

TITLE 25
ANIMALS

CHAPTER 1
CONTROL OF SHEEP DISEASES

25-126. CREATION OF BOARD. The Idaho sheep and goat health board is hereby created within the department of agriculture, but its officers and employees shall not be subject to the administrative control of the director of the department of agriculture. The administrative officers and employees of the board shall be nonclassified employees. The board may contract with the director of the department of agriculture for administrative and/or veterinary services.

[25-126, added 1951, ch. 250, sec. 1, p. 527; am. 1974, ch. 18, sec. 97, p. 364; am. 1985, ch. 63, sec. 1, p. 126; am. 2012, ch. 117, sec. 1, p. 321.]

25-127. MEMBERS -- APPOINTMENT, QUALIFICATIONS, SALARY -- OATH. The Idaho sheep and goat health board, hereinafter called the board, shall consist of five (5) members, consisting of experienced wool growers or goat raisers, or a combination of experienced wool growers and goat raisers, and no two (2) of whom shall be from the same county; said members shall be appointed by and serve at the pleasure of the governor. Members shall hold their offices for the term for which they are appointed and thereafter until their successors are duly appointed and qualified.

As vacancies occur upon the board, the Idaho wool growers association shall submit to the governor the names of two (2) persons qualified and suitable for appointment for each such vacancy from whom the governor shall make his appointment to fill such vacancies. The first board shall be appointed for the following terms: two (2) members shall be appointed to hold office until the first Monday of January 1952; two (2) members shall be appointed to hold office until the first Monday of January 1954; one (1) member shall be appointed to hold office until the first Monday of January 1956; and at the expiration of said dates for the members first appointed and until the expiration of terms thereafter, members shall be appointed to fill such vacancies for a term of six (6) years; and in case of any vacancy occurring in the office of a board member at any time other members shall be appointed, who in each instance shall hold office until the unexpired term of the member whom he is appointed to succeed. Each of said members, before entering upon the duties of his office, shall take and subscribe to the oath of office required by section [59-401](#), Idaho Code. The members of the board may be compensated as provided by section [59-509](#)(d), Idaho Code. Said compensation may be paid from the Idaho sheep and goat health account in the same manner as other expenses are paid. Each member of said board shall be a qualified elector of the county from which he is chosen and must reside during his term of office within the state of Idaho. Said board must hold a meeting annually and at any other time if so requested by any member of the board. The Idaho sheep and goat health board may request the removal of a board member, with or without cause, by a majority vote. Upon receipt of the request, the governor may immediately withdraw the board member's appointment.

[25-127, added 1951, ch. 250, sec. 2, p. 527; am. 1971, ch. 136, sec. 12, p. 522; am. 1980, ch. 247, sec. 21, p. 597; am. 1985, ch. 63, sec. 2,

p. 126; am. 1997, ch. 116, sec. 1, p. 290; am. 1998, ch. 205, sec. 1, p. 726; am. 2012, ch. 117, sec. 2, p. 321; am. 2013, ch. 91, sec. 1, p. 223.]

25-128. POWERS AND DUTIES OF THE IDAHO SHEEP AND GOAT HEALTH BOARD. The board shall have the authority to perform all those duties and powers necessary for the prevention, control, and eradication of diseases which may include the supervision of sheep, handling of sheep, shipping, transporting or moving of sheep, regulation of sheep, the making of rules concerning sheep and all other matters pertaining to sheep either in the state of Idaho or which may be brought into or shipped from the state of Idaho. The board shall also be responsible for all matters relating to the prevention, control, and eradication of diseases pertaining to goats within the state of Idaho with the provisions of this chapter also applying to goats. The board may also designate a portion of the assessment, as provided in sections [25-130](#) and [25-131](#), Idaho Code, to help carry on the work for the prevention and control of damage caused by predatory animals and other vertebrate pests.

[25-128, added 1997, ch. 116, sec. 3, p. 292; am. 1998, ch. 205, sec. 2, p. 727; am. 2012, ch. 117, sec. 3, p. 322.]

