IN THE SENATE

SENATE BILL NO. 1207, As Amended

BY AGRICULTURAL AFFAIRS COMMITTEE

1   AN ACT
2   RELATING TO THE SEED INDEMNITY FUND LAW; AMENDING SECTION 22-5117, IDAHO
3   CODE, TO PROVIDE THAT THE DIRECTOR OF THE IDAHO STATE DEPARTMENT OF
4   AGRICULTURE MAY DENY THE ISSUANCE OF A LICENSE OR RENEWAL BASED ON SPEC-
5   IFIED CRITERIA AND AFTER A PUBLIC HEARING AND TO PROVIDE FOR JUDICIAL
6   REVIEW OF FINAL DETERMINATIONS.

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

8   SECTION 1. That Section 22-5117, Idaho Code, be, and the same is hereby
9   amended to read as follows:

10   22-5117.   LICENSE DENIAL. (1) Any seed buyer against whose bond a claim
11 has been ordered collected or has actually been collected shall not be li-
12 censed by the department for a period of three (3) years from the date of such
13 order or collection. License denial may be waived if the person can show, to
14 the satisfaction of the director, that full settlement of all claims against
15 the bond have been made. Full settlement does not include seed indemnity
16 fund settlements. A change in a person's business name shall not absolve any
17 unsettled claim against that person's prior bond.
18   (2) The director may deny the issuance or renewal of a license to an ap-
19 plicant after a public hearing and based on the following criteria:
20   (a) The applicant failed or refused to make prior claimants whole due to
21   a previous failure;
22   (b) The applicant misrepresented material facts in the application for
23   a license;
24   (c) The industry required to pay into the seed indemnity fund presents
25   relevant objections; or
26   (d) Any material fact provided by a seed producer that demonstrates li-
27   cense denial would serve the best interest of the public.
28   (3) Any person adversely affected by the director's final determina-
29 tion may secure judicial review as prescribed under the provisions of chap-
30 ter 52, title 67, Idaho Code.