

HOUSE BILL NO. 740

INTRODUCED BY SWITZER, DEVLIN, DONALDSON, J. RYAN, MARKS,
IVERSON, TVEIT, BURNETT, HOLLIDAY, CURTISS, C. SMITH

IN THE HOUSE

February 12, 1981	Introduced and referred to Committee on Agriculture.
February 16, 1981	Fiscal note requested.
February 18, 1981	Committee recommend bill do pass. Report adopted.
	Statement of intent attached.
February 19, 1981	Bill printed and placed on members' desks.
February 20, 1981	Fiscal note returned.
February 21, 1981	Second reading, do pass.
February 23, 1981	Considered correctly engrossed.
February 24, 1981	Third reading, passed. Ayes, 94; Noes, 4. Transmitted to Senate.

IN THE SENATE

March 2, 1981	Introduced and referred to Com- mittee on Agriculture, Livestock, and Irrigation.
March 17, 1981	Committee recommend bill be con- curred in as amended. Report adopted.
March 19, 1981	Second reading, concurred in as amended.
March 21, 1981	Third reading, concurred in as amended. Ayes, 31; Noes, 18.

IN THE HOUSE

March 23, 1981

Returned from Senate with amendments.

April 8, 1981

Second reading, amendments concurred in.

April 9, 1981

Third reading, amendments concurred in. Ayes, 93; Noes, 1. Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 740

INTRODUCED BY

Switzer, Decker, Dowler, Ryan, Chen, Tward, Burnett, Holliday, Curtis, C. Smith, Mack

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE DEPARTMENT OF LIVESTOCK TO CONDUCT RESEARCH PROGRAMS WITH REGARD TO ALL PHASES OF BEEF PRODUCTION AND TO PROMOTE THE USE AND CONSUMPTION OF BEEF AND BEEF PRODUCTS; PROVIDING FOR A TAX ON CATTLE TO FUND THE DEPARTMENT'S ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

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

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

Section 2. Definition. As used in [this act], "department" means the department of livestock.

Section 3. Department's research powers and duties.

(1) The department shall:

(a) conduct and promote scientific and practical research with regard to all phases of beef production;

(b) encourage the use and consumption of beef and beef products; and

(c) be responsible for administering [this act].

(2) The department may:

(a) engage in research, education, advertising, promotion, and publicity;

(b) research and publicize statistics and other reliable and useful information showing the commercial value of beef and beef products;

(c) study state and federal legislation regarding tariffs, duties, reciprocal trade agreements, import quotas, and other matters affecting marketing in the beef industry and protect the interests of and represent the beef industry in Montana with respect to any federal or state legislation or proposed legislation and any federal or state executive action that may affect that industry;

(d) apply for grants:

(i) from research agencies that are financing special or emergency studies; or

(ii) for the purchase or acquisition of facilities necessary for the implementation of [this act];

(e) enter into agreements with recognized local, state, or national organizations, public or private, to promote research, education, advertising, and publicity of the beef industry;

(f) cooperate with any local, state, or national organizations, including recognized livestock groups, engaged in work or activities similar to the work and activities of the department provided for in [this act];

(g) accept any grant, donation, or gift from any source, public or private, and spend it in compliance with

1 [this act]; and

2 (h) adopt rules necessary for the administration of
3 [this act].

4 Section 4. Assessments -- refunds. (1) There is
5 levied, in addition to the tax on livestock prescribed in
6 Title 15, chapter 24, part 9, a per head tax of 25 cents on
7 each head of cattle that is more than 9 months of age and is
8 owned or possessed within a county for the support and
9 maintenance of research into beef production as provided in
10 [this act]. The tax shall be paid to the county treasurer of
11 that county on or before March 1 of each year.

12 (2) The tax required in subsection (1) must be paid
13 for each head of cattle that is more than 9 months of age
14 and is brought into the county after March 1 and is subject
15 to taxation and assessment under 15-24-301.

