1	SENATE BILL NO. 211
2	INTRODUCED BY F. MOORE
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4	A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE FEE TO BE PAID TO THE DEPARTMENT OF
5	LIVESTOCK FOR COLLECTING THE NATIONAL BEEF CHECKOFF; AMENDING SECTION 81-8-901, MCA;
6	AND PROVIDING AN APPLICABILITY DATE."
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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10	**Section 1.** Section 81-8-901, MCA, is amended to read:
11	**"81-8-901. Beef promotion and marketing -- powers and duties of department -- contract.** (1) The
12	department shall:
13	(a) enter into a contract with the Montana beef council to collect on behalf of the beef council an
14	assessment of $1 for each head of Montana cattle sold as established in the national Beef Promotion and
15	Research Act of 1985, 7 U.S.C. 2901 through 2911, also referred to as the national beef check-off checkoff, and
16	7 CFR, part 1260, subpart A;
17	(b) adopt rules necessary for the administration of this section.
18	(2) (a) Except as provided in subsection (2)(b), the contract agreed to under this section between the
19	department and the Montana beef council must include a provision that the beef council shall pay a fee, not to
20	exceed 5% of the total check-off checkoff funds collected by department employees and deposited in the state
21	treasury, to reimburse the department for all expenses directly incurred through collection of the check-off
22	checkoff as verified by the legislative auditor DURING REGULARLY SCHEDULED FINANCIAL COMPLIANCE AUDITS.
23	(b) The department is not obligated under this section or any other state law to contract for collection of
24	the fee if the department's direct collection costs as verified by the legislative auditor exceed 5% of the check-off
25	checkoff funds collected by department employees and deposited in the state treasury."
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27	NEW SECTION. **Section 2. Applicability.** [This act] applies to contracts between the department of
28	livestock and the Montana beef council that are effective on or after October 1, 2013.
29	- END -