

IN THE SENATE

SENATE BILL NO. 1276

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO THE IDAHO WOLF DEPREDATION CONTROL BOARD; REPEALING SECTION  
2 22-5307, IDAHO CODE, RELATING TO A SUNSET PROVISION; AMENDING SEC-  
3 TION 25-131, IDAHO CODE, TO REMOVE EFFECTIVE DATE PROVISIONS; AMENDING  
4 SECTION 25-1145, IDAHO CODE, TO REMOVE EFFECTIVE DATE PROVISIONS; AND  
5 AMENDING SECTION 36-125, IDAHO CODE, TO REMOVE EFFECTIVE DATE PROVI-  
6 SIONS.  
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10 repealed.

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

13 25-131. IDAHO SHEEP AND GOAT HEALTH ACCOUNT -- ASSESSMENT -- FIRST  
14 PURCHASER TO MAKE REPORT -- PENALTY FOR FAILURE TO MAKE REPORT -- APPROPRIA-  
15 TION. (1) In order for the board to carry out the provisions of this chapter,  
16 the board shall assess, levy and collect an assessment established by the  
17 board, not to exceed twelve cents (12¢) per pound on all wool, in the grease  
18 basis, sold through commercial channels, and ~~from the effective date of this~~  
19 ~~act through June 30, 2019,~~ two cents (2¢) of the assessment shall be consid-  
20 ered a wolf control assessment pursuant to section 22-5306, Idaho Code. In  
21 the event that a sheep, which produces wool subject to this assessment, shall  
22 be located outside the state of Idaho during a part of the assessment year,  
23 the amount of the assessment shall be reduced on a pro rata basis. Such as-  
24 sessment shall be levied and assessed to the producer at the time of the first  
25 sale of wool and shall be deducted by the first purchaser from the price paid  
26 to the producer at the time of such first sale. The assessment provided in  
27 this section shall not be levied or collected on any casual sale. In addition  
28 to the assessment provisions of this section related to wool, the board may  
29 by rule establish an assessment on goats that would assess goats on a per head  
30 basis and at a rate that is comparable to the assessment on wool.

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

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

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

40 (5) The first purchaser shall make reports to the board on forms pre-  
41 scribed by the board, and no first purchaser shall fail to make such reports

1 or falsify any such reports. The assessment deducted and withheld by a first  
 2 purchaser, as required in subsection (1) of this section, shall be paid to  
 3 the board on a quarterly calendar year basis, and shall be due and payable  
 4 within thirty (30) days after the end of the quarter. All moneys collected  
 5 by the board under the provisions of this chapter shall be paid to the state  
 6 treasurer. All moneys received from the assessment pursuant to this section  
 7 shall be deposited in the state treasury by the state treasurer to the credit  
 8 of a special account in the state operating fund hereby created to be known as  
 9 the "Idaho sheep and goat health account."

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

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

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

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

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

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

43 25-1145. RENEWAL OF BRANDS. (1) On July 1, 2011, and at the end of each  
 44 recording period of an original application pursuant to section 25-1144,  
 45 Idaho Code, and at the end of each successive period thereafter on the first  
 46 day of July, the recording of every brand in the office of the state brand  
 47 inspector shall be renewed upon application for such renewal by the owner.  
 48 The fee of the state brand inspector for filing each such renewal applica-  
 49 tion shall be not more than one hundred twenty-five dollars (\$125), and from

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

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

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

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

20 36-125. FIXING ASSESSMENT AND FEES FOR WILDLIFE -- WOLF CONTROL  
21 FUND. ~~From the effective date of this act through June 30, 2019,~~ The fish and  
22 game commission shall comply with the provisions of section 22-5306, Idaho  
23 Code, in providing the wolf depredation control board with direction for use  
24 of fish and game funds transferred to the fish and game fund transfer sub-  
25 account of the wolf control fund made pursuant to the provisions of section  
26 22-5306, Idaho Code.