16 (3) Each county is entitled to receive \$250 annually
17 as reimbursement for the administration of this section.

18 (4) A person who has paid the tax required by this
19 section may obtain a refund of the tax upon submission of a
20 written request to the department. The application must be
21 made within 30 days after the payment of the tax and on
22 forms furnished by the department. The department shall,
23 upon receipt of a timely and otherwise properly submitted
24 refund request, refund the tax.

25 Section 5. Beef production research account -- sources

1 -- use -- expenditures. (1) There is an account in the
2 federal and private revenue fund known as the beef
3 production research account. The following shall be placed
4 in the account:

5 (a) the proceeds of all taxes collected under [section
6 4]; and

7 (b) the proceeds from all gifts, grants, and donations
8 to the department for activities authorized under [this
9 act].

10 (2) The account shall be maintained for the purposes
11 of [this act] and shall be separate from all other accounts
12 of the department.

13 (3) At least 20% of all contributions and unrefunded
14 taxes received by the department shall be paid to the
15 national livestock and meat board and at least 20% of such
16 contributions and taxes shall be paid to the national beef
17 industry council to carry out, on a national level, work and
18 programs approved by the department.

19 Section 6. Duration -- expiration -- reversion of
20 remaining funds. [This act] shall be in effect from July 1,
21 1981, to July 1, 1989. If [this act] is not renewed to
22 extend beyond July 1, 1989, any money remaining in the beef
23 production research account shall revert to Montana state
24 university to be used exclusively for beef cattle research.

-End-

STATE OF MONTANA

REQUEST NO. 382-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 17, , 19 81 , there is hereby submitted a Fiscal Note for House Bill 740 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

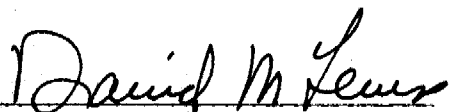
House Bill 740 authorizes the Department of Livestock to conduct research in all phases of beef production and to promote the use and consumption of beef and beef products. Provides for funding.

Assumption

1. Cattle numbers will be about 1,900,000 head.
2. Bill will levy 25¢ per head.

Revenue Impact

House Bill 740 will generate about \$475,000 annually for research and promotion programs. This money will be deposited in an earmarked revenue account. It is expected that all the money collected under this measure will be spent implementing the program.


BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/21/81

1 STATEMENT OF INTENT

2 HOUSE BILL 740

3 House Agriculture Committee
4

5 A statement of intent is required for House Bill 740
6 because it delegates rulemaking authority to the Department
7 of Livestock in section 3.

8 The purposes of the Montana Beef Research and Marketing
9 Act are similar to those of the Montana Pork Research and
10 Marketing Act and it is the intent of the Legislature that
11 it be administered in a similar manner. Rules adopted under
12 HB 740 should not be significantly different from those
13 adopted under the Montana Pork Research and Marketing Act.

14 It is the further intent of the Legislature that the
15 Department pursue the goals of the Act by expanding the
16 research and marketing efforts that already exist. The
17 Department should not establish any research unit or agency
18 of its own but should carry out the purposes of the Act in
19 cooperation with local, state, or national organizations,
20 public or private, in carrying out all phases of research
21 and marketing contemplated by the bill. The Legislature
22 expects that most Montana research and marketing activity
23 will be handled by the Montana Beef Council.

