

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

SENATE BILL NO. 319

INTRODUCED BY Hestel

A BILL FOR AN ACT ENTITLED: "AN ACT REGARDING THE PROMOTION AND MARKETING OF MONTANA BEEF; REQUIRING THE DEPARTMENT OF LIVESTOCK TO PROMOTE BEEF RESEARCH AND ENCOURAGE THE USE OF BEEF AND BEEF PRODUCTS; ALLOWING THE DEPARTMENT TO CONDUCT CERTAIN ACTIVITIES, INCLUDING COLLECTION OF AN ASSESSMENT ON CATTLE, AS PART OF THE BEEF PROMOTION AND MARKETING ACTIVITIES; AND ADDRESSING THE DEPARTMENT'S COLLECTION AND INSPECTION DUTIES."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 1] grants rulemaking authority to the department of livestock to implement the provisions of this bill. It is intended that the department adopt rules regarding the collection of the assessment on livestock in a manner that ensures reimbursement for the department's administrative costs without imposing liability on the department for collection of the assessment or linking collection with the department's regular livestock inspection duties.

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

NEW SECTION. Section 1. Beef promotion and marketing -- powers and duties of department. (1)

The department shall:

- (a) 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 [sections 1 and 2].

(2) The department may:

- (a) engage in research, education, advertising, promotion, and publicity regarding beef and beef products;
- (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

1 quotas, and other matters affecting marketing in the beef industry and protect the interests of and represent
 2 the beef industry in Montana with respect to any federal or state legislation or proposed legislation and any
 3 federal or state executive action that may affect the beef industry;

4 (d) apply for grants:

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

6 (ii) for the purchase or acquisition of facilities necessary for the implementation of [sections 1 and
 7 2];

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

10 (f) cooperate with any local, state, or national organizations, including recognized livestock groups,
 11 that are engaged in work or activities similar to the work and activities of the department provided for in
 12 [sections 1 and 2];

13 (g) cooperate with the Montana beef council by collecting an assessment of \$1 for each head of
 14 Montana livestock or an equivalent, pursuant to the terms of [sections 1 and 2], provided that a contract
 15 is agreed to between the department and the beef council under which the department is reimbursed for
 16 all expenses incurred through the collection activities;

17 (h) accept a grant, donation, or gift from any public or private source and spend it in compliance
 18 with [sections 1 and 2]; and

19 (i) adopt rules necessary for the administration of [sections 1 and 2].

20
 21 **NEW SECTION. Section 2. Department not liable for collection of assessment -- inspection.** (1)

22 The department and its agents and employees are not responsible or liable for the collection or payment
 23 of money due to the Montana beef council pursuant to [section 1(2)(g)] if [sections 1 and 2] are carried out
 24 in good faith.

25 (2) The department may not refuse to inspect livestock if the livestock owner refuses to pay the
 26 assessment imposed under [section 1(2)(g)].

27
 28 **NEW SECTION. Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified
 29 as an integral part of Title 81, chapter 8, and the provisions of Title 81, chapter 8, apply to [sections 1 and
 30 2].

-END-

- 2 -

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0319, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act regarding the promotion and marketing of Montana beef; requiring the Department of Livestock to promote beef research and encourage the use of beef and beef products; allowing the department to conduct certain activities, including collection of an assessment on cattle, as part of the beef promotion and marketing activities; and addressing the department's collection and inspection duties.

ASSUMPTIONS:

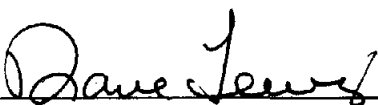
1. The Department of Livestock currently cooperates with the Montana Beef Council even though it has no direct statutory authority for this relationship. The department believes that there may be an unacceptable level of potential liability and the Office of the Legislative Auditor concurs. Therefore, this legislation was suggested to provide clarification.

