.

(3) No researchers or professional or scientifi	1	SENATE BILL NO. 278	1
personnel may be employed to carry out the provisions o	2	INTRODUCED BY E. SMITH, NELSON	2
this act except as provided in section 14 of this act.	3		3
(4) The duties prescribed by this act shall be carrie	4	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A PORK	4
out by the administrative committee and it shall have th	5	RESEARCH AND MARKETING COMMITTEE TO PROMOTE EFFECTIVE	5
general supervision of all activities and personnel, but i	6	RESEARCH INTO THE PRODUCTION AND MARKETING OF SWINE; AND	6
may delegate details of supervision and administration t	7	PROVIDING FOR A TEN CENT (10¢) PER HEAD CHECK-OFF OF ALL	7
the department of livestock.	8	SWINE SOLD IN MONTANA."	8
Section 3. Definitions. As used in this act, unles	9		9
the context otherwise requires:	0	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10
(1) "Committee" means the administrative committe	1	Section 1. Short title. This act may be cited as the	11
hereby established to be known as the Montana pork researc	2	"Montana Pork Research and Marketing Act".	12
and marketing committee.	3	Section 2. Creation of Montana pork research and	13
(2) "Producer" means anyone actively engaged in th	4	marketing committee powers and duties exercised by the	14
production of swine and includes a person, partnership	5	administrative committee. (1) There is hereby established a	15
association, corporation, cooperative, trust and any and al	6	committee of pork research and marketing in the department	16
business units, devices, and arrangements.	7	of livestock of the state of Montana for administrative	17
(3) "Purchaser" means any licensed or bonded livestoo	8	purposes only. The committee shall consist of:	18
dealer or livestock market in the state of Montana.	9	(a) an appointive administrative committee;	19
Section 4. Governor to appoint administrativ	0	(b) ex officio members provided for in section 4 of	20
committee duties composition districts nominee	1	this act.	21
term of office. (1) The governor of the state of Montan	2	(2) The department of livestock, acting with the	22
shall appoint an administrative committee to be known as th	3	advice and consent of the appointive administrative	23
Montana pork research and marketing committee, whic	4	committee, may appoint administrative, secretarial and	24
committee shall:	5	clerical assistance.	25
-2 SB 27			_

INTRODUCED BILL

SB 278

Toole.

SB 278

Pondera,

Teton,

1 (a) Advise and direct and be primarily responsible Ŧ Sanders, Glacier, Liberty, 2 for the enforcement and application of this act; and 2 Broadwater, Cascade, Lewis and Clark, Meagher, Beaverhead, 3 (b) be responsible for conducting basic researches and 3 Gallatin, Jefferson, Madison, and Silverbow. 4 District II. consisting of Blaine, Chouteau, Hill, 4 market development and other programs of the committee and Fergus, Golden Valley, Judith Basin, Musselshell, Petroleum, 5 its objectives as herein stated. 5 6 (2) The administrative committee shall be composed of: Wheatland, Big Horn, Carbon, Park, Stillwater, Sweet Grass, 6 7 (a) Five (5) members each of whom is a citizen of 7 Yellowstone. 8 Montana, and each of whom derives a substantial portion of 8 District III. consisting of Daniels, Dawson, Garfield, his income from producing swine in Montana. 9 McCone, Richland, Roosevelt, Sheridan, Valley, Treasure, 9 10 (b) Four ex officio members (who may not vote on any 10 Carter, Custer, Fallon, Powder River, Prairie, Rosebud, decisions, orders or regulations of the administrative Wibaux, and Phillips. 11 11 12 committee): (4) Two (2) members of the administrative committee 12 13 (i) the commissioner of the department of agriculture, 13 shall be appointed at large. 14 (ii) the dean of agriculture of Montana state 14 (5) A list of nominees for appointment to the 15 university. 15 administrative committee may be submitted to the governor by 16 (iii) administrator of brand enforcement, livestock 16 any farm or ranch organization which has substantial numbers department, 17 17 of its membership actively engaged in swine production. 18 (iv) administrator of animal health. livestock 18 Each nominee must be from the district for which the 19 department. appointment shall be made except for the at-large nominees. 19 (3) One member of the administrative committee shall 20 20 The first list of nominees shall be submitted in less than be appointed from each of the following districts, and shall 21 21 thirty-one (31) days after the effective date of this act 22 be a resident of, and shall have swine operations in the 22 and thereafter names of nominees shall be submitted not less 23 district from which appointed: 23 than thirty-one (31) days prior to the expiration of any 24 District I. consisting of Deer Lodge, Flathead, 24 committee member's term. 25 Granite, Lake, Lincoln, Mineral, Missoula, Powell, Ravalli, 25 (6) Committee members shall be appointed for a term of SB 278 -3--4-