Approved by Committee
on Agriculture Livestock
& Irrigation

1 HOUSE BILL NO. 740
2 INTRODUCED BY SWITZER, DEVLIN, DONALDSON, J. RYAN, MARKS,
3 IVERSON, TVEIT, BURNETT, HOLLIDAY, CURTISS, C. SMITH
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE
6 DEPARTMENT OF LIVESTOCK TO CONDUCT RESEARCH PROGRAMS WITH
7 REGARD TO ALL PHASES OF BEEF PRODUCTION AND TO PROMOTE THE
8 USE AND CONSUMPTION OF BEEF AND BEEF PRODUCTS; PROVIDING FOR
9 A TAX ON CATTLE TO FUND THE DEPARTMENT'S ACTIVITIES; AND
10 PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."
11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13 Section 1. Short title. [This act] may be cited as the
14 "Montana Beef Research and Marketing Act".
15 Section 2. Definition. As used in [this act],
16 "department" means the department of livestock.
17 Section 3. Department's research powers and duties.
18 (1) The department shall:
19 (a) conduct and promote scientific and practical
20 research with regard to all phases of beef production;
21 (b) encourage the use and consumption of beef and beef
22 products; and
23 (c) be responsible for administering [this act].
24 (2) The department may:
25 (a) engage in research, education, advertising,

1 promotion, and publicity;
2 (b) research and publicize statistics and other
3 reliable and useful information showing the commercial value
4 of beef and beef products;
5 (c) study state and federal legislation regarding
6 tariffs, duties, reciprocal trade agreements, import quotas,
7 and other matters affecting marketing in the beef industry
8 and protect the interests of and represent the beef industry
9 in Montana with respect to any federal or state legislation
10 or proposed legislation and any federal or state executive
11 action that may affect that industry;
12 (d) apply for grants:
13 (i) from research agencies that are financing special
14 or emergency studies; or
15 (ii) for the purchase or acquisition of facilities
16 necessary for the implementation of [this act];
17 (e) enter into agreements with recognized local,
18 state, or national organizations, public or private, to
19 promote research, education, advertising, and publicity of
20 the beef industry;
21 (f) cooperate with any local, state, or national
22 organizations, including recognized livestock groups,
23 engaged in work or activities similar to the work and
24 activities of the department provided for in [this act];
25 (g) accept any grant, donation, or gift from any

1 source, public or private, and spend it in compliance with
2 [this act]; and

3 (h) adopt rules necessary for the administration of
4 [this act].

5 Section 4. Assessments -- refunds. (1) There is
6 levied, in addition to the tax on livestock prescribed in
7 Title 15, chapter 24, part 9, a per head tax of 25 cents on
8 each head of cattle that is more than 9 months of age and is
9 owned or possessed within a county for the support and
10 maintenance of research into beef production as provided in
11 [this act]. The tax shall be paid to the county treasurer of
12 that county on or before March 1 of each year.

13 (2) The tax required in subsection (1) must be paid
14 for each head of cattle that is more than 9 months of age
15 and is brought into the county after March 1 and is subject
16 to taxation and assessment under 15-24-301.

17 (3) Each county is entitled to receive \$250 annually
18 as reimbursement for the administration of this section.

19 (4) A person who has paid the tax required by this
20 section may obtain a refund of the tax upon submission of a
21 written request to the department. The application must be
22 made within 30 days after the payment of the tax and on
23 forms furnished by the department. The department shall,
24 upon receipt of a timely and otherwise properly submitted
25 refund request, refund the tax.

1 Section 5. Beef production research account -- sources
2 -- use -- expenditures. (1) There is an account in the
3 federal and private revenue fund known as the beef
4 production research account. The following shall be placed
5 in the account:

6 (a) the proceeds of all taxes collected under [section
7 4]; and

8 (b) the proceeds from all gifts, grants, and donations
9 to the department for activities authorized under [this
10 act].

11 (2) The account shall be maintained for the purposes
12 of [this act] and shall be separate from all other accounts
13 of the department.

14 (3) At least 20% of all contributions and unrefunded
15 taxes received by the department shall be paid to the
16 national livestock and meat board and at least 20% of such
17 contributions and taxes shall be paid to the national beef
18 industry council to carry out, on a national level, work and
19 programs approved by the department.

20 Section 6. Duration -- expiration -- reversion of
21 remaining funds. [This act] shall be in effect from July 1,
22 1981, to July 1, 1989. If [this act] is not renewed to
23 extend beyond July 1, 1989, any money remaining in the beef
24 production research account shall revert to Montana state
25 university to be used exclusively for beef cattle research.

