- 8 (7) Members appointed to fill unexpired terms shall be
9 appointed for the remainder of the unexpired term.

10 Section 5. Compensation -- per diem. Members of the
11 committee shall receive no salary but shall be paid, from
12 the committee account, a per diem of twenty dollars (\$20)
13 for each day they are actually and necessarily engaged in
14 the transaction of official business under this act.

15 Section 6. Removal from office -- cause -- procedure.
16 Any member of the administrative committee shall be
17 removable by the governor for malfeasance, misfeasance or
18 neglect of duty. Any member of the administrative
19 committee:

- 20 (1) ceasing to be a resident of the state of Montana,
- 21 (2) ceasing to live in the district from which he was
22 appointed, or
- 23 (3) ceasing to be actually engaged in producing swine
24 in said state or district, shall automatically be
25 disqualified from continuing as a member.

1 Section 7. Election of chairman -- time of meetings.
2 At the first meeting of the administrative committee, it
3 shall elect a chairman from among its members. The
4 committee shall meet at least once every six (6) months and
5 at such other times as called by the chairman or by any two
6 (2) members of committee.

7 Section 8. Powers of administrative committee. The
8 administrative committee shall have the power to:

- 9 (1) Adopt rules and regulations as are necessary and
10 advisable to effect efficient administration of this
11 act;
- 12 (2) Promptly and effectively to enforce the provisions
13 of this act;
- 14 (3) To conduct adequate, intensive and timely research
15 into the promotion, marketing and uses of pork in all phases
16 and relationships.
- 17 (4) Enter into written contracts or agreements with
18 recognized agencies, public or private, within or without
19 the state of Montana, for the purpose of, but not limited
20 to, improving pork quality, increasing the efficiency of
21 production, developing marketing knowledge, developing
22 markets and promoting pork and pork products. None of the
23 duties, authorities and powers set forth in this act and
24 delegated to the administrative committee shall be construed
25 to mean or permit participation in state or federal

1 political action.

2 Section 9. Establishment of administrative office. The
3 department of livestock shall upon recommendation of
4 administrative committee, establish an administrative office
5 in the state of Montana at such place as may be suitable for
6 the efficient administration of this act.

7 Section 10. Assessments. There is hereby assessed a
8 per head levy of ten cents (10¢) on all swine sold by
9 producers to purchasers beginning July 1, 1975. The
10 assessment shall be deducted and collected at the time of
11 sale from the producers receipt of sale and remitted to
12 department of livestock by purchaser under the provisions of
13 this act.

14 Section 11. Purchasers delivery of invoice to
15 producers -- form -- filing of sworn statement -- payment of
16 assessment. (1) The purchaser of swine at the time of
17 settlement, shall make and deliver invoices for each
18 purchase to the producer. Such invoices shall show

19 (a) the name and address of the producer and purchaser
20 (b) the number of swine sold
21 (c) the date of the purchase and the amount of
22 assessment collected and remitted to the department of
23 livestock.

24 (2) The purchaser shall deliver to and have on file
25 with the department of livestock on forms prescribed by the

1 committee by the twentieth (20th) day of each calendar month
2 following any calendar month in which purchaser shall
3 purchase swine of a producer, beginning on August 20, 1975,
4 a sworn statement of the number of swine purchased in
5 Montana during the preceding calendar month. At the time
6 the sworn statement is filed, the purchaser shall pay and
7 remit to the department of livestock the assessment provided
8 for in this act for deposit in the swine research and
9 marketing account.

10 (3) The statement referred to in subsection (1) (2) of
11 this section, shall be legibly written and shall be entirely
12 free of any corrections or erasures on the face thereof.
13 Any person who shall alter any part of any statement shall
14 be guilty of a misdemeanor and, upon conviction thereof,
15 shall be punished as is provided herein.

16 (4) Any time after thirty (30) days from the deduction
17 of the assessment and before the expiration of ninety (90)
18 days following such deduction by the purchaser, the producer
19 may, upon the submission of a written, verified request
20 therefor to the administrative committee through the
21 department of livestock obtain a refund in the amount of the
22 assessment deducted by said purchaser. The request shall be
23 accompanied by the original invoices received by the
24 producer at the time of settlement. The pork research and
25 marketing committee shall keep complete records of all

1 refunds made under the provisions of this act. All original
2 invoices shall be returned to the producer with the refund
3 payments.

4 Section 12. Receipt of gifts, grants or donations for
5 research purposes. The pork research and marketing committee
6 is hereby authorized to receive any gifts, grants, or
7 donations for any research of scientific inquiries conducted
8 under authority of this act, and to use and expend the same
9 in compliance with the conditions, if any, of such grants,
10 gifts and donations, provided such conditions are valid
11 under the laws of the state of Montana, and in aid of the
12 purposes of this act.

13 Section 13. Research and marketing account -- sources
14 -- use -- expenditures. (1) There shall be established an
15 account known as the pork research and marketing account.
16 There shall be placed in the account;

17 (a) the proceeds of all assessments made, paid and
18 collected under this act, and

19 (b) the proceeds from all gifts, grants or donations
20 to the department of livestock for the use of the researches
21 conducted by the division of swine research and marketing.

22 (2) The account shall be maintained for the use of the
23 pork research and marketing committee of the department of
24 livestock and shall be separate and apart from all other
25 accounts of the department.

