

IN THE SENATE

SENATE BILL NO. 1225

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1  
2 RELATING TO AGRICULTURE; AMENDING SECTION 22-103, IDAHO CODE, TO REVISE  
3 PROVISIONS REGARDING DUTIES OF THE DIRECTOR; AMENDING SECTION 22-608,  
4 IDAHO CODE, TO REVISE PROVISIONS REGARDING REPORTING REQUIREMENTS AS-  
5 SOCIATED WITH CERTAIN FERTILIZERS; AND AMENDING SECTION 22-2208, IDAHO  
6 CODE, TO REVISE PROVISIONS REGARDING TONNAGE FEE REPORTING REQUIRE-  
7 MENTS ASSOCIATED WITH CERTAIN SOIL AND PLANT AMENDMENTS.

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

9 SECTION 1. That Section 22-103, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 22-103. DUTIES OF DIRECTOR. The director of the department of agricul-  
12 ture shall execute the powers and discharge the duties vested by law in him or  
13 in the department, including, but not limited to, the following:

14 (1) Pursuant to chapter 53, title 67, Idaho Code, hire, assign duties  
15 and evaluate the performance of all employees of the department.

16 (2) Designate employees for special assignment, office or function as  
17 the needs of the department may require.

18 (3) Acquire, generate, develop and disseminate information and data  
19 concerning agricultural pursuits, productivity and product quality.

20 (4) Encourage and promote in every practical manner, the interests of  
21 agriculture, horticulture, apiculture, aquaculture, the livestock indus-  
22 tries, poultry and fowl raising, wool and fur-bearing animals and their al-  
23 lied industries.

24 (5) Assist, encourage and promote the organization of farmers' insti-  
25 tutes, agricultural, horticultural, management or cooperative societies  
26 and organizations for the benefit of agricultural pursuits in this state.

27 (6) Promote improved methods of production, storage, sales and market-  
28 ing of agricultural industries.

29 (7) Establish and promulgate standards of construction, use and sani-  
30 tation of open and closed receptacles for farm products, and standards for  
31 grade or other classification of farm products.

32 (8) Prescribe and promulgate rules governing marks, brands and labels,  
33 and the registration thereof, for use upon receptacles for farm products.

34 (9) Promote, in the interest of the public, economical and efficient  
35 use of products and commodities used in the production of agricultural, hor-  
36 ticultural, meats and other products and farm commodities and their distri-  
37 bution.

38 (10) Cooperate with producers, processors and consumers in devising and  
39 maintaining economical and efficient systems of distribution, and to assist  
40 in the reduction of waste and expense incidental to the marketing of agricul-  
41 tural products.

1 (11) Cooperate with the secretary, colleges and universities, experi-  
2 ment stations, and other agencies which cooperate in devising, research and  
3 development and utilization of improved agricultural production and other  
4 activities.

5 (12) Investigate the practices, methods of factors, management tech-  
6 niques of commission merchants, track buyers and others who receive,  
7 solicit, buy, sell, handle on commission or otherwise, or deal in grains,  
8 eggs, livestock, vegetables or other products used as human foods, to the  
9 end that distribution of such commodities through such factors, commission  
10 merchants, track buyers and others be efficiently and economically accom-  
11 plished without hardship, waste or fraud.

12 (13) Enter and inspect any right-of-way of any irrigation canal, rail-  
13 way, public highway, field, orchard, nursery, fruit or vegetable packing  
14 house, ~~store room~~ storeroom, sales room, storage facility, depot or other  
15 place where fruits and vegetables are grown or stored and to inspect fruits,  
16 trees, plants, vines, shrubs or other articles within the state, and if such  
17 places or articles are infested with pests, insects or their eggs or larvae,  
18 or with any contagious or transmittable diseases injurious to plant life, to  
19 abate or eradicate the same as a nuisance.

20 (14) Provide treatment for and prevent the spread of infectious or com-  
21 municable diseases among bees, livestock, fur-bearing animals or domestic  
22 animals through the systematic and periodic inspection, testing or treat-  
23 ment of such bees and animals at the expense of the owner thereof.

24 (15) Protect the livestock interests of the state from losses due to  
25 disease or hazards to animal health and communicable to humans through  
26 agricultural products. The director is authorized to regulate, as deemed  
27 necessary, commercial livestock truck-washing facilities. This includes  
28 permitting for the treatment or disposal, at any location, of any wash water  
29 generated by the facility. This subsection preempts the Idaho department  
30 of environmental quality's authority to issue land application permits and  
31 to do plan and specification reviews under section 39-118, Idaho Code, for  
32 livestock truck-washing facilities, but does not affect any other authority  
33 of the Idaho department of environmental quality.

34 (16) Maintain recording of earmarks, eartags or other identifying marks  
35 not covered under any other provisions of law.