FISCAL IMPACT:

There is no new fiscal impact to the Department of Livestock. In FY94 the department collected \$80,223 for administering the collection of the beef state income tax check off fee and the related expenditures to provide this service to the industry were approximately the same. By contractual agreement with the Montana Beef Council, the department retains 5% of the fees collected to pay the administrative costs.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Passage of this legislation will allow the department to continue to promote the livestock industry by assisting in the collection of the mandated beef check off fee and will protect the department from liability that may arise as a result of its participation in that activity.

 2-13-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

JOHN HERTEL, PRIMARY SPONSOR DATE

Fiscal Note for SB0319, as introduced

SB 319

1 SENATE BILL NO. 319

2 INTRODUCED BY HERTEL

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REGARDING THE PROMOTION AND MARKETING OF MONTANA
5 BEEF; ~~REQUIRING THE DEPARTMENT OF LIVESTOCK TO PROMOTE BEEF RESEARCH AND ENCOURAGE~~
6 ~~THE USE OF BEEF AND BEEF PRODUCTS~~; ALLOWING THE DEPARTMENT TO CONDUCT CERTAIN
7 ACTIVITIES, INCLUDING COLLECTION OF AN ASSESSMENT ON CATTLE, AS PART OF THE BEEF
8 PROMOTION AND MARKETING ACTIVITIES; AND ADDRESSING THE DEPARTMENT'S COLLECTION AND
9 INSPECTION DUTIES."

10
11 STATEMENT OF INTENT

12 A statement of intent is required for this bill because [section 1] grants rulemaking authority to the
13 department of livestock to implement the provisions of this bill. It is intended that the department adopt
14 rules regarding the collection of the assessment on livestock in a manner that ensures reimbursement for
15 the department's administrative costs without imposing liability on the department for collection of the
16 assessment or linking collection with the department's regular livestock inspection duties.

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19
20 NEW SECTION. Section 1. Beef promotion and marketing -- powers and duties of department. ~~{1}~~

21 The department shall:

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

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

24 ~~(c) be responsible for administering [sections 1 and 2].~~

25 ~~{2} The department may:~~

26 ~~(a) engage in research, education, advertising, promotion, and publicity regarding beef and beef~~
27 ~~products;~~

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

30 ~~(c) study state and federal legislation regarding tariffs, duties, reciprocal trade agreements, import~~

1 ~~quotas, and other matters affecting marketing in the beef industry and protect the interests of and represent~~
 2 ~~the beef industry in Montana with respect to any federal or state legislation or proposed legislation and any~~
 3 ~~federal or state executive action that may affect the beef industry;~~

4 ~~(d) apply for grants:~~

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

6 ~~(ii) for the purchase or acquisition of facilities necessary for the implementation of [sections 1 and~~
 7 ~~2];~~

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

10 ~~(f) cooperate with any local, state, or national organizations, including recognized livestock groups,~~
 11 ~~that are engaged in work or activities similar to the work and activities of the department provided for in~~
 12 ~~[sections 1 and 2];~~

13 ~~(g)(1) cooperate AND CONTRACT with the Montana beef council by FOR collecting an assessment~~
 14 ~~of \$1 for each head of Montana livestock or an equivalent, pursuant to the terms of [sections 1 and 2],~~
 15 ~~provided that a AS ESTABLISHED IN THE NATIONAL BEEF PROMOTION AND RESEARCH ACT OF 1985,~~
 16 ~~ALSO REFERRED TO AS THE NATIONAL BEEF CHECK-OFF. ANY contract is agreed to between the~~
 17 ~~department and the beef council under which the department is reimbursed MUST REIMBURSE THE~~
 18 ~~DEPARTMENT for all expenses incurred through the collection activities;~~

19 ~~(h) accept a grant, donation, or gift from any public or private source and spend it in compliance~~
 20 ~~with [sections 1 and 2]; and~~

21 ~~(i)(2) adopt rules necessary for the administration of [sections 1 and 2] THIS SECTION.~~

22
 23 NEW SECTION. Section 2. Department not liable for collection of assessment -- inspection. (1)

24 The department and its agents and employees are not responsible or liable for the collection or payment
 25 of money due to the Montana beef council pursuant to [section 1~~(2)(g)~~ (1)] if [sections 1 and 2] are carried
 26 out in good faith.