1 (3) There shall be transferred to the department of
2 livestock one percent (1%) of all money collected.

3 (4) There shall be paid out of this account claims for
4 expenditures under this act as are approved by the
5 department of livestock and state controller.

6 Section 14. Contracts for carrying out research,
7 promotion, and marketing of swine. (1) The Montana pork
8 research and marketing committee shall not set up research
9 units or agencies of its own, but shall cooperate and is
10 hereby empowered to enter into contracts with other lawful
11 and proper local, state or national organizations, public or
12 private, in carrying out all phases of research and
13 marketing contemplated by this act.

14 (2) Ten percent (10%) of all unrefunded assessments
15 shall be paid to the national meat board; and

16 (3) Ten percent (10%) of all unrefunded assessments
17 shall be paid to the national pork producer council.

18 Section 15. Violation of act -- penalty. Any person
19 violating any of the provisions of this act shall be guilty
20 of a misdemeanor, and shall, upon conviction, be fined not
21 less than twenty-five dollars (\$25) nor more than five
22 hundred dollars (\$500).

23 Section 16. Duration of act -- expiration -- reversion
24 of remaining funds. This act shall be in full force and
25 effect from July 1, 1975 for a period of seven (7) years.

1 If this act is not renewed through legislative action to
2 extend beyond seven (7) years, any money remaining that has
3 been collected under this act shall revert to Montana state
4 university to be used exclusively for swine research.

-End-

Approved by Committee
on Agriculture Livestock
& Irrigation

1 SENATE BILL NO. 278

2 INTRODUCED BY E. SMITH, NELSON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A PORK
5 RESEARCH AND MARKETING COMMITTEE TO PROMOTE EFFECTIVE
6 RESEARCH INTO THE PRODUCTION AND MARKETING OF SWINE; AND
7 PROVIDING FOR A TEN CENT (10¢) PER HEAD CHECK-OFF OF ALL
8 SWINE SOLD IN MONTANA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Short title. This act may be cited as the
12 "Montana Pork Research and Marketing Act".

13 Section 2. Creation of Montana pork research and
14 marketing committee -- powers and duties exercised by the
15 administrative committee. (1) There is hereby established a
16 committee of pork research and marketing in the department
17 of livestock of the state of Montana for administrative
18 purposes only. The committee shall consist of:

19 (a) an appointive administrative committee;

20 (b) ex officio members provided for in section 4 of
21 this act.

22 (2) The department of livestock, acting with the
23 advice and consent of the appointive administrative
24 committee, may appoint administrative, secretarial and
25 clerical assistance.

1 (3) No researchers or professional or scientific
2 personnel may be employed to carry out the provisions of
3 this act except as provided in section 14 of this act.

4 (4) The duties prescribed by this act shall be carried
5 out by the administrative committee and it shall have the
6 general supervision of all activities and personnel, but it
7 may delegate details of supervision and administration to
8 the department of livestock.

9 Section 3. Definitions. As used in this act, unless
10 the context otherwise requires:

11 (1) "Committee" means the administrative committee
12 hereby established to be known as the Montana pork research
13 and marketing committee.

14 (2) "Producer" means anyone actively engaged in the
15 production of swine and includes a person, partnership,
16 association, corporation, cooperative, trust and any and all
17 business units, devices, and arrangements.

18 (3) "Purchaser" means any licensed or bonded livestock
19 dealer or livestock market in the state of Montana.

20 Section 4. Governor to appoint administrative
21 committee -- duties -- composition -- districts -- nominees
22 -- term of office. (1) The governor of the state of Montana
23 shall appoint an administrative committee to be known as the
24 Montana pork research and marketing committee, which
25 committee shall:

1 (a) Advise and direct and be primarily responsible
2 for the enforcement and application of this act; and

3 (b) be responsible for conducting basic researches and
4 market development and other programs of the committee and
5 its objectives as herein stated.

6 (2) The administrative committee shall be composed of:

7 (a) Five (5) members each of whom is a citizen of
8 Montana, and each of whom derives a substantial portion of
9 his income from producing swine in Montana,

10 (b) Four ex officio members (who may not vote on any
11 decisions, orders or regulations of the administrative
12 committee):

13 (i) the commissioner of the department of agriculture,

14 (ii) the dean of agriculture of Montana state
15 university,

16 (iii) administrator of brand enforcement, livestock
17 department,

18 (iv) administrator of animal health, livestock
19 department.

20 (3) One member of the administrative committee shall
21 be appointed from each of the following districts, and shall
22 be a resident of, and shall have swine operations in the
23 district from which appointed:

24 District I. consisting of Deer Lodge, Flathead,
25 Granite, Lake, Lincoln, Mineral, Missoula, Powell, Ravalli,

1 Sanders, Glacier, Liberty, Pondera, Teton, Toole,
2 Broadwater, Cascade, Lewis and Clark, Meagher, Beaverhead,
3 Gallatin, Jefferson, Madison, and Silverbow.

4 District II. consisting of Blaine, Chouteau, Hill,
5 Fergus, Golden Valley, Judith Basin, Musselshell, Petroleum,
6 Wheatland, Big Horn, Carbon, Park, Stillwater, Sweet Grass,
7 Yellowstone.

8 District III. consisting of Daniels, Dawson, Garfield,
9 McCone, Richland, Roosevelt, Sheridan, Valley, Treasure,
10 Carter, Custer, Fallon, Powder River, Prairie, Rosebud,
11 Wibaux, and Phillips.