-End-

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2 HOUSE BILL 740

3 House Agriculture Committee

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14 It is the further intent of the Legislature that the
15 Department pursue the goals of the Act by expanding the
16 research and marketing efforts that already exist. The
17 Department should not establish any research unit or agency
18 of its own but should carry out the purposes of the Act in
19 cooperation with local, state, or national organizations,
20 public or private, in carrying out all phases of research
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22 expects that most Montana research and marketing activity
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HOUSE BILL NO. 740

INTRODUCED BY

Switzer, Decker, Douglas, J. Ryan, C. Smith, Mack, Sweet, Burnett, Holliday, Curtis

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE DEPARTMENT OF LIVESTOCK TO CONDUCT RESEARCH PROGRAMS WITH REGARD TO ALL PHASES OF BEEF PRODUCTION AND TO PROMOTE THE USE AND CONSUMPTION OF BEEF AND BEEF PRODUCTS; PROVIDING FOR A TAX ON CATTLE TO FUND THE DEPARTMENT'S ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

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(c) be responsible for administering [this act].

(2) The department may:

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(c) study state and federal legislation regarding tariffs, duties, reciprocal trade agreements, import quotas, and other matters affecting marketing in the beef industry and protect the interests of and represent the beef industry in Montana with respect to any federal or state legislation or proposed legislation and any federal or state executive action that may affect that industry;

(d) apply for grants:

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(ii) for the purchase or acquisition of facilities necessary for the implementation of [this act];

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8 to the department for activities authorized under [this
9 act].

10 (2) The account shall be maintained for the purposes
11 of [this act] and shall be separate from all other accounts
12 of the department.

13 (3) At least 20% of all contributions and unrefunded
14 taxes received by the department shall be paid to the
15 national livestock and meat board and at least 20% of such
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17 industry council to carry out, on a national level, work and
18 programs approved by the department.

19 Section 6. Duration -- expiration -- reversion of
20 remaining funds. [This act] shall be in effect from July 1,
21 1981, to July 1, 1989. If [this act] is not renewed to
22 extend beyond July 1, 1989, any money remaining in the beef
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24 university to be used exclusively for beef cattle research.

-End-

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3 House Agriculture Committee

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15 Department pursue the goals of the Act by expanding the
16 research and marketing efforts that already exist. The
17 Department should not establish any research unit or agency
18 of its own but should carry out the purposes of the Act in
19 cooperation with local, state, or national organizations,
20 public or private, in carrying out all phases of research
21 and marketing contemplated by the bill. The Legislature
22 expects that most Montana research and marketing activity
23 will be handled by the Montana Beef Council.

HOUSE BILL NO. 740

INTRODUCED BY SWITZER, DEVLIN, DONALDSON, J. RYAN, MARKS,
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PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

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

Section 1. Short title. ~~{this-act}~~ [SECTIONS 1 THROUGH 5] may be cited as the "Montana Beef Research and Marketing Act".

Section 2. Definition. As used in ~~{this-act}~~ [SECTIONS 1 THROUGH 5], "department" means the department of livestock.

Section 3. Department's research powers and duties.

(1) The department shall:

(a) ~~conduct~~---and promote scientific and practical research with regard to all phases of beef production;

(b) encourage the use and consumption of beef and beef products; and

(c) be responsible for administering ~~{this---act}~~

[SECTIONS 1 THROUGH 5].