36 (17) Purchase, lease, hold, sell, and dispose of real and personal prop-  
37 erty of the department when, in the judgment of the director, such transac-  
38 tions promote the purposes for which the department is established.

39 (18) Contract with any state agency, federal agency or agency of another  
40 state concerning any matter, program or cooperative effort within the scope  
41 and jurisdiction of its authority pursuant to law.

42 (19) Assist in the improvement of country life, farm occupations and to  
43 cooperate in effectuating equality of opportunity of those employed in agri-  
44 cultural pursuits in the state of Idaho.

45 (20) Investigate diseases, contamination of livestock and poultry,  
46 agricultural, horticultural, and farm products, suspected to be infected  
47 or contaminated by bacterial, viral, protozoal, parasitic, chemical, nu-  
48 clear, botanical or other disease-producing agents, or carrying a residue  
49 of any such disease-producing agent or chemical in excess of any tolerance  
50 established by federal or state law or regulation and to examine, conduct

1 tests, and issue "hold orders" on any livestock, poultry, agricultural,  
 2 horticultural or farm products as deemed necessary to effectuate a diagnosis  
 3 of disease, contamination or chemical level to safeguard and protect animal  
 4 and man. And additionally, authorize and implement a predator control pro-  
 5 gram on state and private lands using any kind of toxic material or substance  
 6 suitable for such purpose. Any toxic material or substance shall be approved  
 7 for use by the director. In order to carry out the provisions of this subsec-  
 8 tion, the director shall prescribe and promulgate rules pursuant to chapter  
 9 52, title 67, Idaho Code.

10 (21) ~~Prescribe by rule~~ May assess an interest charge ~~which may be as-~~  
 11 ~~essed on all accounts which that are~~ thirty (30) days past due from the  
 12 initial billing date or the assessment due date. The interest rate charged  
 13 shall not exceed twelve percent (12%) per annum.

14 (22) To take all steps that are deemed necessary to prevent and control  
 15 damage or conflicts on federal, state, or other public or private lands  
 16 caused by predatory animals, rodents, or birds, including threatened or  
 17 endangered wildlife within the state of Idaho, as are established by federal  
 18 or state law, federal or state regulation, or county ordinance, that are in-  
 19 jurious to animal husbandry, agriculture, horticulture, forestry, wildlife  
 20 and human health and safety.

21 (23) Administer a range program to provide support, coordination and  
 22 expertise to Idaho rangeland livestock producers and land and wildlife  
 23 management agencies for the planning and management of vegetation, grazing  
 24 permits and other rangeland resources that are of importance to the live-  
 25 stock industry. The program shall also provide technical expertise and  
 26 support to state and industry entities in reviewing various federal environ-  
 27 mental impact statements, federal environmental assessments and other state  
 28 and federal proposals that impact grazing, vegetation management or other  
 29 rangeland resources or uses important to the livestock industry.

30 (24) To administer oaths, certify to all official acts and subpoena any  
 31 person in this state as a witness; to compel through subpoena the produc-  
 32 tion of books, papers, and records; and to take the testimony of any person  
 33 on deposition in the same manner as prescribed by law in the procedure be-  
 34 fore the courts of this state. A subpoena issued by the director shall ex-  
 35 tend to all parts of the state and may be served by any person authorized to  
 36 do so. All powers of the director enumerated in this subsection with respect  
 37 to administering oaths, power of subpoena, and other powers in hearings on  
 38 complaints shall likewise be applicable to hearings held on applications for  
 39 the issuance or renewal of licenses.

40 (25) To appoint, as necessary, committees for the purpose of advising  
 41 the director on any and all matters relating to agricultural programs within  
 42 the Idaho department of agriculture.

43 (26) Cooperate with producers, industry and technology groups, and  
 44 other agencies to encourage the growth of technology within the state's  
 45 agricultural industries while protecting, as necessary, the integrity of  
 46 existing agriculture and agricultural marketing channels.

47 SECTION 2. That Section 22-608, Idaho Code, be, and the same is hereby  
 48 amended to read as follows:

1 22-608. INSPECTION FEES. (1) There shall be paid to the department for  
2 all fertilizers sold or distributed in this state in quantities of more than  
3 twenty-five (25) pounds an inspection fee at the rate of thirty-five cents  
4 (35¢) per ton by the product registrant. Another registrant or a tonnage-  
5 only distributor may assume responsibility for the inspection fee. Except  
6 that:

7 (a) No fee shall be paid on commercial fertilizer if the payment has  
8 been made by a previous distributor.

9 (b) No fee shall be paid on a customer-formula fertilizer if the inspec-  
10 tion fee is paid on the commercial fertilizers that are used as ingredi-  
11 ents therein.

12 (c) No fee shall be paid on commercial fertilizers that are used as in-  
13 gredients for the manufacture of commercial fertilizers.