27 (2) The department may not refuse to inspect livestock if the livestock owner refuses to pay the
 28 assessment imposed under [section 1~~(2)(g)~~ (1)].

29
 30 NEW SECTION. Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified

1 as an integral part of Title 81, chapter 8, and the provisions of Title 81, chapter 8, apply to [sections 1 and
2 2].

3 -END-

1 SENATE BILL NO. 319

2 INTRODUCED BY HERTEL

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REGARDING THE PROMOTION AND MARKETING OF MONTANA
5 BEEF; ~~REQUIRING THE DEPARTMENT OF LIVESTOCK TO PROMOTE BEEF RESEARCH AND ENCOURAGE~~
6 ~~THE USE OF BEEF AND BEEF PRODUCTS~~; ALLOWING THE DEPARTMENT TO CONDUCT CERTAIN
7 ACTIVITIES, INCLUDING COLLECTION OF AN ASSESSMENT ON CATTLE, AS PART OF THE BEEF
8 PROMOTION AND MARKETING ACTIVITIES; AND ADDRESSING THE DEPARTMENT'S COLLECTION AND
9 INSPECTION DUTIES."

10
11 STATEMENT OF INTENT

12 A statement of intent is required for this bill because [section 1] grants rulemaking authority to the
13 department of livestock to implement the provisions of this bill. It is intended that the department adopt
14 rules regarding the collection of the assessment on livestock in a manner that ensures reimbursement for
15 the department's administrative costs without imposing liability on the department for collection of the
16 assessment or linking collection with the department's regular livestock inspection duties.

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19
20 **NEW SECTION. Section 1. Beef promotion and marketing -- powers and duties of department. (+)**

21 The department shall:

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

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

24 ~~(c) be responsible for administering [sections 1 and 2].~~

25 ~~(2) The department may:~~

26 ~~(a) engage in research, education, advertising, promotion, and publicity regarding beef and beef~~
27 ~~products;~~

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

30 ~~(c) study state and federal legislation regarding tariffs, duties, reciprocal trade agreements, import~~

1 ~~quotas, and other matters affecting marketing in the beef industry and protect the interests of and represent~~
 2 ~~the beef industry in Montana with respect to any federal or state legislation or proposed legislation and any~~
 3 ~~federal or state executive action that may affect the beef industry;~~

4 ~~(d) apply for grants:~~

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

6 ~~(ii) for the purchase or acquisition of facilities necessary for the implementation of [sections 1 and~~
 7 ~~2];~~

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

10 ~~(f) cooperate with any local, state, or national organizations, including recognized livestock groups,~~
 11 ~~that are engaged in work or activities similar to the work and activities of the department provided for in~~
 12 ~~[sections 1 and 2];~~

13 ~~(g)(1) cooperate AND CONTRACT with the Montana beef council by FOR collecting an assessment~~
 14 ~~of \$1 for each head of Montana livestock or an equivalent, pursuant to the terms of [sections 1 and 2],~~
 15 ~~provided that a AS ESTABLISHED IN THE NATIONAL BEEF PROMOTION AND RESEARCH ACT OF 1985,~~
 16 ~~ALSO REFERRED TO AS THE NATIONAL BEEF CHECK-OFF. ANY contract is agreed to between the~~
 17 ~~department and the beef council under which the department is reimbursed MUST REIMBURSE THE~~
 18 ~~DEPARTMENT for all expenses incurred through the collection activities;~~

19 ~~(h) accept a grant, donation, or gift from any public or private source and spend it in compliance~~
 20 ~~with [sections 1 and 2]; and~~

21 ~~(i)(2) adopt rules necessary for the administration of [sections 1 and 2] THIS SECTION.~~

22
 23 **NEW SECTION. Section 2. Department not liable for collection of assessment -- inspection. (1)**

24 The department and its agents and employees are not responsible or liable for the collection or payment
 25 of money due to the Montana beef council pursuant to [section 1~~(2)~~(g) (1)] if [sections 1 and 2] are carried
 26 out in good faith.