25-129. RULES -- EXECUTIVE SECRETARY, VETERINARIAN, INSPECTORS, SALARIES, EXPENSES AND OFFICE. (1) The board shall elect one (1) of its members chairman. The said board is empowered to make rules for governing itself and such rules as it may deem necessary for the enforcement of the provisions of this chapter and to enforce all such rules, and shall have exclusive control of all matters pertaining to the sheep industry. It shall be empowered to make and enforce rules for quarantining, or otherwise treating sheep which may be infected, affected or infested with ticks, lice or any other parasites detrimental or injurious to sheep, or any infectious or contagious disease of sheep and for the prevention, control and eradication of infectious or contagious diseases, ticks, lice or other parasites detrimental to sheep. All such rules adopted by said board shall have the same force and effect as law and any person, association, firm or corporation violating such rules shall be deemed guilty of a misdemeanor.

(2) The board is empowered to select an executive secretary who may or may not be a member of the board, and such executive secretary shall have the authority and power to sign any and all lawful claims or vouchers to be made, filed or drawn by or on behalf of the board against the Idaho sheep and goat health account, and for such purposes he shall be regarded as the administrative head of the agency and he shall perform such other and further duties as the board shall direct.

(3) The board is empowered to appoint a veterinarian in charge, who must be duly licensed in the state of Idaho and who is a graduate of a recognized and accredited school of veterinary medicine, whose duties and powers shall be defined and prescribed by said board; which said officer shall be bonded to the state of Idaho in the time, form and manner prescribed by [chapter 8, title 59](#), Idaho Code. The veterinarian in charge shall receive such compensation as may be allowed by said board and actual and necessary expenses incurred in the performance of his duties. The veterinarian in charge shall be at all times subject to the authority of the board and shall have the same powers hereinafter provided for all other inspectors appointed by the board under this chapter. The veterinarian in charge shall have authority and power to sign all lawful claims or vouchers filed or drawn on behalf of the board against the Idaho sheep and goat health account.

(4) The board is hereby empowered to appoint all other inspectors, veterinarians and such other employees and assistants as may be necessary to carry out the duties and powers herein conferred and fix the compensation of all such appointees. All salaries and expenses of every kind incurred in carrying out the provisions of this chapter shall be paid from the Idaho sheep and goat health account.

(5) Inspectors and veterinarians appointed by the Idaho sheep and goat health board shall have the power and duty to assist law enforcement entities in the enforcement of all laws of the state pertaining to the identification, inspection and transportation of sheep and other livestock, and shall have general authority to assist law enforcement entities in the enforcement of theft laws of the state with respect to sheep and other livestock.

[25-129, added 1951, ch. 250, sec. 4, p. 527; am. 1969, ch. 156, sec. 1, p. 484; am. 1971, ch. 136, sec. 13, p. 522; am. 1974, ch. 18, sec. 99, p. 364; am. 1977, ch. 134, sec. 1, p. 289; am. 1985, ch. 63, sec. 4, p. 128; am. 1997, ch. 116, sec. 4, p. 292; am. 2012, ch. 117, sec. 4, p. 322.]

25-130. FIXING ASSESSMENT RATE -- PAYMENT OF CLAIMS -- REPORT -- INSPECTION, QUARANTINE AND TREATMENT OF SHEEP -- DISTRICTS. The board shall meet and fix the rate of special assessment to be levied as provided for in this chapter. Any change in the rate of the special assessment shall be made to be effective at the start of a calendar year. The wolf control assessment provided for in section [25-131](#), Idaho Code, shall not be considered a special assessment subject to the effective date provisions of this section. The board shall audit all bills of salaries and expenses incurred in the enforcement of this chapter that may be payable from the Idaho sheep and goat health account which shall be audited, allowed and paid as other claims against the state. The board shall have power to order an inspection or quarantine of any sheep in the state of Idaho, whether diseased or exposed to disease, to compel dipping or other treatment of sheep, whether diseased or exposed to disease, at such times and as often as it deems necessary to ensure the suppression or eradication of any infectious or contagious disease of sheep and divide the state into such districts as may be necessary for the enforcement of this chapter.