(2) The department may:

(a) engage in research, education, advertising, promotion, and publicity;

(b) research and publicize statistics and other reliable and useful information showing the commercial value of beef and beef products;

(c) study state and federal legislation regarding tariffs, duties, reciprocal trade agreements, import quotas, and other matters affecting marketing in the beef industry and protect the interests of and represent the beef industry in Montana with respect to any federal or state legislation or proposed legislation and any federal or state executive action that may affect that industry;

(d) apply for grants:

(i) from research agencies that are financing special or emergency studies; or

(ii) for the purchase or acquisition of facilities necessary for the implementation of ~~{this-act}~~ SECTIONS 1 THROUGH 5;

(e) enter into agreements with recognized local, state, or national organizations, public or private, to promote research, education, advertising, and publicity of the beef industry;

(f) cooperate with any local, state, or national

1 organizations, including recognized livestock groups,
2 engaged in work or activities similar to the work and
3 activities of the department provided for in ~~[this--act]~~
4 [SECTIONS 1 THROUGH 5];

5 (g) accept any grant, donation, or gift from any
6 source, public or private, and spend it in compliance with
7 ~~[this act]~~; and

8 (h) adopt rules necessary for the administration of
9 ~~[this act]~~.

10 Section 4. Assessments -- refunds. (1) There is
11 levied, in addition to the tax on livestock prescribed in
12 Title 15, chapter 24, part 9, a per head tax of 25 cents on
13 each head of cattle that is more than 9 months of age and is
14 owned or possessed within a county for the support and
15 maintenance of research into beef production as provided in
16 ~~[this--act]~~ [SECTIONS 1 THROUGH 5]. The tax shall be paid to
17 the county treasurer of that county on or before March 1 of
18 each year.

19 (2) The tax required in subsection (1) must be paid
20 for each head of cattle that is more than 9 months of age
21 and is brought into the county after March 1 and is subject
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23 (3) Each county is entitled to receive \$250 annually
24 as reimbursement for the administration of this section.

25 (4) A person who has paid the tax required by this

1 section may obtain a refund of the tax upon submission of a
2 written request to the department. The application must be
3 made within 30 days after the payment of the tax and on
4 forms furnished by the department. The department shall,
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7 Section 5. Beef production research account -- sources
8 -- use -- expenditures. (1) There is an account in the
9 federal and private revenue fund known as the beef
10 production research account. The following shall be placed
11 in the account:

12 (a) the proceeds of all taxes collected under ~~[section~~
13 4]; and

14 (b) the proceeds from all gifts, grants, and donations
15 to the department for activities authorized under ~~[this--act]~~
16 [SECTIONS 1 THROUGH 5].

17 (2) The account shall be maintained for the purposes
18 of ~~[this--act]~~ [SECTIONS 1 THROUGH 5] and shall be separate
19 from all other accounts of the department.

20 (3) At least 20% of all contributions and unrefunded
21 taxes received by the department shall be paid to the
22 national livestock and meat board and at least 20% of such
23 contributions and taxes shall be paid to the national beef
24 industry council to carry out, on a national level, work and
25 programs approved by the department.

1 ~~{4} THE BEEF PRODUCTION RESEARCH ACCOUNT MAY BE~~
 2 ~~ASSESSED COSTS BY THE DEPARTMENT FOR SERVICES IT PROVIDES IN~~
 3 ~~ADMINISTERING [THIS ACT]. THE COSTS CHARGED MUST HAVE A~~
 4 ~~SUBSTANTIAL RELATIONSHIP TO THE COST OF THE SERVICES~~
 5 ~~PROVIDED.~~

6 ~~{5} MONEY RECEIVED UNDER [THIS ACT] AND DEPOSITED IN~~
 7 ~~THE BEEF PRODUCTION RESEARCH ACCOUNT MAY BE USED ONLY FOR~~
 8 ~~THE PURPOSES OF [THIS ACT] AND EXCEPT AS PROVIDED IN~~
 9 ~~[SECTION 6] MAY NOT BE APPROPRIATED FOR ANY OTHER USE.~~

10 (4) THE BEEF PRODUCTION RESEARCH ACCOUNT MAY BE
 11 ASSESSED COSTS BY THE DEPARTMENT FOR SERVICES IT PROVIDES IN
 12 ADMINISTERING [SECTIONS 1 THROUGH 5]. THE COSTS CHARGED MUST
 13 HAVE A SUBSTANTIAL RELATIONSHIP TO THE COST OF THE SERVICES
 14 PROVIDED.