five (5) years. except that the terms of office of the 1 committee members first appointed shall be as follows: 2 (a) District I for four (4) years; 3 4 (b) District II for three (3) years; 5 District III for two (2) years; (c) At large No. 1 for five (5) years; 6 (d)(e) At large No. 2 for one (1) year. 7 (7) Members appointed to fill unexpired terms shall be 8 appointed for the remainder of the unexpired term. 9 Section 5. Compensation -- per diem. Members of the 10 11 committee shall receive no salary but shall be paid, from the committee account. a per diem of twenty dollars (\$20) 12 for each day they are actually and necessarily engaged in 13 the transaction of official business under this act. 14 Section 6. Removal from office -- cause -- procedure. 15 Any member of the administrative committee shall be 16 17 removable by the governor for malfeasance, misfeasance or neglect of duty. Any member of the administrative 18 committee: 19 (1) ceasing to be a resident of the state of Montana, 20 (2) ceasing to live in the district from which he was 21 appointed, or 22 (3) ceasing to be actually engaged in producing swine 23 in said state or district, shall automatically be 24

Section 7. Election of chairman -- time of meetings. 1 2 At the first meeting of the administrative committee, it 3 shall elect a chairman from among its members. The committee shall meet at least once every six (6) months and Δ 5 at such other times as called by the chairman or by any two (2) members of committee. 6 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: (2) Promptly and effectively to enforce the provisions 12 of this act: 13 (3) To conduct adequate, intensive and timely research 14 into the promotion, marketing and uses of pork in all phases 15 16 and relationships. 17 (4) Enter into written contracts or agreements with recognized agencies, public or private, within or without 18 the state of Montana, for the purpose of, but not limited 19 to, improving pork quality, increasing the efficiency of 20 21 production, developing marketing knowledge, developing markets and promoting pork and pork products. None of the 22 23 duties, authorities and powers set forth in this act and delegated to the administrative committee shall be construed 24 25 to mean or permit participation in state or federal SB 278 -6-

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disqualified from continuing as a member.

25

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 purchaser20 (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
 -7- SB 278

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 Montana during the preceding calendar month. At the time 5 the sworn statement is filed, the purchaser shall pay and 6 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 -8-SB 278

2

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

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

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

(b) the proceeds from all gifts, grants or donations 19 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 pork research and marketing committee of the department of 23 livestock and shall be separate and apart from all other 24 25 accounts of the department.

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

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

6 Section 14. Contracts for carrying out research. promotion. and marketing of swine. (1) The Montana pork 7 8 research and marketing committee shall not set up research units or agencies of its own, but shall cooperate and is 9 hereby empowered to enter into contracts with other lawful 10 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.

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

-End-

Approved by Committee on Agrigulture 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, unless10 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.

(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.

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:

SECOND READING

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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 his income from producing swine in Montana, 9 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, (iv) administrator of animal health, 18 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, -3-SB 278

Sanders, Glacier, Liberty, Pondera, Teton, Toole,
 Broadwater, Cascade, Lewis and Clark, Meagher, Beaverhead,
 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 committee13 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. The first list of nominees shall be submitted in less than 20 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 -4- SB 278

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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.

2 At the first meeting of the administrative committee, it elect a chairman from among its members. The 3 shall committee shall meet at least once every six (6) months and 4 at such other times as called by the chairman or by any two 5 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; (2) Promptly and effectively to enforce the provisions 12 13 of this act; 14 (3) To conduct adequate, intensive and timely research into the promotion, marketing, PRODUCTION and uses of pork 15 16 in all phases and relationships. (4) Enter into written contracts or agreements with 17 recognized agencies, public or private, within or without 18 19 the state of Montana, for the purpose of, but not limited 20 to, improving pork quality, increasing the efficiency of

Section 7. Election of chairman -- time of meetings.

- 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 to mean or permit participation in state or federal 25

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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.

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

19 (a) the name and address of the producer and purchaser20 (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.

(2) The purchaser shall deliver to and have on file
 with the department of livestock on forms prescribed by the
 -7- SB 278

1 committee by the twentieth (20th) day of each calendar month following any calendar month in which purchaser shall 2 3 purchase swine of a producer, beginning on August 20, 1975, a sworn statement of the number of swine purchased in 4 Montana during the preceding calendar month. At the time 5 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 marketing account. 9

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 may, upon the submission of a written, verified request 19 therefor to the administrative committee through the 20 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 SB 278 -8refunds made under the provisions of this act. All original
 invoices shall be returned to the producer with the refund
 payments.

