

TITLE 25
ANIMALS

CHAPTER 29
BEEF PROMOTION

25-2901. BEEF COUNCIL CREATED. There is hereby created in the department of self-governing agencies the Idaho beef council, which shall be composed of eight (8) members appointed by the governor. The membership of the beef council shall consist of two (2) dairymen, three (3) beef producers, two (2) cattle feeders and one (1) marketman. In making the appointments, the governor shall take into consideration recommendations made to him by organizations who represent or who are engaged in the same type of production as the proposed member of the council.

[25-2901, added 1967, ch. 222, sec. 1, p. 670; am. 1974, ch. 13, sec. 14, p. 138; am. 1997, ch. 96, sec. 1, p. 225.]

25-2902. MEMBERS -- QUALIFICATIONS. Each member of the council shall be a citizen of the United States and a bona fide resident of this state, a member of the organization which has recommended his appointment to the governor, and shall derive a substantial portion of his income from the production or business which he represents upon the council. The qualifications of each member shall remain in effect during his entire term of office or his office shall be declared vacant by the governor. The governor shall have the power to remove any council member at will.

[25-2902, added 1967, ch. 222, sec. 2, p. 670.]

25-2903. MEMBERS -- APPOINTMENT -- TERMS. The governor shall appoint all members of the council for a term of three (3) years. At the end of each of the above terms the governor shall appoint all successors in office for a term of three (3) years.

Vacancies in any unexpired term shall be filled by the governor for the remainder of the unexpired term. The member appointed to fill the vacancy shall represent the same interests as the person whose office has become vacant.

[25-2903, added 1967, ch. 222, sec. 3, p. 670; am. 1997, ch. 96, sec. 2, p. 225.]

25-2904. COUNCIL OFFICERS -- MEETINGS -- EXPENSES. The council shall elect annually a chairman, vice chairman and a secretary-treasurer from among its members. The council shall meet regularly once each six (6) months, and at such other times as called by the chairman or when requested by two (2) or more members of the council. Members shall be compensated as provided by section [59-509](#) (f), Idaho Code.

[25-2904, added 1967, ch. 222, sec. 4, p. 670; am. 1980, ch. 247, sec. 23, p. 599; am. 1997, ch. 96, sec. 3, p. 226.]

25-2905. DEFINITIONS. As used in this act, unless the context requires otherwise:

1. The term "beef" means and includes beef, beef products, veal and veal products.
2. The term "council" means the Idaho beef council.
3. The term "board" means the state brand board.
4. The term "fiscal year" means the fiscal year commencing on July 1, and ending on the next succeeding June 30.
5. The term "dairyman" means a person engaged in the production of fluid milk.
6. The term "beef producer" means a person who raises, breeds or grows cattle or calves for beef production.
7. The term "cattle feeder" means a person engaged in feeding cattle.
8. The term "cattle" means and includes calves.
9. The term "marketman" means a person actively engaged in operating a public livestock auction in this state.

[25-2905, added 1967, ch. 222, sec. 5, p. 670.]

25-2906. COUNCIL -- POWERS AND DUTIES. The council shall have the following powers and duties:

1. Conform and comply with the federal beef promotion and research order issued by the United States department of agriculture as long as the federal beef promotion and research order is in effect.
2. Conduct scientific research to discover and develop the commercial value of beef.
3. Enter into contracts which it deems appropriate in carrying out the promotion of the cattle industry of this state.
4. Sue and be sued as a council, without individual liability of the council members, when the council is acting within the scope of the powers of this act.
5. Make grants, donations or contributions to any agency which will promote the cattle industry of this state on both a national, state or local level.
6. Employ subordinate officers and employees of the council, prescribe their duties and fix their compensation.
7. Accept grants, donations, contributions or gifts, from any source, for expenditures for any purpose consistent with the provisions of this act.
8. Prepare each year a proposed budget of the council for the next succeeding fiscal year, and provide upon request a copy of this budget to any person who pays an assessment under this act.
9. Adopt, rescind, modify or amend all proper functional regulations, orders, and resolutions for the exercise of its powers and duties, which shall be provided to anyone upon request.
10. Conduct public relation programs for beef and beef products.
11. Lease, purchase or own personal property or lease real property deemed necessary in the administration of this chapter.

