

IN THE SENATE

SENATE BILL NO. 1074

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE IDAHO HONEY COMMISSION; AMENDING SECTION 22-2803, IDAHO
2 CODE, TO REVISE THE NAME OF THE COMMISSION; REPEALING SECTION 22-2804,
3 IDAHO CODE, RELATING TO MEMBERS OF THE IDAHO HONEY ADVERTISING COMMIS-
4 SION; AMENDING CHAPTER 28, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW
5 SECTION 22-2804, IDAHO CODE, TO PROVIDE FOR THE IDAHO HONEY COMMISSION,
6 TO PROVIDE FOR MEMBERS, TO PROVIDE QUALIFICATIONS, TO PROVIDE THAT THE
7 IDAHO HONEY INDUSTRY ASSOCIATION MAY REQUEST THE REMOVAL OF A MEMBER,
8 TO PROVIDE FOR NOMINATION AND APPOINTMENT OF MEMBERS, TO PROVIDE FOR
9 TERMS, TO PROVIDE FOR THE ELECTION OF A CHAIRMAN AND DELEGATION OF THE
10 FUNCTION OF THE COMMISSION, TO PROVIDE FOR A QUORUM, TO PROVIDE FOR
11 OATHS, TO PROVIDE FOR COMPENSATION AND TO PROVIDE FOR MEETINGS; AMEND-
12 ING SECTION 22-2806, IDAHO CODE, TO REVISE THE NAME OF THE COMMISSION;
13 AMENDING SECTION 22-2809, IDAHO CODE, TO PROVIDE THAT CERTAIN REGIS-
14 TERED BEEKEEPERS SHALL NOT VOTE AT REFERENDUMS AND TO REVISE THE NAME OF
15 A FUND; AMENDING SECTIONS 22-2813 AND 22-2814, IDAHO CODE, TO REVISE THE
16 NAME OF A FUND; AND AMENDING SECTIONS 67-450D AND 67-5303, IDAHO CODE,
17 TO REVISE THE NAME OF THE COMMISSION; AND DECLARING AN EMERGENCY.
18

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

20 SECTION 1. That Section 22-2803, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 22-2803. DEFINITIONS. Whenever used or referred to in this chapter,
23 unless a different meaning clearly appears from the context:

24 (1) "Commission" means the Idaho honey ~~advertising~~ commission.

25 (2) "Honey producer" or "beekeeper" means a person, firm or corpora-
26 tion engaged in the art of raising, harboring, keeping or breeding domesti-
27 cated honey bees either for the purpose of gathering honey or the production
28 of queens and/or packaged bees.

29 (3) "Honey by-products" means items using honey as a base such as
30 creamed honey, whipped honey, or the like.

31 (4) "Packer" means any honey producer or beekeeper or person who pro-
32 cesses and packs honey for commercial retail sales.

33 (5) "Person" includes an individual, partnership, corporation, firm,
34 association and agent.

35 (6) "Director" means the director of the Idaho state department of
36 agriculture or his designated representative.

37 (7) "Official sample" means a sample of honey taken by the director or
38 an authorized agent in accordance with the provisions of section 22-2810,
39 Idaho Code.

40 SECTION 2. That Section 22-2804, Idaho Code, be, and the same is hereby
41 repealed.

1 SECTION 3. That Chapter 28, Title 22, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 22-2804, Idaho Code, and to read as follows:

4 22-2804. COMMISSION -- MEMBERS -- QUALIFICATIONS -- APPOINTMENT --
5 COMPENSATION. (1) There is hereby created and established in the department
6 of agriculture the Idaho honey commission to be known and designated as such,
7 and shall be composed of the director of the department and three (3) members
8 who shall be honey producers or beekeepers.

9 (2) Each member shall be a resident citizen of the state of Idaho for a
10 period of five (5) years prior to his appointment, shall be a commercial bee-
11 keeper as defined in section 22-2502, Idaho Code, actively engaged in honey
12 production, registered as a beekeeper with the Idaho department of agricul-
13 ture, and deriving a substantial portion of his income from honey produc-
14 tion, or be the directing or managing head of a corporation, firm, partner-
15 ship or other business unit that derives a substantial portion of its income
16 from honey production. To continue as a member of the commission each member
17 must remain qualified pursuant to the provisions of this section.