12 (4) Two (2) members of the administrative committee
13 shall be appointed at large.

14 (5) A list of nominees for appointment to the
15 administrative committee may be submitted to the governor by
16 any farm or ranch organization which has substantial numbers
17 of its membership actively engaged in swine production.
18 Each nominee must be from the district for which the
19 appointment shall be made except for the at-large nominees.
20 The first list of nominees shall be submitted in less than
21 thirty-one (31) days after the effective date of this act
22 and thereafter names of nominees shall be submitted not less
23 than thirty-one (31) days prior to the expiration of any
24 committee member's term.

25 (6) Committee members shall be appointed for a term of

1 five (5) years, except that the terms of office of the
2 committee members first appointed shall be as follows:

- 3 (a) District I for four (4) years;
- 4 (b) District II for three (3) years;
- 5 (c) District III for two (2) years;
- 6 (d) At large No. 1 for five (5) years;
- 7 (e) At large No. 2 for one (1) year.
- 8 (7) Members appointed to fill unexpired terms shall be
9 appointed for the remainder of the unexpired term.

10 Section 5. Compensation -- per diem. Members of the
11 committee shall receive no salary but shall be paid, from
12 the committee account, a per diem of twenty dollars (\$20)
13 for each day they are actually and necessarily engaged in
14 the transaction of official business under this act.

15 Section 6. Removal from office -- cause -- procedure.
16 Any member of the administrative committee shall be
17 removable by the governor for malfeasance, misfeasance or
18 neglect of duty. Any member of the administrative
19 committee:

- 20 (1) ceasing to be a resident of the state of Montana,
- 21 (2) ceasing to live in the district from which he was
22 appointed, or
- 23 (3) ceasing to be actually engaged in producing swine
24 in said state or district, shall automatically be
25 disqualified from continuing as a member.

1 Section 7. Election of chairman -- time of meetings.
2 At the first meeting of the administrative committee, it
3 shall elect a chairman from among its members. The
4 committee shall meet at least once every six (6) months and
5 at such other times as called by the chairman or by any two
6 (2) members of committee.

7 Section 8. Powers of administrative committee. The
8 administrative committee shall have the power to:

9 (1) Adopt rules and regulations as are necessary and
10 advisable to effect efficient administration of this
11 act;

12 (2) Promptly and effectively ~~te~~ enforce the provisions
13 of this act;

14 (3) To conduct adequate, intensive and timely research
15 into the promotion, marketing, PRODUCTION and uses of pork
16 in all phases and relationships.

17 (4) Enter into written contracts or agreements with
18 recognized agencies, public or private, within or without
19 the state of Montana, for the purpose of, but not limited
20 to, improving pork quality, increasing the efficiency of
21 production, developing marketing knowledge, developing
22 markets and promoting pork and pork products. None of the
23 duties, authorities and powers set forth in this act and
24 delegated to the administrative committee shall be construed
25 to mean or permit participation in state or federal

1 political action.

2 Section 9. Establishment of administrative office. The
3 department of livestock shall upon recommendation of
4 administrative committee, establish an administrative office
5 in the state of Montana at such place as may be suitable for
6 the efficient administration of this act.

7 Section 10. Assessments. There is hereby assessed a
8 per head levy of ten cents (10¢) on all swine sold by
9 producers to purchasers beginning July 1, 1975. The
10 assessment shall be deducted and collected at the time of
11 sale from the producers receipt of sale and remitted to
12 department of livestock by purchaser under the provisions of
13 this act.

14 Section 11. Purchasers delivery of invoice to
15 producers -- form -- filing of sworn statement -- payment of
16 assessment. (1) The purchaser of swine at the time of
17 settlement, shall make and deliver invoices for each
18 purchase to the producer. Such invoices shall show

19 (a) the name and address of the producer and purchaser

20 (b) the number of swine sold

21 (c) the date of the purchase and the amount of
22 assessment collected and remitted to the department of
23 livestock.

24 (2) The purchaser shall deliver to and have on file
25 with the department of livestock on forms prescribed by the

1 committee by the twentieth (20th) day of each calendar month
2 following any calendar month in which purchaser shall
3 purchase swine of a producer, beginning on August 20, 1975,
4 a sworn statement of the number of swine purchased in
5 Montana during the preceding calendar month. At the time
6 the sworn statement is filed, the purchaser shall pay and
7 remit to the department of livestock the assessment provided
8 for in this act for deposit in the swine research and
9 marketing account.

10 (3) The statement referred to in subsection (1) (2) of
11 this section, shall be legibly written and shall be entirely
12 free of any corrections or erasures on the face thereof.
13 Any person who shall alter any part of any statement shall
14 be guilty of a misdemeanor and, upon conviction thereof,
15 shall be punished as is provided herein.

16 (4) Any time after thirty (30) days from the deduction
17 of the assessment and before the expiration of ninety (90)
18 days following such deduction by the purchaser, the producer
19 may, upon the submission of a written, verified request
20 therefor to the administrative committee through the
21 department of livestock obtain a refund in the amount of the
22 assessment deducted by said purchaser. The request shall be
23 accompanied by the original invoices received by the
24 producer at the time of settlement. The pork research and
25 marketing committee shall keep complete records of all

1 refunds made under the provisions of this act. All original
2 invoices shall be returned to the producer with the refund
3 payments.