Section 12. Receipt of gifts, grants or donations for 4 research purposes. The pork research and marketing committee 5 is hereby authorized to receive any gifts, grants, or 6 donations for any research of scientific inquiries conducted 7 under authority of this act, and to use and expend the same 8 in compliance with the conditions, if any, of such grants, 9 gifts and donations, provided such conditions are valid 10 under the laws of the state of Montana, and in aid of the 11 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 and18 collected under this act, and

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

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

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(3) There shall be transferred to the department of
 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.

б Section 14. Contracts for carrying out research, 7 promotion, and marketing of swine. (1) The Montana pork research and marketing committee shall not set up research 8 9 units or agencies of its own, but shall cooperate and is hereby empowered to enter into contracts with other lawful 10 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 assessments15 shall be paid to the national meat board: and

16 (3) Ten percent (10%) of all unrefunded assessments17 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).

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

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SB 278

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

-End-

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SENATE BILL NO. 278 1 (3) No researchers or professional or scientific 1 INTRODUCED BY E. SMITH. NELSON 2 2 personnel may be employed to carry out the provisions of З 3 this act except as provided in section 14 of this act. A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A PORK 4 4 (4) The duties prescribed by this act shall be carried RESEARCH AND MARKETING COMMITTEE TO PROMOTE EFFECTIVE 5 5 out by the administrative committee and it shall have the RESEARCH INTO THE PRODUCTION AND MARKETING OF SWINE; AND 6 6 general supervision of all activities and personnel, but it PROVIDING FOR A TEN CENT (10¢) PER HEAD CHECK-OFF OF ALL 7 7 may delegate details of supervision and administration to SWINE SOLD IN MONTANA." 8 the department of livestock. 8 9 Section 3. Definitions. As used in this act, unless 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 10 the context otherwise requires: Section 1. Short title. This act may be cited as the 11 11 (1) "Committee" means the administrative committee "Montana Pork Research and Marketing Act". hereby established to be known as the Montana pork research 12 12 Section 2. Creation of Montana pork research and 13 and marketing committee. 13 marketing committee -- powers and duties exercised by the 14 14 (2) "Producer" means anyone actively engaged in the 15 administrative committee. (1) There is hereby established a 15 production of swine and includes a person, partnership, committee of pork research and marketing in the department 16 association, corporation, cooperative, trust and any and all 16 of livestock of the state of Montana for administrative 17 17 business units, devices, and arrangements. (3) "Purchaser" means any licensed or bonded livestock 18 purposes only. The committee shall consist of: 18 (a) an appointive administrative committee; 19 19 dealer or livestock market in the state of Montana. (b) ex officio members provided for in section 4 of 20 Section 4. Governor appoint administrative 20 to committee -- duties -- composition -- districts -- nominees 21 21 this act. 22 (2) The department of livestock, acting with the 22 -- term of office. (1) The governor of the state of Montana advice and consent of the appointive administrative 23 23 shall appoint an administrative committee to be known as the committee, may appoint administrative, secretarial and Montana pork research and marketing committee, which 24 24 25 committee shall: 25 clerical assistance. SE 278 -2-

THIRD READING

(a) Advise and direct and be primarily responsible 1 Sanders. for the enforcement and application of this act; and 2 (b) be responsible for conducting basic researches and 3 market development and other programs of the committee and 4 its objectives as herein stated. 5 The administrative committee shall be composed of: (2) 6 (a) Five (5) members each of whom is a citizen of 7 Montana, and each of whom derives a substantial portion of 8 his income from producing swine in Montana, 9 (b) Four ex officio members (who may not vote on any 10 decisions, orders or regulations of the administrative 11 committee): 12 (i) the commissioner of the department of agriculture. 13 (ii) the dean of agriculture of Montana state 14 15 (iii) administrator of brand enforcement, livestock 16 17 18 19 20 21 22 23 District I. consisting of Deer Lodge, Flathead, 24 25

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

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

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

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

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

(6) Committee members shall be appointed for a term of -4-SB 278

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university, 15

16 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 25 Granite, Lake, Lincoln, Mineral, Missoula, Powell, Ravalli, SB 278

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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; District II for three (3) years: 4 (b) 5 District III for two (2) years; (c) (d) At large No. 1 for five (5) years; 6 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 the committee account, a per diem of twenty dollars (\$20) 12 for each day they are actually and necessarily engaged in 13 the transaction of official business under this act. 14 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 neglect of duty. Any member of the administrative 18 committee: 19 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 in said state or district, shall automatically be 24

1 Section 7. Election of chairman -- time of meetings. 2 At the first meeting of the administrative committee, it shall elect a chairman from among its members. 3 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 (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 advisable to effect efficient administration of this 10 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 recognized agencies, public or private, within or without 18 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

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disgualified from continuing as a member.

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1 political action.