14 (d) If the fee has already been paid, credit shall be given for such pay-  
15 ment.

16 (2) Every registrant who distributes fertilizer into or within the  
17 state shall file with the department ~~a semiannual~~ an annual statement ~~for the~~  
18 ~~reporting period~~ setting forth the number of net tons of each fertilizer so  
19 distributed into or within this state during such period. The annual tonnage  
20 reporting period shall be July 1 to June 30 of each year. The statement is  
21 due on or before thirty (30) days following the close of the filing period.  
22 Upon filing the statement, the registrant shall pay the inspection fee at the  
23 rate provided in this section. If the tonnage report is not filed and the  
24 inspection fee is not paid within thirty (30) days after the end of the speci-  
25 fied filing period, a collection fee of ten percent (10%) of the amount due,  
26 or twenty-five dollars (\$25.00), whichever is greater, shall be assessed  
27 against the registrant and added to the amount due.

28 (3) When more than one (1) person is involved in the distribution of a  
29 fertilizer, the last person who has the fertilizer registered or who has dis-  
30 tributed the fertilizer to a nonregistrant, dealer, or consumer is responsi-  
31 ble for reporting the tonnage and paying the inspection fee, unless the re-  
32 port and payment is made by a prior distributor of the fertilizer. The regis-  
33 trant has the ultimate responsibility for the payment of inspection fees.

34 (4) Records of the number of net tons of each fertilizer so distributed  
35 in this state shall be maintained for a period of five (5) years. The direc-  
36 tor shall have the right to examine such records to verify the reported ton-  
37 nage of fertilizer distributed in this state.

38 (5) A minimum inspection fee shall be fifteen dollars (\$15.00) per re-  
39 porting period.

40 (6) On individual packages of fertilizer containing twenty-five (25)  
41 pounds or less, there shall be paid, in lieu of the inspection fee, an annual  
42 registration fee of twenty-five dollars (\$25.00) for each separately iden-  
43 tifiable product sold or distributed. Where a person distributes fertil-  
44 izer in packages of twenty-five (25) pounds or less and in packages of over  
45 twenty-five (25) pounds, the annual fee shall apply only to that portion dis-  
46 tributed in packages of twenty-five (25) pounds or less.

47 (7) Fees so collected shall be used for the payment of the costs of in-  
48 spection, sampling and analysis, and other expenses necessary for the admin-  
49 istration of this chapter.

1 SECTION 3. That Section 22-2208, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 22-2208. TONNAGE FEE. (1) The registrant of soil amendments or plant  
4 amendments distributed for sale or other remuneration in this state shall  
5 pay to the department a tonnage fee of fifteen cents (15¢) per ton, on a dry  
6 weight basis. For liquid formulations or ingredients, the tonnage fee shall  
7 be based on weight-per-gallon basis.

8 (2) ~~Semiannual~~ The annual tonnage fee reporting periods shall be  
9 ~~January 1 to June 30 and July 1 to December 31~~ July 1 to June 30 of each year.

10 (3) Every registrant who distributes soil amendments or plant amend-  
11 ments in the state shall file with the department ~~a semiannual~~ an annual  
12 statement for the reporting period setting forth the number of net tons of  
13 each soil amendment or plant amendment distributed in this state during the  
14 reporting period. The statement is due on or before thirty (30) days fol-  
15 lowing the close of the filing period and, upon filing the statement, the  
16 registrant shall pay the tonnage fee at the rate stated in this section.  
17 If the tonnage report is not filed and the tonnage fees are not paid within  
18 thirty (30) days after the end of the specified filing period, a collection  
19 fee of ten percent (10%) of the amount due, or twenty-five dollars (\$25.00),  
20 whichever is greater, shall be assessed against the registrant and added to  
21 the amount due.

22 (4) The registrant is ultimately responsible for paying tonnage fees.  
23 When more than one (1) person is involved in the distribution of a soil amend-  
24 ment or plant amendment, the last person who has the soil amendment or plant  
25 amendment registered or who has distributed a soil amendment or plant amend-  
26 ment to a nonregistrant, dealer or consumer is responsible for reporting the  
27 tonnage and paying the tonnage fee, unless the report and payment are made by  
28 a prior distributor of the soil amendment or plant amendment.

29 (5) A minimum tonnage fee shall be fifteen dollars (\$15.00) per report-  
30 ing period.

31 (6) Records of the number of net tons of each soil amendment or plant  
32 amendment distributed in this state shall be maintained for a period of five  
33 (5) years. The director may examine the records to verify the reported ton-  
34 nage of plant amendments and soil amendments distributed in this state.

35 (7) Collected tonnage fees shall be used to pay the costs of inspection,  
36 sampling and analysis, and other expenses necessary for the administration  
37 of this chapter.