4 Section 12. Receipt of gifts, grants or donations for
5 research purposes. The pork research and marketing committee
6 is hereby authorized to receive any gifts, grants, or
7 donations for any research of scientific inquiries conducted
8 under authority of this act, and to use and expend the same
9 in compliance with the conditions, if any, of such grants,
10 gifts and donations, provided such conditions are valid
11 under the laws of the state of Montana, and in aid of the
12 purposes of this act.

13 Section 13. Research and marketing account -- sources
14 -- use -- expenditures. (1) There shall be established an
15 account known as the pork research and marketing account.
16 There shall be placed in the account;

17 (a) the proceeds of all assessments made, paid and
18 collected under this act, and

19 (b) the proceeds from all gifts, grants or donations
20 to the department of livestock for the use of the researches
21 conducted by the division of swine research and marketing.

22 (2) The account shall be maintained for the use of the
23 pork research and marketing committee of the department of
24 livestock and shall be separate and apart from all other
25 accounts of the department.

1 (3) There shall be transferred to the department of
2 livestock one percent (1%) of all money collected.

3 (4) There shall be paid out of this account claims for
4 expenditures under this act as are approved by the
5 department of livestock and state controller.

6 Section 14. Contracts for carrying out research,
7 promotion, and marketing of swine. (1) The Montana pork
8 research and marketing committee shall not set up research
9 units or agencies of its own, but shall cooperate and is
10 hereby empowered to enter into contracts with other lawful
11 and proper local, state or national organizations, public or
12 private, in carrying out all phases of research and
13 marketing contemplated by this act.

14 (2) Ten percent (10%) of all unrefunded assessments
15 shall be paid to the national meat board; and

16 (3) Ten percent (10%) of all unrefunded assessments
17 shall be paid to the national pork producer council.

18 Section 15. Violation of act -- penalty. Any person
19 violating any of the provisions of this act shall be guilty
20 of a misdemeanor, and shall, upon conviction, be fined not
21 less than twenty-five dollars (\$25) nor more than five
22 hundred dollars (\$500).

23 Section 16. Duration of act -- expiration -- reversion
24 of remaining funds. This act shall be in full force and
25 effect from July 1, 1975 for a period of seven (7) years.

1 If this act is not renewed through legislative action to
2 extend beyond seven (7) years, any money remaining that has
3 been collected under this act shall revert to Montana state
4 university to be used exclusively for swine research.

-End-

1 SENATE BILL NO. 278
 2 INTRODUCED BY E. SMITH, NELSON
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A PORK
 5 RESEARCH AND MARKETING COMMITTEE TO PROMOTE EFFECTIVE
 6 RESEARCH INTO THE PRODUCTION AND MARKETING OF SWINE; AND
 7 PROVIDING FOR A TEN CENT (10¢) PER HEAD CHECK-OFF OF ALL
 8 SWINE SOLD IN MONTANA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Short title. This act may be cited as the
 12 "Montana Pork Research and Marketing Act".

13 Section 2. Creation of Montana pork research and
 14 marketing committee -- powers and duties exercised by the
 15 administrative committee. (1) There is hereby established a
 16 committee of pork research and marketing in the department
 17 of livestock of the state of Montana for administrative
 18 purposes only. The committee shall consist of:

- 19 (a) an appointive administrative committee;
- 20 (b) ex officio members provided for in section 4 of
- 21 this act.

22 (2) The department of livestock, acting with the
 23 advice and consent of the appointive administrative
 24 committee, may appoint administrative, secretarial and
 25 clerical assistance.

1 (3) No researchers or professional or scientific
 2 personnel may be employed to carry out the provisions of
 3 this act except as provided in section 14 of this act.

4 (4) The duties prescribed by this act shall be carried
 5 out by the administrative committee and it shall have the
 6 general supervision of all activities and personnel, but it
 7 may delegate details of supervision and administration to
 8 the department of livestock.

9 Section 3. Definitions. As used in this act, unless
 10 the context otherwise requires:

11 (1) "Committee" means the administrative committee
 12 hereby established to be known as the Montana pork research
 13 and marketing committee.

14 (2) "Producer" means anyone actively engaged in the
 15 production of swine and includes a person, partnership,
 16 association, corporation, cooperative, trust and any and all
 17 business units, devices, and arrangements.

18 (3) "Purchaser" means any licensed or bonded livestock
 19 dealer or livestock market in the state of Montana.

20 Section 4. Governor to appoint administrative
 21 committee -- duties -- composition -- districts -- nominees
 22 -- term of office. (1) The governor of the state of Montana
 23 shall appoint an administrative committee to be known as the
 24 Montana pork research and marketing committee, which
 25 committee shall:

1 (a) Advise and direct and be primarily responsible
2 for the enforcement and application of this act; and

3 (b) be responsible for conducting basic researches and
4 market development and other programs of the committee and
5 its objectives as herein stated.

6 (2) The administrative committee shall be composed of:

7 (a) Five (5) members each of whom is a citizen of
8 Montana, and each of whom derives a substantial portion of
9 his income from producing swine in Montana,

10 (b) Four ex officio members (who may not vote on any
11 decisions, orders or regulations of the administrative
12 committee):

13 (i) the commissioner of the department of agriculture,

14 (ii) the dean of agriculture of Montana state
15 university,

16 (iii) administrator of brand enforcement, livestock
17 department,

18 (iv) administrator of animal health, livestock
19 department.