18 (3) The executive committee of the Idaho honey industry association may
19 request the removal of a commissioner, with or without cause, by a majority
20 vote. Upon receipt of such a request, the governor may immediately withdraw
21 the commissioner's appointment.

22 (4) The Idaho honey industry association shall meet for the purpose of
23 nominating members of the commission. The board of directors shall review
24 the names of active beekeepers in Idaho that meet the qualifications as pro-
25 vided in this section. By June 1 of each year, the names of two (2) honey pro-
26 ducers or beekeepers nominated by the association for each vacancy occurring
27 on the commission shall be submitted to the governor for his consideration.
28 From such list of nominees, the governor shall designate and appoint one (1)
29 member for each vacancy on the commission.

30 (5) Members shall serve for a term of three (3) years. Terms shall ex-
31 pire on the last day of June of the year in which the term for which the mem-
32 bers was appointed terminates. Provided however, each member shall serve
33 until his respective successor is appointed and qualified. Appointments to
34 fill vacancies shall be for the balance of the unexpired term. On and after
35 the effective date of this act, terms that are currently vacant or held by the
36 commission members shall expire and be filled on the following schedule: one
37 (1) member term shall expire on June 30, 2015; one (1) member term shall ex-
38 pire on June 30, 2016; and one (1) member term shall expire on June 30, 2017.

39 (6) Commission members shall elect a chairman. The chairman may del-
40 egate the function of the Idaho honey commission to an administrator whose
41 function will be subject to the approval of the Idaho honey commission.

42 (7) A majority of the members of the commission shall constitute a quo-
43 rum for the transaction of all business and the carrying out of the duties of
44 the commission. Before entering on the discharge of their duties as members
45 of the commission, each member shall take and subscribe to the oath of office
46 prescribed by law.

47 (8) Each member of the commission shall be compensated as provided by
48 section 59-509(n), Idaho Code. The commission shall meet regularly once
49 each fiscal year at a date established by said commission in its designated

1 business office, and it shall fix the time and place of special meetings as
2 may be deemed necessary by the chairman of the commission.

3 SECTION 4. That Section 22-2806, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 22-2806. ADMINISTRATION, WHERE VESTED. The administration of this act
6 shall be vested in the Idaho honey ~~advertising~~ commission which shall admin-
7 ister the taxes levied and imposed by this act.

8 SECTION 5. That Section 22-2809, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 22-2809. LEVY AND COLLECTION OF TAXES -- CHANGE OF TAX BY REFERENDUM
11 -- VIOLATIONS -- PENALTY. (1) There is hereby levied and imposed upon each
12 colony or hive of bees within the state of Idaho on July 1 of each year a con-
13 tinuing annual tax of five cents (5¢) per hive or colony of bees beginning in
14 the year 1970 for the purpose of carrying out the provisions of this chapter.
15 Hobbyist beekeepers, as defined in chapter 25, title 22, Idaho Code, are ex-
16 empt from taxation under this section. Provided however, that any hobbyist
17 beekeeper who desires to support the efforts of the commission, as set forth
18 in section 22-2807, Idaho Code, and desires to be included in registration
19 lists distributed as authorized under section 22-2815, Idaho Code, may reg-
20 ister with the commission for that purpose by remitting an annual registra-
21 tion fee of ten dollars (\$10.00).

22 (2) The tax may be decreased to not less than three cents (3¢) per hive
23 or colony per year or it may be increased to not more than ten cents (10¢) per
24 hive or colony per year, if approved by a majority of the beekeepers voting in
25 a referendum held for the purpose of determining whether such levy of the tax
26 shall or shall not be changed. If the levy of the tax is changed, the levy of
27 the tax will continue annually at the changed rate until again changed by an-
28 other referendum. Any resident of Idaho who is a registered Idaho beekeeper
29 with the department of agriculture, and is not exempt from taxation as pro-
30 vided in subsection (1) of this section, may vote at such referendum. Any
31 referendum held for the purpose of changing the levy of such tax shall be held
32 at the annual meeting of the Idaho honey industry association or any succes-
33 sor organization to this group.