27 (2) The department may not refuse to inspect livestock if the livestock owner refuses to pay the
 28 assessment imposed under [section 1~~(2)~~(g) (1)].

29
 30 **NEW SECTION. Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified

1 as an integral part of Title 81, chapter 8, and the provisions of Title 81, chapter 8, apply to [sections 1 and
2 2].

3 -END-

SENATE BILL NO. 319

INTRODUCED BY HERTEL

A BILL FOR AN ACT ENTITLED: "AN ACT REGARDING THE PROMOTION AND MARKETING OF MONTANA BEEF; ~~REQUIRING THE DEPARTMENT OF LIVESTOCK TO PROMOTE BEEF RESEARCH AND ENCOURAGE THE USE OF BEEF AND BEEF PRODUCTS;~~ ALLOWING THE DEPARTMENT TO CONDUCT CERTAIN ACTIVITIES, INCLUDING COLLECTION OF AN ASSESSMENT ON CATTLE, AS PART OF THE BEEF PROMOTION AND MARKETING ACTIVITIES; AND ADDRESSING THE DEPARTMENT'S COLLECTION AND INSPECTION DUTIES."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 1] grants rulemaking authority to the department of livestock to implement the provisions of this bill. It is intended that the department adopt rules regarding the collection of the assessment on livestock in a manner that ensures reimbursement for the department's administrative costs without imposing liability on the department for collection of the assessment or linking collection with the department's regular livestock inspection duties.

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

NEW SECTION. Section 1. Beef promotion and marketing -- powers and duties of department. ~~(1)~~

The department shall:

~~(a) 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 [sections 1 and 2].~~

~~(2) The department may:~~

~~(a) engage in research, education, advertising, promotion, and publicity regarding beef and beef products;~~

~~(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~~

1 quotas, and other matters affecting marketing in the beef industry and protect the interests of and represent
 2 the beef industry in Montana with respect to any federal or state legislation or proposed legislation and any
 3 federal or state executive action that may affect the beef industry;

4 ~~(d) apply for grants:~~

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

6 ~~(ii) for the purchase or acquisition of facilities necessary for the implementation of {sections 1 and
 7 2};~~

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

10 ~~(f) cooperate with any local, state, or national organizations, including recognized livestock groups,
 11 that are engaged in work or activities similar to the work and activities of the department provided for in
 12 {sections 1 and 2};~~

13 ~~(g)(1) cooperate AND CONTRACT with the Montana beef council by FOR collecting an assessment
 14 of \$1 for each head of Montana livestock ~~or an equivalent, pursuant to the terms of {sections 1 and 2},
 15 provided that a~~ AS ESTABLISHED IN THE NATIONAL BEEF PROMOTION AND RESEARCH ACT OF 1985,
 16 ALSO REFERRED TO AS THE NATIONAL BEEF CHECK-OFF. ANY contract is agreed to between the
 17 department and the beef council ~~under which the department is reimbursed~~ MUST REIMBURSE THE
 18 DEPARTMENT for all expenses incurred through the collection activities;~~

19 ~~(h) accept a grant, donation, or gift from any public or private source and spend it in compliance
 20 with {sections 1 and 2}; and~~

21 ~~(i)(2) adopt rules necessary for the administration of {sections 1 and 2}~~ THIS SECTION.

22
 23 NEW SECTION. Section 2. Department not liable for collection of assessment -- inspection. (1)

24 The department and its agents and employees are not responsible or liable for the collection or payment
 25 of money due to the Montana beef council pursuant to [section 1~~(2)(g)~~ (1)] if [sections 1 and 2] are carried
 26 out in good faith.

27 (2) The department may not refuse to inspect livestock if the livestock owner refuses to pay the
 28 assessment imposed under [section 1~~(2)(g)~~ (1)].

29
 30 NEW SECTION. Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified

1 as an integral part of Title 81, chapter 8, and the provisions of Title 81, chapter 8, apply to [sections 1 and
2 2].

3 -END-