20 (3) One member of the administrative committee shall
21 be appointed from each of the following districts, and shall
22 be a resident of, and shall have swine operations in the
23 district from which appointed:

24 District I. consisting of Deer Lodge, Flathead,
25 Granite, Lake, Lincoln, Mineral, Missoula, Powell, Ravalli,

1 Sanders, Glacier, Liberty, Pondera, Teton, Toole,
2 Broadwater, Cascade, Lewis and Clark, Meagher, Beaverhead,
3 Gallatin, Jefferson, Madison, and Silverbow.

4 District II. consisting of Blaine, Chouteau, Hill,
5 Fergus, Golden Valley, Judith Basin, Musselshell, Petroleum,
6 Wheatland, Big Horn, Carbon, Park, Stillwater, Sweet Grass,
7 Yellowstone.

8 District III. consisting of Daniels, Dawson, Garfield,
9 McCone, Richland, Roosevelt, Sheridan, Valley, Treasure,
10 Carter, Custer, Fallon, Powder River, Prairie, Rosebud,
11 Wibaux, and Phillips.

12 (4) Two (2) members of the administrative committee
13 shall be appointed at large.

14 (5) A list of nominees for appointment to the
15 administrative committee may be submitted to the governor by
16 any farm or ranch organization which has substantial numbers
17 of its membership actively engaged in swine production.
18 Each nominee must be from the district for which the
19 appointment shall be made except for the at-large nominees.
20 The first list of nominees shall be submitted in less than
21 thirty-one (31) days after the effective date of this act
22 and thereafter names of nominees shall be submitted not less
23 than thirty-one (31) days prior to the expiration of any
24 committee member's term.

25 (6) Committee members shall be appointed for a term of

1 five (5) years, except that the terms of office of the
2 committee members first appointed shall be as follows:

- 3 (a) District I for four (4) years;
4 (b) District II for three (3) years;
5 (c) District III for two (2) years;
6 (d) At large No. 1 for five (5) years;
7 (e) At large No. 2 for one (1) year.
8 (7) Members appointed to fill unexpired terms shall be
9 appointed for the remainder of the unexpired term.

10 Section 5. Compensation -- per diem. Members of the
11 committee shall receive no salary but shall be paid, from
12 the committee account, a per diem of twenty dollars (\$20)
13 for each day they are actually and necessarily engaged in
14 the transaction of official business under this act.

15 Section 6. Removal from office -- cause -- procedure.
16 Any member of the administrative committee shall be
17 removable by the governor for malfeasance, misfeasance or
18 neglect of duty. Any member of the administrative
19 committee:

- 20 (1) ceasing to be a resident of the state of Montana,
21 (2) ceasing to live in the district from which he was
22 appointed, or
23 (3) ceasing to be actually engaged in producing swine
24 in said state or district, shall automatically be
25 disqualified from continuing as a member.

1 Section 7. Election of chairman -- time of meetings.
2 At the first meeting of the administrative committee, it
3 shall elect a chairman from among its members. The
4 committee shall meet at least once every six (6) months and
5 at such other times as called by the chairman or by any two
6 (2) members of committee.

7 Section 8. Powers of administrative committee. The
8 administrative committee shall have the power to:

9 (1) Adopt rules and regulations as are necessary and
10 advisable to effect efficient administration of this
11 act;

12 (2) Promptly and effectively ~~to~~ enforce the provisions
13 of this act;

14 (3) To conduct adequate, intensive and timely research
15 into the promotion, marketing, PRODUCTION and uses of pork
16 in all phases and relationships.

17 (4) Enter into written contracts or agreements with
18 recognized agencies, public or private, within or without
19 the state of Montana, for the purpose of, but not limited
20 to, improving pork quality, increasing the efficiency of
21 production, developing marketing knowledge, developing
22 markets and promoting pork and pork products. None of the
23 duties, authorities and powers set forth in this act and
24 delegated to the administrative committee shall be construed
25 to mean or permit participation in state or federal

1 political action.

2 Section 9. Establishment of administrative office. The
3 department of livestock shall upon recommendation of
4 administrative committee, establish an administrative office
5 in the state of Montana at such place as may be suitable for
6 the efficient administration of this act.

7 Section 10. Assessments. There is hereby assessed a
8 per head levy of ten cents (10¢) on all swine sold by
9 producers to purchasers beginning July 1, 1975. The
10 assessment shall be deducted and collected at the time of
11 sale from the producers receipt of sale and remitted to
12 department of livestock by purchaser under the provisions of
13 this act.

14 Section 11. Purchasers delivery of invoice to
15 producers -- form -- filing of sworn statement -- payment of
16 assessment. (1) The purchaser of swine at the time of
17 settlement, shall make and deliver invoices for each
18 purchase to the producer. Such invoices shall show

19 (a) the name and address of the producer and purchaser

20 (b) the number of swine sold

21 (c) the date of the purchase and the amount of
22 assessment collected and remitted to the department of
23 livestock.

24 (2) The purchaser shall deliver to and have on file
25 with the department of livestock on forms prescribed by the

1 committee by the twentieth (20th) day of each calendar month
2 following any calendar month in which purchaser shall
3 purchase swine of a producer, beginning on August 20, 1975,
4 a sworn statement of the number of swine purchased in
5 Montana during the preceding calendar month. At the time
6 the sworn statement is filed, the purchaser shall pay and
7 remit to the department of livestock the assessment provided
8 for in this act for deposit in the swine research and
9 marketing account.