[25-130, added 1951, ch. 250, sec. 5, p. 527; am. 1969, ch. 156, sec. 2, p. 484; am. 1985, ch. 63, sec. 5, p. 130; am. 1986, ch. 3, sec. 1, p. 41; am. 1997, ch. 116, sec. 5, p. 293; am. 2012, ch. 117, sec. 5, p. 323; am. 2014, ch. 188, sec. 4, p. 503.]

25-131. IDAHO SHEEP AND GOAT HEALTH ACCOUNT -- ASSESSMENT -- FIRST PURCHASER TO MAKE REPORT -- PENALTY FOR FAILURE TO MAKE REPORT -- APPROPRIATION. (1) In order for the board to carry out the provisions of this chapter, the board shall assess, levy and collect an assessment established by the board, not to exceed twelve cents (12¢) per pound on all wool, in the grease basis, sold through commercial channels, and two cents (2¢) of the assessment shall be considered a wolf control assessment pursuant to section [22-5306](#), Idaho Code. In the event that a sheep, which produces wool subject to this assessment, shall be located outside the state of Idaho during a part of the assessment year, the amount of the assessment shall be reduced on a pro rata basis. Such assessment shall be levied and assessed to the producer at the time of the first sale of wool and shall be deducted by the first purchaser from the price paid to the producer at the time of such first sale. The

assessment provided in this section shall not be levied or collected on any casual sale. In addition to the assessment provisions of this section related to wool, the board may by rule establish an assessment on goats that would assess goats on a per head basis.

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

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

(4) The first purchaser shall specify the amounts of assessments withheld in any written statements made to the producer.

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

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

(7) In addition thereto, the said account shall consist of any appropriations made by the legislature for the use of and expenditure by said board. All fees of every kind collected under the provisions of this chapter, or under any rules and regulations made pursuant to the provisions of this chapter, shall be deposited in the state treasury in the manner hereinabove described. The moneys in said special account are hereby appropriated for the use and expenditure of said board carrying out the provisions of this chapter and the rules and regulations made herein and said account is hereby declared to be a continuing account.

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

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

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

[25-131, added 1951, ch. 250, sec. 6, p. 527; am. 1957, ch. 176, sec. 1, p. 340; am. 1959, ch. 57, sec. 1, p. 124; am. 1967, ch. 38, sec. 1, p. 60; am. 1969, ch. 156, sec. 3, p. 484; am. 1971, ch. 67, sec. 1, p. 153; am. 1977, ch. 136, sec. 1, p. 292; am. 1983, ch. 123, sec. 1, p. 317; am. 1985, ch. 63, sec. 6, p. 130; am. 2012, ch. 117, sec. 6, p. 323; am. 2013, ch. 91, sec. 2, p. 223; am. 2014, ch. 188, sec. 5, p. 504; am. 2018, ch. 82, sec. 1, p. 185; am. 2018, ch. 217, sec. 2, p. 489; am. 2019, ch. 37, sec. 2, p. 103.]

25-132. POWERS OF BOARD TO COLLECT AND CANCEL ASSESSMENT. The board shall have the power to prosecute in the name of the state of Idaho any suit or action for collection of the assessment provided for in section [25-131](#), Idaho Code. The board by order may cancel an assessment which has been delinquent for five (5) years or more, if it determines that: (1) The amount of the assessment is less than one dollar (\$1.00) and that further collection effort or expense does not justify the collection thereof, or (2) the assessment is wholly uncollectible.

[I.C., sec. 25-132, as added by 1969, ch. 156, sec. 5, p. 484; am. 1983, ch. 123, sec. 2, p. 319.]

25-133. COOPERATION WITH FEDERAL AUTHORITIES. The board is hereby authorized to accept on behalf of the state, the rules and regulations prepared by the secretary of agriculture of the United States under and in pursuance of section numbered three (3) (21 U.S.C. sec. 114) of the Act of Congress approved May 29, 1884, entitled "an act for the establishment of the bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression of and extirpation of pleuropneumonia and other contagious diseases among domestic animals," and to cooperate with the authorities of the United States in the enforcement of the provisions of said act; provided, however, that all action taken by the employees of the United States while acting under the provisions of this chapter as state inspectors of sheep and bucks, shall be exercised under the joint supervision of the board and the chief of the bureau of animal industry.