Section 9. Establishment of administrative office. The department of livestock shall upon recommendation of administrative committee, establish an administrative office in the state of Montana at such place as may be suitable for 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 purchaser20 (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
 -7- SB 278

1 committee by the twentieth (20th) day of each calendar month 2 following any calendar month in which purchaser shall purchase swine of a producer, beginning on August 20, 1975. 3 a sworn statement of the number of swine purchased in 5 Montana during the preceding calendar month. At the time the sworn statement is filed, the purchaser shall pay and 6 7 remit to the department of livestock the assessment provided R 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 -8-SB 278

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

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

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 and18 collected under this act, and

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

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

(3) There shall be transferred to the department of
 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 assessments15 shall be paid to the national meat board; and

16 (3) Ten percent (10%) of all unrefunded assessments17 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.

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If this act is not renewed through legislative action to
 extend beyond seven (7) years, any money remaining that has
 been collected under this act shall revert to Montana state
 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 pm Agriculture, Livestock, and Irrigation Amendment No. 1, dated March 14, 1975.

SB 0278/03

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."

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10 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".

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 of21 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, unless10 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:

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REFERENCE BILL

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1 (a) Advise and direct and be primarily responsible 2 for the enforcement and application of this act; and (b) be responsible for conducting basic researches and 3 market development and other programs of the committee and 4 its objectives as herein stated. 5 (2) The administrative committee shall be composed of: 6 (a) Five (5) members each of whom is a citizen of 7 Montana. and each of whom derives a substantial portion of 8 his income from producing swine in Montana, 9 (b) Four ex officio members (who may not vote on any 10 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 be appointed from each of the following districts, and shall 21 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, -3-SB 278

1 Sanders. Glacier, Liberty, Pondera, Teton. Toole, 2 Broadwater, Cascade, Lewis and Clark, Meagher, Beaverhead, Gallatin, Jefferson, Madison, and Silverbow. 3 District II. consisting of Blaine, Chouteau, Hill, 4 Fergus, Golden Valley, Judith Basin, Musselshell, Petroleum, 5 Wheatland, Big Horn, Carbon, Park, Stillwater, Sweet Grass, 6 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 administrative committee may be submitted to the governor by 15 any farm or ranch organization which has substantial numbers 16 of its membership actively engaged in swine production. 17 Each nominee must be from the district for which the 18 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 and thereafter names of nominees shall be submitted not less 22

24 committee member's term.

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 (6) Committee members shall be appointed for a term of -4- SB 278

than thirty-one (31) days prior to the expiration of any

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five (5) years, except that the terms of office of the 1 committee members first appointed shall be as follows: 2 (a) District I for four (4) years: 3 District II for three (3) years; 4 (b) District III for two (2) years; 5 (c) At large No. 1 for five (5) years; 6 (d) 7 (e)At large No. 2 for one (1) year. Members appointed to fill unexpired terms shall be 8 (7) appointed for the remainder of the unexpired term. 9 Section 5. Compensation -- per diem. Members of the 10 11 committee shall receive no salary but shall be paid, from the committee account, a per diem of twenty dollars (\$20) 12 13 for each day they are actually and necessarily engaged in the transaction of official business under this act. 14 Section 6. Removal from office -- cause -- procedure. 15 Any member of the administrative committee shall be 16 removable by the governor for malfeasance, misfeasance or 17 neglect of duty. Any member of the administrative 18 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 disgualified from continuing as a member. 25

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 at such other times as called by the chairman or by any two (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 advisable to effect efficient administration of this 10 11 act:

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

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 recognized agencies, public or private, within or without 18 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

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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.

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

19 (a) the name and address of the producer and purchaser20 (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
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committee by the twentieth (20th) day of each calendar month 1 following any calendar month in which purchaser shall 2 purchase swine of a producer, beginning on August 20, 1975, 3 a sworn statement of the number of swine purchased in 4 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 for in this act for deposit in the swine research and 8 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) days following such deduction by the purchaser, the producer 18 may, upon the submission of a written, verified request 19 20 therefor to the administrative committee through the department of livestock obtain a refund in the amount of the 21 22 assessment deducted by said purchaser. The request shall be accompanied by the original invoices received by the 23 producer at the time of settlement. The pork research and 24 marketing committee shall keep complete records of all 25 -8-SB 278

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

Section 12. Receipt of gifts, grants or donations for 4 research purposes. The pork research and marketing committee 5 is hereby authorized to receive any gifts, grants, or 6 7 donations for any research of scientific inquiries conducted under authority of this act, and to use and expend the same 8 in compliance with the conditions. if any, of such grants, 9 gifts and donations, provided such conditions are valid 10 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 and18 collected under this act, and

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

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

(3) There shall be transferred to the department of 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)--Yen--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

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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-

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