10 (3) The statement referred to in subsection (1) (2) of
11 this section, shall be legibly written and shall be entirely
12 free of any corrections or erasures on the face thereof.
13 Any person who shall alter any part of any statement shall
14 be guilty of a misdemeanor and, upon conviction thereof,
15 shall be punished as is provided herein.

16 (4) Any time after thirty (30) days from the deduction
17 of the assessment and before the expiration of ninety (90)
18 days following such deduction by the purchaser, the producer
19 may, upon the submission of a written, verified request
20 therefor to the administrative committee through the
21 department of livestock obtain a refund in the amount of the
22 assessment deducted by said purchaser. The request shall be
23 accompanied by the original invoices received by the
24 producer at the time of settlement. The pork research and
25 marketing committee shall keep complete records of all

1 refunds made under the provisions of this act. All original
2 invoices shall be returned to the producer with the refund
3 payments.

4 Section 12. Receipt of gifts, grants or donations for
5 research purposes. The pork research and marketing committee
6 is hereby authorized to receive any gifts, grants, or
7 donations for any research of scientific inquiries conducted
8 under authority of this act, and to use and expend the same
9 in compliance with the conditions, if any, of such grants,
10 gifts and donations, provided such conditions are valid
11 under the laws of the state of Montana, and in aid of the
12 purposes of this act.

13 Section 13. Research and marketing account -- sources
14 -- use -- expenditures. (1) There shall be established an
15 account known as the pork research and marketing account.
16 There shall be placed in the account;

17 (a) the proceeds of all assessments made, paid and
18 collected under this act, and

19 (b) the proceeds from all gifts, grants or donations
20 to the department of livestock for the use of the researches
21 conducted by the division of swine research and marketing.

22 (2) The account shall be maintained for the use of the
23 pork research and marketing committee of the department of
24 livestock and shall be separate and apart from all other
25 accounts of the department.

1 (3) There shall be transferred to the department of
2 livestock one percent (1%) of all money collected.

3 (4) There shall be paid out of this account claims for
4 expenditures under this act as are approved by the
5 department of livestock and state controller.

6 Section 14. Contracts for carrying out research,
7 promotion, and marketing of swine. (1) The Montana pork
8 research and marketing committee shall not set up research
9 units or agencies of its own, but shall cooperate and is
10 hereby empowered to enter into contracts with other lawful
11 and proper local, state or national organizations, public or
12 private, in carrying out all phases of research and
13 marketing contemplated by this act.

14 (2) Ten percent (10%) of all unrefunded assessments
15 shall be paid to the national meat board; and

16 (3) Ten percent (10%) of all unrefunded assessments
17 shall be paid to the national pork producer council.

18 Section 15. Violation of act -- penalty. Any person
19 violating any of the provisions of this act shall be guilty
20 of a misdemeanor, and shall, upon conviction, be fined not
21 less than twenty-five dollars (\$25) nor more than five
22 hundred dollars (\$500).

23 Section 16. Duration of act -- expiration -- reversion
24 of remaining funds. This act shall be in full force and
25 effect from July 1, 1975 for a period of seven (7) years.

1 If this act is not renewed through legislative action to
2 extend beyond seven (7) years, any money remaining that has
3 been collected under this act shall revert to Montana state
4 university to be used exclusively for swine research.

-End-

HOUSE OF REPRESENTATIVES

March 14, 1975

HOUSE COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION AMENDMENTS TO
SENATE BILL NO. 278, THIRD READING COPY.

1. Amend page 10, section 14, following subsection (1), line 13.

Strike: subsections (2) and (3) in their entirety.

AS SO AMENDED

BE CONCURRED IN

March 18, 1975

HOUSE OF REPRESENTATIVES

Committee of the Whole Amendment to SENATE BILL NO. 278,
third reading copy, as follows:

1. Amend page 10, section 14, lines 14 through 17.

Insert: subsections (2) and (3) in their entirety as they appeared in the third reading copy before being struck by the House Committee on Agriculture, Livestock, and Irrigation Amendment No. 1, dated March 14, 1975.

SENATE BILL NO. 278

INTRODUCED BY E. SMITH, NELSON

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A PORK RESEARCH AND MARKETING COMMITTEE TO PROMOTE EFFECTIVE RESEARCH INTO THE PRODUCTION AND MARKETING OF SWINE; AND PROVIDING FOR A TEN CENT (10¢) PER HEAD CHECK-OFF OF ALL SWINE SOLD IN MONTANA."

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

Section 1. Short title. This act may be cited as the "Montana Pork Research and Marketing Act".

Section 2. Creation of Montana pork research and marketing committee -- powers and duties exercised by the administrative committee. (1) There is hereby established a committee of pork research and marketing in the department of livestock of the state of Montana for administrative purposes only. The committee shall consist of:

- (a) an appointive administrative committee;
(b) ex officio members provided for in section 4 of this act.

(2) The department of livestock, acting with the advice and consent of the appointive administrative committee, may appoint administrative, secretarial and clerical assistance.

(3) No researchers or professional or scientific personnel may be employed to carry out the provisions of this act except as provided in section 14 of this act.