34 (3) Notice of the tax provided for in this section shall be mailed no
35 later than June 1 and the tax shall be due and payable on or before July 1 of
36 each year, and it shall be collected by the Idaho department of agriculture
37 and shall forthwith be paid over by the Idaho department of agriculture to
38 the Idaho honey ~~advertising~~ fund.

39 (4) Said tax shall be a lien upon all apicultural products, equipment,
40 bees and property of the person owning or controlling such bees and shall
41 be prior to all other liens or encumbrances except liens which are declared
42 prior by operation of the statutes of this state.

43 (5) Hives brought into the state for indoor winter storage prior to mov-
44 ing to another state for pollination or honey production are exempt from pay-
45 ing fees and taxes as provided for in this section. Provided however, reg-
46 istration shall be required and a minimum of the following information shall
47 be supplied: location of the storage, approximate dates the hive or hives

1 will be brought into and leave the state, name, address and telephone num-
 2 ber of the owner of the bees, and name, address and telephone number of an
 3 in-state contact who will have knowledge of the hive or hives being stored in
 4 the state.

5 SECTION 6. That Section 22-2813, Idaho Code, be, and the same is hereby
 6 amended to read as follows:

7 22-2813. PAYMENT OF EXPENSES AND COSTS. All expenses and costs in-
 8 curred in the administration of this chapter shall be paid out of the Idaho
 9 honey ~~advertising~~ fund. The commission shall keep an accurate record of all
 10 costs and expenditures and will report the same by publication on October
 11 1st of each year. All expenses and costs incurred and contracted for by the
 12 commission in performing its duties under this chapter shall be paid out of
 13 such Idaho honey ~~advertising~~ fund in the following manner: vouchers shall
 14 be approved and submitted by the commission chairman to the director or his
 15 designated representative of the Idaho state department of agriculture for
 16 approval and subsequent issuance of a warrant by the state controller.

17 SECTION 7. That Section 22-2814, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 22-2814. CREDITING OF FUNDS. All moneys which have heretofore been
 20 credited to the general fund under the provisions of this chapter are hereby
 21 transferred to the Idaho honey ~~advertising~~ fund.

22 SECTION 8. That Section 67-450D, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 67-450D. INDEPENDENT FINANCIAL AUDITS -- DESIGNATED ENTI-
 25 TIES. (1) Notwithstanding any other provisions of the Idaho Code relating
 26 to audit requirements regarding the entities hereinafter designated,
 27 beginning on July 1, 2010, the requirements set forth in this section shall
 28 constitute the minimum audit requirements for the following entities:

29 Alfalfa and clover seed commission;
 30 Idaho apple commission;
 31 Idaho aquaculture commission;
 32 Idaho barley commission;
 33 Idaho bean commission;
 34 Idaho beef council;
 35 Idaho cherry commission;
 36 Idaho dairy products commission;
 37 Idaho food quality assurance institute;
 38 Idaho forest products commission;
 39 Idaho grape growers and wine producers commission;
 40 Idaho honey ~~advertising~~ commission;
 41 Idaho hop grower's commission;
 42 Idaho mint commission;
 43 Idaho oilseed commission;
 44 Idaho pea and lentil commission;
 45 Commission on pesticide management;

1 Idaho potato commission;
2 Idaho rangeland resources commission;
3 Soil and water conservation commission;
4 Idaho wheat commission.

5 (2) The minimum requirements for any audit performed under the provi-
6 sions of this section are:

7 (a) Any entity whose annual expenditures (from all sources) exceed two
8 hundred fifty thousand dollars (\$250,000) shall cause a full and com-
9 plete audit of its financial statements to be made each fiscal year.

