

IN THE SENATE

SENATE BILL NO. 1024

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO SHEEP AND GOATS; AMENDING SECTION 25-127, IDAHO CODE, TO REVISE
2 PROVISIONS RELATING TO THE MEMBERSHIP OF THE IDAHO SHEEP AND GOAT HEALTH
3 BOARD AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 25-131,
4 IDAHO CODE, TO PROVIDE THAT THE STATE OF IDAHO MAY AUDIT THE FUNDS OF THE
5 BOARD AT ANY TIME.
6

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

8 SECTION 1. That Section 25-127, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 25-127. MEMBERS -- APPOINTMENT, QUALIFICATIONS, SALARY -- OATH. The
11 Idaho sheep and goat health board, hereinafter called the board, shall con-
12 sist of five (5) members, ~~all of whom shall be~~ consisting of experienced wool
13 growers or goat raisers, or a combination of experienced wool growers and
14 goat raisers, and no two (2) of whom shall be from the same county; said mem-
15 bers shall be appointed by, and serve at the pleasure of, the governor. Mem-
16 bers shall hold their offices for the term for which they are appointed and
17 thereafter until their successors are duly appointed and qualified.

18 As vacancies occur upon the board, the Idaho ~~W~~wool ~~G~~rowers
19 ~~A~~ssociation shall submit to the governor the names of two (2) persons quali-
20 fied and suitable for appointment for each such vacancy from whom the gover-
21 nor shall make his appointment to fill such vacancies. The first board shall
22 be appointed for the following terms: two (2) members shall be appointed to
23 hold office until the first Monday of January 1952; two (2) members shall be
24 appointed to hold office until the first Monday of January 1954; one (1) mem-
25 ber shall be appointed to hold office until the first Monday of January 1956;
26 and at the expiration of said dates for the members first appointed and until
27 the expiration of terms thereafter, members shall be appointed to fill such
28 vacancies for a term of six (6) years; and in case of any vacancy occurring
29 in the office of a board member at any time other members shall be appointed,
30 who in each instance shall hold office until the unexpired term of the member
31 whom he is appointed to succeed. Each of said members, before entering upon
32 the duties of his office, shall take and subscribe to the oath of office
33 required by section 59-401, Idaho Code. The members of the board may be
34 compensated as provided by section 59-509(d), Idaho Code. Said compensation
35 may be paid from the Idaho sheep and goat health account in the same manner
36 as other expenses are paid. Each member of said board shall be a qualified
37 elector of the county from which he is chosen and must reside during his term
38 of office within the state of Idaho. Said board must hold a meeting annually
39 and at any other time if so requested by any member of the board. The Idaho
40 sheep and goat health board may request the removal of a board member, with or
41 without cause, by a majority vote. Upon receipt of the request, the governor
42 may immediately withdraw the board member's appointment.

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

3 25-131. IDAHO SHEEP AND GOAT HEALTH ACCOUNT -- ASSESSMENT -- FIRST
4 PURCHASER TO MAKE REPORT -- PENALTY FOR FAILURE TO MAKE REPORT -- APPROPRIA-
5 TION. (1) In order for the board to carry out the provisions of this chapter,
6 the board shall assess, levy and collect an assessment established by the
7 board, not to exceed twelve cents (12¢) per pound on all wool, in the grease
8 basis, sold through commercial channels. In the event that a sheep, which
9 produces wool subject to this assessment, shall be located outside the state
10 of Idaho during a part of the assessment year, the amount of the assessment
11 shall be reduced on a pro rata basis. Such assessment shall be levied and
12 assessed to the producer at the time of the first sale of wool and shall be
13 deducted by the first purchaser from the price paid to the producer at the
14 time of such first sale. The assessment provided in this section shall not be
15 levied or collected on any casual sale. In addition to the assessment pro-
16 visions of this section related to wool, the board may by rule establish an
17 assessment on goats that would assess goats on a per head basis and at a rate
18 that is comparable to the assessment on wool.

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

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

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

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

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

44 (7) In addition thereto, the said account shall consist of any appro-
45 priations made by the legislature for the use of and expenditure by said
46 board. All fees of every kind collected under the provisions of this chap-
47 ter, or under any rules and regulations made pursuant to the provisions of
48 this chapter, shall be deposited in the state treasury in the manner herein-
49 above described. The moneys in said special account are hereby appropriated

1 for the use and expenditure of said board carrying out the provisions of this
2 chapter and the rules and regulations made herein and said account is hereby
3 declared to be a continuing account.

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

8 (9) All moneys received by the board from that portion of the special
9 assessment which is made to carry on the work for prevention and control
10 of damage caused by predatory animals and other vertebrate pests shall be
11 expended by the board in the respective districts comprising the counties
12 where the assessment was collected less the actual and necessary adminis-
13 trative costs for carrying out the provisions of this chapter. All moneys
14 received by such account for work for prevention and control of damage caused
15 by predatory animals and other vertebrate pests except as herein otherwise
16 provided shall be expended by the board within the district or districts
17 specified by the party or agency providing such funds and any trust fund must
18 be held inviolate for the purposes of the trust.

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