[25-133, added 1951, ch. 250, sec. 8, p. 527.]

25-134. ENTRANCE INTO STATE BY FEDERAL AUTHORITIES. The board is authorized to give its consent that the bureau of animal industry of the United States and its employees shall come within the state of Idaho for the purposes connected with the exportation of diseased sheep and for the suppression and extirpation of any contagious, infectious or communicable disease among sheep.

[25-134, added 1951, ch. 250, sec. 9, p. 527.]

25-135. LOCAL ASSISTANCE FROM PEACE OFFICERS. All federal authorities authorized as aforesaid and the various inspectors of this state shall, subject to the approval of the board, have power to call upon any constable, sheriff or other peace officer in any county in this state to assist them in the discharge of their duties in carrying out the provisions of this act and

the act of congress aforesaid, and it is hereby made the duty of said officers to assist them who so requested and the said federal inspectors shall have the same power to enforce the laws of this state as the various inspectors of the state when authorized as aforesaid and engaged in the discharge of their official duties; provided, that any person, company or corporation refusing to comply with the orders of such officer or federal inspector shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section [25-137](#).

[25-135, added 1951, ch. 250, sec. 10, p. 527.]

25-136. APPROPRIATION FOR SALARY AND EXPENSES. The salaries, expenses and maintenance of the said board and all other salaries and expenses not otherwise provided for, not heretofore provided for in this act, shall be paid out of the Idaho sheep and goat health account. The legislature may each year set aside from the total appropriation which it shall make for the care, handling, inspection and protection and eradication of disease of livestock in the state, that proportion of the total amount which the value of the sheep and goats in the state of Idaho bears to the value of other livestock in the state as determined by the director of the department of agriculture.

[25-136, added 1951, ch. 250, sec. 11, p. 527; am. 1969, ch. 156, sec. 8, p. 484; am. 1974, ch. 18, sec. 100, p. 364; am. 2012, ch. 117, sec. 7, p. 325.]

25-137. PUNISHMENT FOR DISREGARD OF QUARANTINE RULES -- TAKING EVIDENCE. Any person, company, corporation or association or any agent, servant or employee of such, who shall violate or disregard any quarantine provision of this chapter or rules promulgated thereunder or any other provision of law or any sanitary or quarantine rule, order of the board or inspector thereof or any of the provisions of this chapter or rules promulgated thereunder, shall be deemed guilty of a misdemeanor and upon conviction be fined not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) for each offense. For the purpose of carrying out the provisions of this chapter, the board is authorized to subpoena and examine witnesses and to administer oaths for the purpose of soliciting information to be used in enforcing the provisions hereof and in the furtherance of the quarantine, sanitary or other rules.

[25-137, added 1951, ch. 250, sec. 12, p. 527; am. 1985, ch. 63, sec. 7, p. 132; am. 1997, ch. 116, sec. 6, p. 294.]

25-138. FILING AND ENFORCING OF LIENS. All liens provided for in this chapter shall be filed, enforced and foreclosed as if it were an income tax lien as provided by [chapter 30, title 63](#), Idaho Code, and said statutes are hereby declared to apply to and include any liens provided for in this chapter.

[25-138, added 1951, ch. 250, sec. 13, p. 527; am. 1985, ch. 63, sec. 8, p. 132.]

25-139. ATTACHMENT OF PROPERTY. Whenever it shall be necessary in the enforcement of the provisions of this chapter for the board or any of its inspectors to take charge of any sheep, corral, building or other place, demand

therefor shall be made upon the owner or person in charge thereof; in event of refusal of said owner or person in charge of said sheep, corral, building or place, said board or any inspector may have said sheep, corral, building or place seized and held by writ of attachment to issue in the same manner as provided by the general laws of this state; provided, that action shall be brought in the name of the state of Idaho and no bond on attachment be required.