10 (b) Any entity whose annual expenditures (from all sources) exceed
11 one hundred thousand dollars (\$100,000), but do not exceed two hundred
12 fifty thousand dollars (\$250,000), in the current year shall have an
13 annual audit or may elect to have its financial statements audited on
14 a biennial basis. The first year that expenditures exceed one hundred
15 thousand dollars (\$100,000) is the first year of the biennial audit
16 period. The designated entity may continue the biennial audit cycle in
17 subsequent years as long as the entity's annual expenditures during the
18 first year of the biennial audit period do not exceed two hundred fifty
19 thousand dollars (\$250,000). In the event that annual expenditures ex-
20 ceed two hundred fifty thousand dollars (\$250,000) in the current year
21 following a year in which a biennial audit was completed, the designated
22 entity shall complete an annual audit. In the event that annual expen-
23 ditures in the current year do not exceed one hundred thousand dollars
24 (\$100,000) following a year in which an annual or biennial audit was
25 completed, the designated entity has no minimum audit requirement.

26 (c) Any entity whose annual expenditures (from all sources) do not ex-
27 ceed one hundred thousand dollars (\$100,000) has no minimum audit re-
28 quirements under the provisions of this section.

29 (d) Federal audit requirements applicable because of expenditure of
30 federal assistance supersede the minimum audit requirements provided
31 in this section.

32 (3) All moneys received or expended by the entities identified in sub-
33 section (1) of this section shall be audited as specified in subsection (2)
34 of this section by a certified public accountant designated by the entity,
35 who shall furnish a copy of such audit to the director of the legislative ser-
36 vices office and to the senate agricultural affairs committee and the house
37 agricultural affairs committee. The audit shall be completed within ninety
38 (90) days following the close of the commission's fiscal year.

39 (4) Any entity identified in subsection (1) of this section that is not
40 audited pursuant to the provisions of this section shall submit an unaudited
41 annual statement of revenues, expenditures and fund balances to the director
42 of the legislative services office, to the senate agricultural affairs com-
43 mittee and the house agricultural affairs committee, to the state controller
44 and to the division of financial management.

45 (5) The right is reserved to the state of Idaho to audit the funds of the
46 entities identified in this section at any time.

47 SECTION 9. That Section 67-5303, Idaho Code, be, and the same is hereby
48 amended to read as follows:

1 67-5303. APPLICATION TO STATE EMPLOYEES. All departments of the state
2 of Idaho and all employees in such departments, except those employees
3 specifically defined as nonclassified, shall be classified employees, who
4 are subject to this chapter and to the system of personnel administration
5 which it prescribes. Nonclassified employees shall be:

6 (a) Members of the state legislature and all other officers of the state
7 of Idaho elected by popular vote, and persons appointed to fill vacancies in
8 elective offices, and employees of the state legislature.

9 (b) Members of statutory boards and commissions and heads of depart-
10 ments appointed by and serving at the pleasure of the governor, deputy direc-
11 tors appointed by the director and members of advisory boards and councils
12 appointed by the departments.

13 (c) All employees and officers in the office, and at the residence, of
14 the governor; and all employees and officers in the offices of the lieutenant
15 governor, secretary of state, attorney general, state treasurer, state con-
16 troller, and state superintendent of public instruction who are appointed on
17 and after the effective date of this chapter.

18 (d) Except as otherwise provided by law, not more than one (1) declared
19 position for each board or commission and/or head of a participating depart-
20 ment in addition to those declared to be nonclassified by other provisions of
21 law.

22 (e) Part-time professional consultants who are paid on a fee basis for
23 any form of legal, medical or other professional service, and who are not en-
24 gaged in the performance of administrative duties for the state.

25 (f) Judges, temporary referees, receivers and jurors.

26 (g) All employees of the Idaho supreme court, Idaho court of appeals and
27 district courts.

28 (h) All employees of the Idaho state bar.

29 (i) Assistant attorneys general attached to the office of the attorney
30 general.