[25-2906, added 1967, ch. 222, sec. 6, p. 670; am. 1986, ch. 246, sec. 1, p. 665; am. 2015, ch. 294, sec. 1, p. 1172.]

25-2907. ASSESSMENTS -- COLLECTION. (1) There is hereby levied and imposed upon all cattle an assessment of not more than fifty cents (50¢) per head, to be paid by the owner. Any person may submit a written request for a refund of the assessment, or any portion thereof, to the council within ninety (90) calendar days of the assessment. The council shall make the re-

requested refunds on a calendar quarterly basis. Any refund request that is received by the council less than fifteen (15) days from the end of the calendar quarter shall be paid at the end of the next quarter.

(2) The assessment imposed by this section shall be collected each time a change in ownership of cattle occurs.

(3) The state brand inspector shall collect state or other beef promotion assessments in addition to, at the same time and in the same manner as the fee charged for the state brand inspection. Such assessment so collected belongs to and shall be paid to the Idaho beef council, either directly or later by remittance together with a report. The council shall reimburse the state brand inspector for the reasonable and necessary expenses incurred for such collection, in an amount determined by the council and the inspector.

(4) In the event the federal beef promotion and research act is no longer in effect:

(a) The Idaho beef council shall have the authority to increase the assessment provided for in subsection (1) of this section to not more than one dollar and fifty cents (\$1.50) per head.

(b) Any person may submit a written request for a refund of the assessment, or any portion thereof, to the council within ninety (90) calendar days of the assessment. The council shall make the requested refunds on a calendar quarterly basis. Any refund request that is received by the council less than fifteen (15) days from the end of the calendar quarter shall be paid at the end of the next quarter.

[25-2907, added 1967, ch. 222, sec. 7, p. 670; am. 1971, ch. 104, sec. 1, p. 225; am. 1981, ch. 28, sec. 1, p. 46; am. 1984, ch. 5, sec. 1, p. 10; am. 1984, ch. 62, sec. 1, p. 111; am. 1985, ch. 249, sec. 1, p. 583; am. 1986, ch. 246, sec. 2, p. 665; am. 1997, ch. 96, sec. 4, p. 226; am. 2005, ch. 116, sec. 1, p. 376; am. 2009, ch. 77, sec. 1, p. 213.]

25-2909. DEPOSIT AND DISBURSEMENT OF FUNDS. Immediately upon receipt, all moneys received by the council shall be deposited in one or more separate accounts in the name of the council in one or more banks or trust companies approved under chapter 27 of [title 67](#), Idaho Code, as state depositories. The council shall designate such banks or trust companies. All funds so deposited are hereby appropriated for the purpose of carrying out the provisions of this act.

Funds can be withdrawn or paid out of such accounts only upon checks or other orders upon such accounts signed by two (2) officers designated by the council.

Any assessments or money that may be deposited hereunder with the treasurer of the state of Idaho shall be paid to the council, and the state treasurer shall be reimbursed for the reasonable and necessary expense incurred.

The right is reserved to the state of Idaho to audit the funds of the council at any time.

[25-2909, added 1967, ch. 222, sec. 9, p. 670.]

25-2910. BONDING -- RECORDS -- AUDITS. The person or persons who receive and disburse the moneys of the council shall be bonded, by and in an amount to be determined by the council.

Accurate records of all receipts and disbursements shall be kept, and audited annually by a certified public accountant, whose report shall be

filed in the council office and made available upon request to any person paying assessments under this act.

[25-2910, added 1967, ch. 222, sec. 10, p. 670.]

25-2911. ASSESSMENT LIENS -- PRIORITY. All assessments which become due and owing under the provisions of this act shall constitute a lien upon the cattle sold which shall be prior to all liens except those having priority under state law.

[25-2911, added 1967, ch. 222, sec. 11, p. 670.]

25-2912. FAILURE OR REFUSAL TO PAY ASSESSMENT. The assessment levied by this chapter is mandatory; and failure or refusal to pay the same shall constitute a misdemeanor.

[25-2912, added 1967, ch. 222, sec. 12, p. 670.]