[25-139, added 1951, ch. 250, sec. 14, p. 527; am. 1985, ch. 63, sec. 9, p. 132.]

25-140. BREAKING OF QUARANTINE. Breaking quarantine shall mean the taking of any sheep or allowing any sheep quarantined by the board or inspector to go within or without any building, corral, premises or range quarantined by the board or inspector, or the taking of any clean sheep within any building, corral, premises or range quarantined by the board or inspector.

[25-140, added 1951, ch. 250, sec. 15, p. 527.]

25-141A. SCRAPIE ERADICATION AREA. (1) The state of Idaho is engaged in the eradication of scrapie from sheep and goats within this state and in cooperation with the United States department of agriculture in the eradication of scrapie from sheep and goats outside of this state. The board is authorized to quarantine the whole state or any portion thereof and the movement of sheep and goats is prohibited except in conformity with the provisions of this chapter and the rules of the board promulgated for the purpose of preventing the introduction of scrapie into Idaho from any other state or country. Any person, firm, corporation or other recognized legal entity, who shall bring into the state or move within the state any sheep or goats in violation of the provisions of this chapter or the rules of the board, shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) for each animal brought into the state or moved within the state in violation of the provisions of this chapter or rules promulgated thereunder.

(2) The board shall issue permits authorizing the moving of sheep and goats to and from and through and across quarantine areas for exhibition, sale or feeding purposes and for transporting or moving sheep and goats from one (1) locality to another outside of quarantine areas. The permits shall be issued under rules of the board promulgated with due regard to the convenience of the sheep and goat owners and the protection of sheep and goats within the quarantine areas established as herein provided for the eradication of scrapie.

[25-141A, added 1997, ch. 116, sec. 8, p. 294.]

25-141B. EXTENT OF ERADICATION AREA -- SUPERVISION AND QUARANTINE OF PREMISES. The board is hereby authorized to quarantine any portion of this state when the fact is determined that sheep or goats are affected with scrapie or any other contagious, infectious or communicable disease. The area designated for the control of scrapie may consist of the entire state, a portion of the state, entire county, or part of the county, if it is less than the entire county; the boundary of the area shall be clearly defined in the order for the establishment of the area.

[25-141B, added 1997, ch. 116, sec. 8, p. 295; am. 2012, ch. 117, sec. 8, p. 325.]

25-141C. SHEEP -- GOATS -- SCRAPIE -- OR OTHER DISEASES -- HERD DEPOPULATION. In order to prevent the introduction or dissemination of scrapie or other contagious, infectious or communicable diseases into or among the sheep or goat population of Idaho, the board is granted authority to identify diseases of concern and to condemn infected herds and to require the destruction or other disposition as approved by the board of such herd or herds. The board is authorized to reimburse the owner by cash payment for any affected or exposed sheep or goats which have been condemned, appraised and slaughtered or destroyed or otherwise disposed of by direction of the board and for property destroyed and for labor employed in digging trenches and for cleaning and disinfecting premises where such infected or exposed sheep and goats have been kept; provided, that the board shall only pay the difference between the appraised price less federal indemnity and salvage value for any sheep or goats condemned and slaughtered or destroyed under this section and the actual costs for burials or disposal of animal carcasses and for cleaning and disinfecting of premises where infected or exposed sheep or goats have been kept. In the event federal indemnity is unavailable in regard to the value of the sheep or goats, the board shall only pay the difference between the appraised price and salvage value. Appraisals shall be performed by a team comprised of an animal health representative, the owner and a person with experience in sheep or goat marketing. A maximum per head value may be established by rules of the board. The board or its designee may grant a hearing to any person, under such rules as the board may prescribe which are in compliance with [chapter 52, title 67](#), Idaho Code, when the appraisal price is in dispute. An appeal may be taken from the decision of the board or its designee under the provisions of [chapter 52, title 67](#), Idaho Code.

[25-141C, added 1997, ch. 116, sec. 8, p. 295; am. 2012, ch. 117, sec. 9, p. 325.]