(4) The duties prescribed by this act shall be carried out by the administrative committee and it shall have the general supervision of all activities and personnel, but it may delegate details of supervision and administration to the department of livestock.

Section 3. Definitions. As used in this act, unless the context otherwise requires:

(1) "Committee" means the administrative committee hereby established to be known as the Montana pork research and marketing committee.

(2) "Producer" means anyone actively engaged in the production of swine and includes a person, partnership, association, corporation, cooperative, trust and any and all business units, devices, and arrangements.

(3) "Purchaser" means any licensed or bonded livestock dealer or livestock market in the state of Montana.

Section 4. Governor to appoint administrative committee -- duties -- composition -- districts -- nominees -- term of office. (1) The governor of the state of Montana shall appoint an administrative committee to be known as the Montana pork research and marketing committee, which committee shall:

1 (a) Advise and direct and be primarily responsible
2 for the enforcement and application of this act; and

3 (b) be responsible for conducting basic researches and
4 market development and other programs of the committee and
5 its objectives as herein stated.

6 (2) The administrative committee shall be composed of:

7 (a) Five (5) members each of whom is a citizen of
8 Montana, and each of whom derives a substantial portion of
9 his income from producing swine in Montana,

10 (b) Four ex officio members (who may not vote on any
11 decisions, orders or regulations of the administrative
12 committee):

13 (i) the commissioner of the department of agriculture,

14 (ii) the dean of agriculture of Montana state
15 university,

16 (iii) administrator of brand enforcement, livestock
17 department,

18 (iv) administrator of animal health, livestock
19 department.

20 (3) One member of the administrative committee shall
21 be appointed from each of the following districts, and shall
22 be a resident of, and shall have swine operations in the
23 district from which appointed:

24 District I. consisting of Deer Lodge, Flathead,
25 Granite, Lake, Lincoln, Mineral, Missoula, Powell, Ravalli,

1 Sanders, Glacier, Liberty, Pondera, Teton, Toole,
2 Broadwater, Cascade, Lewis and Clark, Meagher, Beaverhead,
3 Gallatin, Jefferson, Madison, and Silverbow.

4 District II. consisting of Blaine, Chouteau, Hill,
5 Fergus, Golden Valley, Judith Basin, Musselshell, Petroleum,
6 Wheatland, Big Horn, Carbon, Park, Stillwater, Sweet Grass,
7 Yellowstone.

8 District III. consisting of Daniels, Dawson, Garfield,
9 McCone, Richland, Roosevelt, Sheridan, Valley, Treasure,
10 Carter, Custer, Fallon, Powder River, Prairie, Rosebud,
11 Wibaux, and Phillips.

12 (4) Two (2) members of the administrative committee
13 shall be appointed at large.

14 (5) A list of nominees for appointment to the
15 administrative committee may be submitted to the governor by
16 any farm or ranch organization which has substantial numbers
17 of its membership actively engaged in swine production.
18 Each nominee must be from the district for which the
19 appointment shall be made except for the at-large nominees.
20 The first list of nominees shall be submitted in less than
21 thirty-one (31) days after the effective date of this act
22 and thereafter names of nominees shall be submitted not less
23 than thirty-one (31) days prior to the expiration of any
24 committee member's term.

25 (6) Committee members shall be appointed for a term of

1 five (5) years, except that the terms of office of the
2 committee members first appointed shall be as follows:

3 (a) District I for four (4) years;

4 (b) District II for three (3) years;

5 (c) District III for two (2) years;

6 (d) At large No. 1 for five (5) years;

7 (e) At large No. 2 for one (1) year.

8 (7) Members appointed to fill unexpired terms shall be
9 appointed for the remainder of the unexpired term.

10 Section 5. Compensation -- per diem. Members of the
11 committee shall receive no salary but shall be paid, from
12 the committee account, a per diem of twenty dollars (\$20)
13 for each day they are actually and necessarily engaged in
14 the transaction of official business under this act.

15 Section 6. Removal from office -- cause -- procedure.
16 Any member of the administrative committee shall be
17 removable by the governor for malfeasance, misfeasance or
18 neglect of duty. Any member of the administrative
19 committee:

20 (1) ceasing to be a resident of the state of Montana,

21 (2) ceasing to live in the district from which he was
22 appointed, or

23 (3) ceasing to be actually engaged in producing swine
24 in said state or district, shall automatically be
25 disqualified from continuing as a member.

1 Section 7. Election of chairman -- time of meetings.
2 At the first meeting of the administrative committee, it
3 shall elect a chairman from among its members. The
4 committee shall meet at least once every six (6) months and
5 at such other times as called by the chairman or by any two
6 (2) members of committee.

7 Section 8. Powers of administrative committee. The
8 administrative committee shall have the power to:

9 (1) Adopt rules and regulations as are necessary and
10 advisable to effect efficient administration of this
11 act;

12 (2) Promptly and effectively ~~to~~ enforce the provisions
13 of this act;

14 (3) To conduct adequate, intensive and timely research
15 into the promotion, marketing, PRODUCTION and uses of pork
16 in all phases and relationships.

17 (4) Enter into written contracts or agreements with
18 recognized agencies, public or private, within or without
19 the state of Montana, for the purpose of, but not limited
20 to, improving pork quality, increasing the efficiency of
21 production, developing marketing knowledge, developing
22 markets and promoting pork and pork products. None of the
23 duties, authorities and powers set forth in this act and
24 delegated to the administrative committee shall be construed
25 to mean or permit participation in state or federal

1 political action.

