

**Amendment - 1st Reading/2nd House-blue - Requested by: Willis Curdy - (S) Agriculture,
Livestock and Irrigation**

- 2025

69th Legislature 2025

Drafter: Rebecca Brown,

HB0119.002.004

HOUSE BILL NO. 119

INTRODUCED BY B. LER

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA CATTLE COMMITTEE;
ESTABLISHING MEMBERSHIP REQUIREMENTS; ESTABLISHING COMMITTEE DUTIES; PROVIDING FOR
A CATTLE ASSESSMENT; PROVIDING FOR A CATTLE ASSESSMENT REFERENDUM FOR CATTLE
SELLERS; CREATING A CATTLE SPECIAL REVENUE ACCOUNT; PROVIDING A STATUTORY
APPROPRIATION; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AMENDING
SECTIONS 2-18-103, 17-7-502, AND 81-1-102, MCA; PROVIDING FOR CONTINGENT VOIDNESS; AND
PROVIDING EFFECTIVE DATES."

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

NEW SECTION. Section 1. Montana cattle committee. (1) There is a Montana cattle committee.

(2) The committee consists of seven members.

(3) A list of nominees for appointment may be submitted to the governor by the Montana
stockgrowers association, the Montana cattlemen's association, the Montana association of livestock auction
markets, Montana cattlemen, the Montana beef council, the Montana farm bureau federation, and the
Montana farmers union. Names of nominees must be publicly submitted at least 90 days before the expiration
of a committee member's term.

(4) (a) Except as provided in subsection (4)(b), the appointed members serve staggered terms of 3
years. A member may not serve more than three consecutive 3-year terms.

(b) The initial appointments are as follows: two members for 1-year terms, two members for 2-year
terms, and three members for 3-year terms.

(5) The governor shall appoint members from the individuals nominated as provided in subsection
(3). If too few individuals are nominated to fill the available positions, the governor may appoint a Montana
resident who is a cattle producer, as defined in [section 3].

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1 ~~if the committee is subject to suit.~~

2 (c) The committee may use money in the account in support of cattle industry legal proceedings.

3 (4) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department for
4 use by the committee for the purposes of [sections 2 through 16]. Expenditures for administrative costs allowed
5 under [section 6] must be made from temporary appropriations, as described in 17-7-501, made for that
6 purpose.

7 (5) The department may direct the board of investments established in 2-15-1808 to invest funds
8 from the account pursuant to the provisions of the unified investment program for state funds. The income from
9 the investments must be credited to the cattle special revenue account.

10
11 **NEW SECTION. Section 11. Cattle assessment referendum.** (1) By June 30, 2027, the department
12 shall conduct one or more referendums on the cattle assessment provided for in [section 12] based on rules
13 established by the committee.

14 (2) The department may use funds in the cattle special revenue account provided for in [section
15 10] to pay for administering the cattle assessment referendum as provided under this section and for future
16 cattle assessment adjustment referendums as provided in [section 14], if any.

17 (3) ~~(a) Any cattle seller who certifies by affidavit that they sold cattle in the state during a 2-year~~
18 ~~time period specified by the board is eligible to vote in any referendum conducted under this section. THE~~
19 DEPARTMENT SHALL MAIL A BALLOT TO CATTLE SELLERS WHO PAID A PER CAPITA FEE IN THE MOST RECENT COLLECTION
20 YEAR, OR A CATTLE SELLER MAY REQUEST A BALLOT FROM THE DEPARTMENT.

21 (b) (i) Each authorized cattle seller is entitled to cast only one ballot in a referendum.

22 (ii) A group of individuals that qualify as an eligible cattle seller is entitled to only one vote in a
23 referendum.

24 (iii) An individual representing a cattle seller shall provide certification, as determined by the
25 department, that the individual is authorized to vote on behalf of the cattle seller they represent.

26 (c) Cattle sellers younger than 18 years of age must provide a parent or guardian's co-signature
27 ~~on their ballot.~~

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(4) Passage of a referendum requires: ~~a majority vote OF THE BALLOTS RECEIVED.~~

~~(a) at least 40% of the cattle sellers who paid a per capita fee in the most recent collection year to vote to be a valid referendum; and~~

~~(b) a majority vote of the ballots received in a valid referendum.~~

(5) (i) The department shall tabulate the ballots of all eligible cattle sellers, verified by the department, and shall notify the committee of the results of the referendum.

(ii) The results of the referendum must be made available to the public immediately after the ballots have been counted and any verifications for accuracy have been completed.

NEW SECTION. Section 12. Cattle assessment -- collection. (1) There is an assessment of \$1 for each head of Montana cattle sold, regardless of age, that must be paid by the cattle seller on each sale of Montana cattle. Failure of the collecting person to collect the assessment on each head of cattle sold as designated in [sections 2 through 16] does not relieve the seller of their obligation to pay the assessment.

(2) This section does not apply to:

(a) cattle originating outside the state of Montana that are transported inside the boundary of the state to be sold or slaughtered within 30 days; or

(b) cattle resold within 10 days of purchase. Proof of a paid cattle assessment made pursuant to subsection (1) must be provided by the cattle seller.

(3) The department shall collect the assessment and deposit the revenue in the cattle special revenue account provided for in [section 10].

(4) The department may enter into a contract for collection on behalf of the committee.

(5) The department may collect the assessment in a similar process and timeline as its existing contract with the Montana beef council, created under 81-8-901, for the collection of an assessment established by the federal Beef Promotion and Research Act of 1985, 7 USC 2901 through 2911, also referred to as the national beef checkoff, and 7 CFR, part 1260, subpart A.

NEW SECTION. Section 13. Refund of cattle assessment. (1) (a) A cattle seller who has paid a