

IN THE SENATE

SENATE BILL NO. 1039

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 DATE; AMENDING SECTION
3 25-131, IDAHO CODE, TO REMOVE A DATE RANGE REGARDING CERTAIN ASSES-
4 MENTS; AMENDING SECTION 25-1145, IDAHO CODE, TO REMOVE A DATE RANGE
5 REGARDING CERTAIN ASSESSMENTS; AND AMENDING SECTION 36-125, IDAHO
6 CODE, TO REMOVE A DATE RANGE REGARDING THE FISH AND GAME COMMISSION'S
7 COMPLIANCE WITH SPECIFIED PROVISIONS.
8

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

10 SECTION 1. That Section [22-5307](#), Idaho Code, be, and the same is hereby
11 repealed.

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

14 25-131. IDAHO SHEEP AND GOAT HEALTH ACCOUNT -- ASSESSMENT -- FIRST
15 PURCHASER TO MAKE REPORT -- PENALTY FOR FAILURE TO MAKE REPORT -- APPROPRIA-
16 TION. (1) In order for the board to carry out the provisions of this chapter,
17 the board shall assess, levy and collect an assessment established by the
18 board, not to exceed twelve cents (12¢) per pound on all wool, in the grease
19 basis, sold through commercial channels, and ~~from the effective date of this~~
20 ~~act through June 30, 2020~~, two cents (2¢) of the assessment shall be consid-
21 ered a wolf control assessment pursuant to section 22-5306, Idaho Code. In
22 the event that a sheep, which produces wool subject to this assessment, shall
23 be located outside the state of Idaho during a part of the assessment year,
24 the amount of the assessment shall be reduced on a pro rata basis. Such as-
25 sessment shall be levied and assessed to the producer at the time of the first
26 sale of wool and shall be deducted by the first purchaser from the price paid
27 to the producer at the time of such first sale. The assessment provided in
28 this section shall not be levied or collected on any casual sale. In addition
29 to the assessment provisions of this section related to wool, the board may
30 by rule establish an assessment on goats that would assess goats on a per head
31 basis.

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

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

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

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

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

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

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

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

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

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

45 25-1145. RENEWAL OF BRANDS. (1) On July 1, 2011, and at the end of each
46 recording period of an original application pursuant to section 25-1144,
47 Idaho Code, and at the end of each successive period thereafter on the first
48 day of July, the recording of every brand in the office of the state brand
49 inspector shall be renewed upon application for such renewal by the owner.

1 The fee of the state brand inspector for filing each such renewal applica-
2 tion shall be not more than one hundred twenty-five dollars (\$125), ~~and from~~
3 ~~the effective date of this act through June 30, 2020,~~ twenty-five dollars
4 (\$25.00) of which shall be considered a wolf control assessment pursuant
5 to section 22-5306, Idaho Code, and it shall be the duty of the state brand
6 inspector to furnish without further or other charge one (1) certified copy
7 of the certificate of such brand to the owner thereof upon his request, and
8 for each additional certified copy the state brand inspector shall be paid
9 a reasonable fee as determined by the state brand board not to exceed one
10 dollar and fifty cents (\$1.50) for the additional certified copy. The fee
11 for recording each renewal shall be paid coincident with the filing of the
12 application therefor.

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

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

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

22 36-125. FIXING ASSESSMENT AND FEES FOR WILDLIFE -- WOLF CONTROL
23 FUND. ~~From the effective date of this act through June 30, 2020,~~ ~~t~~The fish and
24 game commission shall comply with the provisions of section 22-5306, Idaho
25 Code, in providing the wolf depredation control board with direction for use
26 of fish and game funds transferred to the fish and game fund transfer sub-
27 account of the wolf control fund made pursuant to the provisions of section
28 22-5306, Idaho Code.