2 Section 9. Establishment of administrative office. The
3 department of livestock shall upon recommendation of
4 administrative committee, establish an administrative office
5 in the state of Montana at such place as may be suitable for
6 the efficient administration of this act.

7 Section 10. Assessments. There is hereby assessed a
8 per head levy of ten cents (10¢) on all swine sold by
9 producers to purchasers beginning July 1, 1975. The
10 assessment shall be deducted and collected at the time of
11 sale from the producers receipt of sale and remitted to
12 department of livestock by purchaser under the provisions of
13 this act.

14 Section 11. Purchasers delivery of invoice to
15 producers -- form -- filing of sworn statement -- payment of
16 assessment. (1) The purchaser of swine at the time of
17 settlement, shall make and deliver invoices for each
18 purchase to the producer. Such invoices shall show

19 (a) the name and address of the producer and purchaser
20 (b) the number of swine sold
21 (c) the date of the purchase and the amount of
22 assessment collected and remitted to the department of
23 livestock.

24 (2) The purchaser shall deliver to and have on file
25 with the department of livestock on forms prescribed by the

1 committee by the twentieth (20th) day of each calendar month
2 following any calendar month in which purchaser shall
3 purchase swine of a producer, beginning on August 20, 1975,
4 a sworn statement of the number of swine purchased in
5 Montana during the preceding calendar month. At the time
6 the sworn statement is filed, the purchaser shall pay and
7 remit to the department of livestock the assessment provided
8 for in this act for deposit in the swine research and
9 marketing account.

10 (3) The statement referred to in subsection (1) (2) of
11 this section, shall be legibly written and shall be entirely
12 free of any corrections or erasures on the face thereof.
13 Any person who shall alter any part of any statement shall
14 be guilty of a misdemeanor and, upon conviction thereof,
15 shall be punished as is provided herein.

16 (4) Any time after thirty (30) days from the deduction
17 of the assessment and before the expiration of ninety (90)
18 days following such deduction by the purchaser, the producer
19 may, upon the submission of a written, verified request
20 therefor to the administrative committee through the
21 department of livestock obtain a refund in the amount of the
22 assessment deducted by said purchaser. The request shall be
23 accompanied by the original invoices received by the
24 producer at the time of settlement. The pork research and
25 marketing committee shall keep complete records of all

1 refunds made under the provisions of this act. All original
2 invoices shall be returned to the producer with the refund
3 payments.

4 Section 12. Receipt of gifts, grants or donations for
5 research purposes. The pork research and marketing committee
6 is hereby authorized to receive any gifts, grants, or
7 donations for any research of scientific inquiries conducted
8 under authority of this act, and to use and expend the same
9 in compliance with the conditions, if any, of such grants,
10 gifts and donations, provided such conditions are valid
11 under the laws of the state of Montana, and in aid of the
12 purposes of this act.

13 Section 13. Research and marketing account -- sources
14 -- use -- expenditures. (1) There shall be established an
15 account known as the pork research and marketing account.
16 There shall be placed in the account;

17 (a) the proceeds of all assessments made, paid and
18 collected under this act, and

19 (b) the proceeds from all gifts, grants or donations
20 to the department of livestock for the use of the researches
21 conducted by the division of swine research and marketing.

22 (2) The account shall be maintained for the use of the
23 pork research and marketing committee of the department of
24 livestock and shall be separate and apart from all other
25 accounts of the department.

1 (3) There shall be transferred to the department of
2 livestock one percent (1%) of all money collected.

3 (4) There shall be paid out of this account claims for
4 expenditures under this act as are approved by the
5 department of livestock and state controller.

6 Section 14. Contracts for carrying out research,
7 promotion, and marketing of swine. (1) The Montana pork
8 research and marketing committee shall not set up research
9 units or agencies of its own, but shall cooperate and is
10 hereby empowered to enter into contracts with other lawful
11 and proper local, state or national organizations, public or
12 private, in carrying out all phases of research and
13 marketing contemplated by this act.

14 ~~(2) Ten percent (10%) of all unrefunded assessments~~
15 ~~shall be paid to the national meat board; and~~

16 ~~(3) Ten percent (10%) of all unrefunded assessments~~
17 ~~shall be paid to the national pork producer council;~~

18 (2) TEN PERCENT (10%) OF ALL UNREFUNDED ASSESSMENTS
19 SHALL BE PAID TO THE NATIONAL MEAT BOARD; AND

20 (3) TEN PERCENT (10%) OF ALL UNREFUNDED ASSESSMENTS
21 SHALL BE PAID TO THE NATIONAL PORK PRODUCER COUNCIL.

22 Section 15. Violation of act -- penalty. Any person
23 violating any of the provisions of this act shall be guilty
24 of a misdemeanor, and shall, upon conviction, be fined not
25 less than twenty-five dollars (\$25) nor more than five

1 hundred dollars (\$500).

2 Section 16. Duration of act -- expiration -- reversion
3 of remaining funds. This act shall be in full force and
4 effect from July 1, 1975 for a period of seven (7) years.
5 If this act is not renewed through legislative action to
6 extend beyond seven (7) years, any money remaining that has
7 been collected under this act shall revert to Montana state
8 university to be used exclusively for swine research.

-End-