

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].

(6) Each appointed member must be a resident of Montana and be a cattle producer in the state.

1 clearly indicates otherwise, the following definitions apply:

2 (1) "Board" means the board of livestock established in 2-15-3102.

3 (2) "Cattle producer" means a person who owns cattle in their own name or is an owner or
4 beneficiary of a business entity or trust that owns cattle in the state.

5 (3) "Cattle seller" means a person or entity that sells cattle. The term includes a person,
6 partnership, association, corporation, cooperative, trust, joint tenancy, tenants in common, and all other
7 business units, devices, and arrangements.

8 (4) "Collecting person" means a person who is responsible for collecting and remitting a cattle
9 assessment pursuant to [section 12].

10 (5) "Committee" means the Montana cattle committee provided for in [section 1].

11 (6) "Department" means the department of livestock provided for in 2-15-3101.

12 (7) "Montana cattle" means any cattle that have been physically located inside the boundary of the
13 state for the past 30 days.

14
15 **NEW SECTION. Section 4. Compensation -- per diem.** Members of the committee may not receive
16 a salary but are entitled to compensation as provided in 2-15-122 for each day they are engaged in the
17 transaction of official business. Members must be reimbursed for travel expenses, as provided in 2-18-501
18 through 2-18-503, incurred while on official business.

19
20 **NEW SECTION. Section 5. Election of officers -- time of meetings -- quorum.** (1) The members of
21 the committee shall annually elect a chairperson and a vice chairperson from among the committee
22 membership. The chairperson and vice chairperson shall each serve a 1-year term.

23 (2) The committee shall meet at least once a year and at other times as called by the chairperson
24 or by any three members of the committee.

25 (3) Four members of the committee constitute a quorum for the transaction of all business,
26 including the election of officers.

27
28 **NEW SECTION. Section 6. Powers of committee.** (1) The committee may:

- (a) adopt rules and orders necessary for the administration of [sections 2 through 16] for the exercise of its powers and the performance of its duties, in accordance with the Montana Administrative Procedure Act;
- (b) provide, through the department, for the enforcement of [sections 2 through 16];
- (c) employ a person to serve as the executive director at the pleasure of the committee;
- (d) retain additional staff to discharge the duties outlined in [sections 2 through 16];
- (e) enter into contracts in the name of the committee to carry out the purposes of [sections 2 through 16];
- (f) plan and conduct research programs to improve and benefit Montana's cattle industry;
- (g) plan and conduct publicity and marketing promotion campaigns to increase the demand for cattle and enter into publicity and sales promotion contracts and other agreements as necessary;
- (h) cooperate with any local, state, or national organization or agency engaged in similar work or activities to carry out joint campaigns of research, education, product promotion, publicity, and reciprocal enforcement of the ~~objections-objectives~~ of [sections 2 through 16];
- (i) accept grants, donations, and gifts from any source for expenditure for any purpose consistent with [sections 2 through 16], including a purpose specified as a condition of a grant, donation, or gift;
- (j) establish and maintain the executive offices of the committee at any location in the state;
- (k) authorize the purchase of equipment or supplies and incur all other reasonable and necessary expenses and obligations required to carry out the provisions of [sections 2 through 16]; and
- (l) become a member of and purchase membership in trade organizations and subscribe to and purchase trade bulletins, journals, and other trade publications.
- (2) The committee has final authority on the use and distribution of money from the cattle special revenue account provided for in [section 10].

NEW SECTION. Section 7. Administrative costs. (1) The committee may be assessed costs by the department for the services it provides, including but not limited to personal service costs, operating costs, office and office equipment costs, and other administrative costs, on request or pursuant to 2-15-121. The costs charged must have a substantial relationship to the costs of services provided.

1 purpose.

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

5
6 **NEW SECTION. Section 11. Cattle assessment referendum.** (1) By June 30, 2027, the department
7 shall conduct one or more referendums on the cattle assessment provided for in [section 12] based on rules
8 established by the committee.

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

12 (3) (a) Any cattle seller who certifies by ~~affidavit~~ written declaration that they sold cattle in the state
13 during a 2-year time period specified by the board is eligible to vote in any referendum conducted under this
14 section.

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

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

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

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

22 (4) Passage of a referendum requires a majority vote.

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

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

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28 **NEW SECTION. Section 12. Cattle assessment -- collection.** (1) There is an assessment of \$1 for