

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 538

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE IDAHO WOLF DEPREDATION CONTROL BOARD; AMENDING SECTION
2 22-5307, IDAHO CODE, TO REVISE A SUNSET PROVISION; AMENDING SECTION
3 25-131, IDAHO CODE, TO REVISE AN EFFECTIVE DATE PROVISION; AMENDING
4 SECTION 25-1145, IDAHO CODE, TO REVISE AN EFFECTIVE DATE PROVISION; AND
5 AMENDING SECTION 36-125, IDAHO CODE, TO REVISE AN EFFECTIVE DATE PROVI-
6 SION.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 22-5307, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 22-5307. SUNSET DATE. The provisions of this chapter shall be null,
12 void and of no force and effect on and after June 30, ~~2019~~ 2020.

13 SECTION 2. That Section 25-131, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 25-131. IDAHO SHEEP AND GOAT HEALTH ACCOUNT -- ASSESSMENT -- FIRST
16 PURCHASER TO MAKE REPORT -- PENALTY FOR FAILURE TO MAKE REPORT -- APPROPRIA-
17 TION. (1) In order for the board to carry out the provisions of this chapter,
18 the board shall assess, levy and collect an assessment established by the
19 board, not to exceed twelve cents (12¢) per pound on all wool, in the grease
20 basis, sold through commercial channels, and from the effective date of this
21 act through June 30, ~~2019~~ 2020, two cents (2¢) of the assessment shall be con-
22 sidered a wolf control assessment pursuant to section 22-5306, Idaho Code.
23 In the event that a sheep, which produces wool subject to this assessment,
24 shall be located outside the state of Idaho during a part of the assessment
25 year, the amount of the assessment shall be reduced on a pro rata basis. Such
26 assessment shall be levied and assessed to the producer at the time of the
27 first sale of wool and shall be deducted by the first purchaser from the price
28 paid to the producer at the time of such first sale. The assessment provided
29 in this section shall not be levied or collected on any casual sale. In addi-
30 tion to the assessment provisions of this section related to wool, the board
31 may by rule establish an assessment on goats that would assess goats on a per
32 head basis and at a rate that is comparable to the assessment on wool.

33 (2) The assessment provided by this section shall constitute a lien
34 prior to all other liens and encumbrances upon such wool except liens which
35 are declared prior by operation of a statute of this state.

36 (3) If the first purchaser lives or has his principal office in another
37 state, the producer shall make the reports and pay the assessments to the
38 board as required under this section unless the first purchaser agrees in
39 writing to make such reports and pay such assessments.

1 (4) The first purchaser shall specify the amounts of assessments with-
2 held in any written statements made to the producer.

3 (5) The first purchaser shall make reports to the board on forms pre-
4 scribed by the board, and no first purchaser shall fail to make such reports
5 or falsify any such reports. The assessment deducted and withheld by a first
6 purchaser, as required in subsection (1) of this section, shall be paid to
7 the board on a quarterly calendar year basis, and shall be due and payable
8 within thirty (30) days after the end of the quarter. All moneys collected
9 by the board under the provisions of this chapter shall be paid to the state
10 treasurer. All moneys received from the assessment pursuant to this section
11 shall be deposited in the state treasury by the state treasurer to the credit
12 of a special account in the state operating fund hereby created to be known as
13 the "Idaho sheep and goat health account."

14 (6) A first purchaser who delays transmittal of reports and payments of
15 assessments beyond the time stated in subsection (5) of this section shall
16 pay five percent (5%) of the amount due for the first month of delay and one
17 percent (1%) of the amount due for each month of delay thereafter. Such mon-
18 eys shall be deposited in the Idaho sheep and goat health account.

19 (7) In addition thereto, the said account shall consist of any appro-
20 priations made by the legislature for the use of and expenditure by said
21 board. All fees of every kind collected under the provisions of this chap-
22 ter, or under any rules and regulations made pursuant to the provisions of
23 this chapter, shall be deposited in the state treasury in the manner herein-
24 above described. The moneys in said special account are hereby appropriated
25 for the use and expenditure of said board carrying out the provisions of this
26 chapter and the rules and regulations made herein and said account is hereby
27 declared to be a continuing account.

28 (8) All moneys appropriated to the board for the purposes of sheep dis-
29 ease prevention, abatement, suppression, control or eradication shall be
30 expended by the board only for those purposes, in accordance with the duties
31 specified in section 25-128(1), Idaho Code.

32 (9) All moneys received by the board from that portion of the special
33 assessment which is made to carry on the work for prevention and control
34 of damage caused by predatory animals and other vertebrate pests shall be
35 expended by the board in the respective districts comprising the counties
36 where the assessment was collected less the actual and necessary adminis-
37 trative costs for carrying out the provisions of this chapter. All moneys
38 received by such account for work for prevention and control of damage caused
39 by predatory animals and other vertebrate pests except as herein otherwise
40 provided shall be expended by the board within the district or districts
41 specified by the party or agency providing such funds and any trust fund must
42 be held inviolate for the purposes of the trust.

43 (10) The right is reserved to the state of Idaho to audit the funds of the
44 board at any time.

45 SECTION 3. That Section 25-1145, Idaho Code, be, and the same is hereby
46 amended to read as follows:

47 25-1145. RENEWAL OF BRANDS. (1) On July 1, 2011, and at the end of each
48 recording period of an original application pursuant to section 25-1144,
49 Idaho Code, and at the end of each successive period thereafter on the first

1 day of July, the recording of every brand in the office of the state brand
2 inspector shall be renewed upon application for such renewal by the owner.
3 The fee of the state brand inspector for filing each such renewal application
4 shall be not more than one hundred twenty-five dollars (\$125), and from the
5 effective date of this act through June 30, ~~2019~~ 2020, twenty-five dollars
6 (\$25.00) of which shall be considered a wolf control assessment pursuant
7 to section 22-5306, Idaho Code, and it shall be the duty of the state brand
8 inspector to furnish without further or other charge one (1) certified copy
9 of the certificate of such brand to the owner thereof upon his request, and
10 for each additional certified copy the state brand inspector shall be paid
11 a reasonable fee as determined by the state brand board not to exceed one
12 dollar and fifty cents (\$1.50) for the additional certified copy. The fee
13 for recording each renewal shall be paid coincident with the filing of the
14 application therefor.

15 (2) Each application for the renewal and the record of renewal of each
16 brand shall be made in the same manner as is provided by law for the filing of
17 an original application for the recording of a brand.

18 (3) If an application for the renewal of any brand shall not be made and
19 the fee therefor paid within the period of six (6) months after the expira-
20 tion date for such renewal, then such brand may be allotted by the state brand
21 inspector to any other person who shall apply therefor.

22 SECTION 4. That Section 36-125, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 36-125. FIXING ASSESSMENT AND FEES FOR WILDLIFE -- WOLF CONTROL
25 FUND. From the effective date of this act through June 30, ~~2019~~ 2020, the fish
26 and game commission shall comply with the provisions of section 22-5306,
27 Idaho Code, in providing the wolf depredation control board with direction
28 for use of fish and game funds transferred to the fish and game fund transfer
29 subaccount of the wolf control fund made pursuant to the provisions of sec-
30 tion 22-5306, Idaho Code.