31 (j) Officers, members of the teaching staffs of state educational in-
32 stitutions, the professional staff of the Idaho department of education
33 administered by the board of regents and the board of education, and the
34 professional staffs of the Idaho division of professional-technical edu-
35 cation and vocational rehabilitation administered by the state board for
36 professional-technical education. "Teaching staff" includes teachers,
37 coaches, resident directors, librarians and those principally engaged in
38 academic research. The word "officer" means presidents, vice presidents,
39 deans, directors, or employees in positions designated by the state board
40 who receive an annual salary of not less than step "A" of the pay grade equiv-
41 alent to three hundred fifty-five (355) Hay points in the state compensation
42 schedule. A nonclassified employee who is designated as an "officer" on July
43 5, 1991, but does not meet the requirements of this subsection, may make a
44 one (1) time irrevocable election to remain nonclassified. Such an election
45 must be made not later than August 2, 1991. When such positions become va-
46 cant, these positions will be reviewed and designated as either classified
47 or nonclassified in accordance with this subsection.

48 (k) Employees of the military division.

49 (l) Patients, inmates or students employed in a state institution.

1 (m) Persons employed in positions established under federal grants,
2 which, by law, restrict employment eligibility to specific individuals or
3 groups on the basis of nonmerit selection requirements. Such employees
4 shall be termed "project exempt" and the tenure of their employment shall
5 be limited to the length of the project grant, or twenty-four (24) months,
6 or four thousand one hundred sixty (4,160) hours of credited state service,
7 whichever is of the shortest duration. No person hired on a project-exempt
8 appointment shall be employed in any position allocated to the classified
9 service.

10 (n) Temporary employees.

11 (o) All employees and officers of the following named commodity commis-
12 sions, and all employees and officers of any commodity commission created
13 hereafter: the Idaho potato commission, as provided in chapter 12, title 22,
14 Idaho Code; the Idaho honey ~~advertising~~ commission, as provided in chapter
15 28, title 22, Idaho Code; the Idaho bean commission, as provided in chapter
16 29, title 22, Idaho Code; the Idaho hop grower's commission, as provided in
17 chapter 31, title 22, Idaho Code; the Idaho wheat commission, as provided
18 in chapter 33, title 22, Idaho Code; the Idaho pea and lentil commission, as
19 provided in chapter 35, title 22, Idaho Code; the Idaho apple commission, as
20 provided in chapter 36, title 22, Idaho Code; the Idaho cherry commission,
21 as provided in chapter 37, title 22, Idaho Code; the Idaho mint grower's com-
22 mission, as provided in chapter 38, title 22, Idaho Code; the Idaho sheep and
23 goat health board, as provided in chapter 1, title 25, Idaho Code; the state
24 brand inspector, and all district supervisors, as provided in chapter 11,
25 title 25, Idaho Code; the Idaho beef council, as provided in chapter 29, ti-
26 tle 25, Idaho Code; and the Idaho dairy products commission, as provided in
27 chapter 31, title 25, Idaho Code.

28 (p) All inspectors of the fresh fruit and vegetable inspection service
29 of the Idaho department of agriculture, except those positions involved in
30 the management of the program.

31 (q) All employees of correctional industries within the department of
32 correction.

33 (r) All deputy administrators and wardens employed by the department of
34 correction. Deputy administrators are defined as only the deputy adminis-
35 trators working directly for the nonclassified division administrators un-
36 der the director of the department of correction.

37 (s) All public information positions with the exception of secretarial
38 positions, in any department.

39 (t) Any division administrator.

40 (u) Any regional administrator or division administrator in the de-
41 partment of environmental quality.

42 (v) All employees of the division of financial management.

43 (w) All employees of the Idaho food quality assurance institute.

44 (x) The state appellate public defender, deputy state appellate public
45 defenders and all other employees of the office of the state appellate public
46 defender.

47 (y) All quality assurance specialists or medical investigators of the
48 Idaho board of medicine.

49 (z) All pest survey and detection employees and their supervisors hired
50 specifically to carry out activities under the Idaho plant pest act, chapter

1 20, title 22, Idaho Code, including but not limited to pest survey, detec-
2 tion and eradication, except those positions involved in the management of
3 the program.

4 SECTION 10. An emergency existing therefor, which emergency is hereby
5 declared to exist, this act shall be in full force and effect on and after its
6 passage and approval.