25-141D. CREATION OF SHEEP AND GOAT DISEASE INDEMNITY FUND. There is hereby created within the department of agriculture a board account to be known as the sheep and goat disease indemnity fund. Funds may be received into this account from any source including, but not limited to, donations, gifts, grants, federal funds, Idaho sheep and goat health funds, or appropriations from general or dedicated accounts. Moneys received into this account shall be deposited with the state treasurer to the credit of the sheep and goat disease indemnity fund. Moneys deposited into this account may only be used to indemnify owners whose animals or herds have been condemned or destroyed or otherwise disposed of by direction of the board, and for property destroyed, for labor employed in digging trenches, and for cleaning and disinfecting of premises where infected or exposed sheep and goats have been kept.

[25-141D, added 1997, ch. 116, sec. 8, p. 296; am. 2012, ch. 117, sec. 10, p. 326.]

25-141E. INDEMNITY PAYMENTS RESTRICTED. Indemnity shall only be paid to an owner of sheep or goats for any animals or herds diagnosed to be infected with or exposed to scrapie or any other contagious, infectious or communicable disease, as determined by the board, for sheep or goats born in

Idaho or sheep or goats imported in compliance with existing Idaho statutes or rules promulgated pursuant thereto.

[25-141E, added 1997, ch. 116, sec. 8, p. 296.]

25-143. TRANSPORTATION OF SHEEP FROM QUARANTINED AREA. It shall be unlawful for any transportation company or operator of any motor truck to receive for transportation or transport from the quarantined area of this state into or through an unquarantined area of this state or receive for transportation or transport within the quarantined area of this state any sheep, or as a connecting carrier knowingly receive without the quarantined area, sheep from the quarantined area, and transport the same within the state, except as hereinafter provided; nor shall any person, company or corporation deliver for such transportation to any transportation company, or operator of any motor truck, any sheep from the quarantined area, except as hereinafter provided; nor shall any person, company or corporation drive on foot or cause to be driven on foot or transport in private conveyances or otherwise move within the quarantined area, any sheep except as hereinafter provided; and the board shall make and promulgate rules which shall permit and govern the inspection, treatment, certification, handling and method and manner of delivery and shipment or other movement of sheep from a quarantined area of this state, or the shipment or other movement of sheep within a quarantined area of this state.

[25-143, added 1951, ch. 250, sec. 18, p. 527; am. 1997, ch. 116, sec. 9, p. 296; am. 2012, ch. 117, sec. 11, p. 326.]

25-144. MOVEMENT OF SHEEP FROM QUARANTINED INTO UNQUARANTINED AREA PROHIBITED. It shall be unlawful to move sheep from a quarantined area of the state in any manner whatsoever into an unquarantined area of this state or for connecting carriers to receive sheep of the quarantined area at a point outside of the quarantined area and transport the same within the state, except in accordance with the rules and regulations of the board. It shall be unlawful to move any sheep within a quarantined area of the state except in accordance with the rules and regulations of the said board.

[25-144, added 1951, ch. 250, sec. 19, p. 527; am. 2012, ch. 117, sec. 12, p. 326.]

25-145. QUARANTINE OF DISEASED ANIMALS. The representatives of the board or any inspector or agent of the bureau of animal industry of the United States department of agriculture shall have authority to quarantine, where found, or in any convenient place nearby, any animals affected or infected with or exposed to the contagion or infection of any contagious, infectious or communicable disease. The establishment of any such quarantine shall be immediately reported to the board and said board is authorized and empowered to prescribe such rules and regulations as may be deemed necessary for the movement within the state and the handling, method of treatment and disposition of such animals so quarantined. Written notice of such quarantine shall be given to the owner or custodian of the quarantined animals and it shall be unlawful to move, treat, dip or dispose of such animals, except in accordance with said rules and regulations of the board.

[25-145, added 1951, ch. 250, sec. 20, p. 527; am. 2012, ch. 117, sec. 13, p. 326.]