15 (5) MONEY DEPOSITED IN THE BEEF PRODUCTION RESEARCH
 16 ACCOUNT PURSUANT TO [SECTION 5] IS APPROPRIATED TO THE
 17 DEPARTMENT AND MUST BE USED ONLY FOR THE PURPOSES OF
 18 [SECTIONS 1 THROUGH 5].

19 Section 6. Duration -- expiration -- reversion of
 20 remaining funds. ~~[this act]~~ [SECTIONS 1 THROUGH 5] shall be
 21 in effect from July JANUARY 1, 1981, ~~to July 1982, to~~
 22 JANUARY 1981 1982, TO JULY 1, 1989. If ~~[this act is]~~
 23 [SECTIONS 1 THROUGH 5] ARE not renewed to extend beyond July
 24 JANUARY JULY 1, 1989, any money remaining in the beef
 25 production research account shall revert to Montana state

1 university to be used exclusively for beef cattle research.

-End-

March 17, 1981

SENATE STANDING COMMITTEE REPORT
(Agriculture, Livestock & Irrigation)

That House Bill No. 740 be amended as follows:

1. Page 1, line 18.

Following: "(a)"

Strike: "conduct and"

2. Page 4.

Following: line 18

Insert: "(4) The beef production research account may be assessed costs by the department for services it provides in administering [this act]. The costs charged must have a substantial relationship to the cost of the services provided.

(5) Money received under [this act] and deposited in the beef production research account may be used only for the purposes of [this act] and, except as provided in [section 6] may not be appropriated for any other use."

3. Page 4, line 20.

Following: "from"

Strike: "July"

Insert: "January"

4. Page 4, line 21.

Strike: "1981, to July"

Insert: "1982, to January"

5. Page 4, line 22.

Following: "beyond"

Strike: "July"

Insert: "January"

March 19, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendments to House Bill 740, third reading copy, as follows:

THAT AMENDMENT NUMBERS 4 AND 5 OF THE SENATE STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION OF MARCH 17, 1981, BE STRICKEN, AND THAT THE FOLLOWING AMENDMENT OF THE COMMITTEE BE AMENDED TO READ AS FOLLOWS:

2. Page 4.

Following: line 18.

Insert: "(4) The beef production research account may be assessed costs by the department for services it provides in administering [sections 1 through 5]. The costs charged must have a substantial relationship to the cost of the services provided.

(5) Money deposited in the beef production research account pursuant to [section 5] is appropriated to the department and must be used only for the purposes of [sections 1 through 5]."

AND, FURTHER, THAT THE FOLLOWING AMENDMENTS BE MADE TO THE BILL:

1. Page 1, line 12.

Strike: "[This act]"

Insert: "[Sections 1 through 5]"

2. Page 1, line 14.

Strike: "[this act]"

Insert: "[sections 1 through 5]"

3. Page 1, line 22.

Strike: "[this act]"

Insert: "[sections 1 through 5]"

4. Page 2, line 15.

Strike: "[this act]"

Insert: "[sections 1 through 5]"

5. Page 2, line 23.

Strike: "[this act]"

Insert: "[sections 1 through 5]"

6. Page 3, line 10.

Strike: "[this act]"

Insert: "[sections 1 through 5]"

7. Page 4, lines 8 and 9.

Strike: "[this act]"

Insert: "[sections 1 through 5]"

8. Page 4, line 11.
Strike: "[this act]"
Insert: "[sections 1 through 5]"

9. Page 4, line 20.
Strike: "[This act]"
Insert: "[Sections 1 through 5]"

10. Page 4, line 21.
Strike: "1981"
Insert: "1982"
Strike: "[this act] is"
Insert: "[sections 1 through 5] are"