25-146. INSPECTION AND TREATMENT OF DISEASED SHEEP. The representative of the board or any inspector or agent of the United States bureau of animal industry shall have authority to enter upon any grounds or premises where sheep are kept and to inspect, diagnose and treat sheep found thereon. They shall be authorized and empowered to require owners of sheep to apply such remedies, dips and other curative, protective or preventive agents as may by the board be deemed necessary in order to prevent the introduction or dissemination of disease among the sheep of this state or to effect a cure of affected or infected sheep and in the event that any owner or custodian of such sheep shall refuse to comply with the rules of the board regarding the use of such remedies, dippings and curative agents within the time set by the board and in the manner provided in this act or by the rules of said board, then the board shall be empowered to treat or dip such sheep and the cost thereof, together with all incidental expenses therewith, if any, which shall include the cost and expense of the care and maintenance of said sheep during the time of their custody by the board or its representatives as herein provided, shall be borne by the owner of the sheep so treated or dipped and shall be, until paid, a lien against such sheep.

[25-146, added 1951, ch. 250, sec. 21, p. 527; am. 1997, ch. 116, sec. 10, p. 297; am. 2012, ch. 117, sec. 14, p. 327.]

25-147. DISEASES -- NOTICE TO STATE BOARD -- EVIDENCE OF INFECTION -- RULES. Whenever any sheep becomes affected or infected with any contagious, infectious or communicable disease or whenever symptoms of any contagious, infectious or communicable disease shall have developed in any sheep, notice shall be given in writing or facsimile to the board by the owner or agent in charge of such sheep. The board shall be authorized and empowered to make and promulgate rules not inconsistent with law, for the especial enforcement of this section as may by the board be deemed necessary to prevent the introduction or dissemination of any infection among sheep of this state.

[25-147, added 1951, ch. 250, sec. 22, p. 527; am. 1997, ch. 116, sec. 11, p. 297.]

25-148. IMPORTATION OF SHEEP -- NOTICE OF INTENTION. When an owner or person in charge of sheep desires to bring such sheep into this state from an adjoining state or territory, he shall notify the board or its agent, in writing, or by telephone or by facsimile, of such intention before entering the state, stating the time and place where such sheep shall enter; provided, however, that no notice will be required when sheep are in transit through the state, except sheep from a known infected area shall only be admitted in accordance with the rules of the board.

[25-148, added 1951, ch. 250, sec. 23, p. 527; am. 1997, ch. 116, sec. 12, p. 297; am. 2012, ch. 117, sec. 15, p. 327.]

25-149. KEEPING OF DISEASED SHEEP -- LIABILITY OF OWNERS. Any person, firm or corporation owning or keeping sheep known by him to be diseased or exposed to any contagious, infectious or communicable disease shall immediately report said disease to the board and comply with the rules, regulations

and orders of said board and in the event of his failure so to do he shall be liable in the full amount of damage occasioned to other sheep owners or holders to whose sheep such disease has been communicated or which have contracted or become infected with any such disease from such diseased or exposed sheep.

[25-149, added 1951, ch. 250, sec. 24, p. 527.]

25-150. REGULATION OF PUBLIC SALE YARDS AND PUBLIC AUCTION SALES. For the purpose of preventing the spread of contagious, infectious or communicable diseases among sheep the board is hereby empowered to make reasonable rules and regulations with regard to the handling of sheep in or at public sale yards and public auction sales where sheep are generally sold and shall have the power and authority to prevent the sales of sheep at such public sale yards or public auction sales unless said rules and regulations shall be complied with.

[25-150, added 1951, ch. 250, sec. 25, p. 527; am. 2012, ch. 117, sec. 16, p. 327.]

25-152. SEVERABILITY. The provisions of this chapter are hereby declared to be severable and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this chapter.

[25-152, added 1997, ch. 116, sec. 13, p. 298.]

25-153. SHORT TITLE. Sections [25-153](#) through [25-160](#), Idaho Code, shall be known and may be cited as the "Sheep, Lamb and Wool Promotion, Research and Education Act."

[25-153, added 1998, ch. 205, sec. 4, p. 728.]

25-154. PROMOTION, RESEARCH AND EDUCATION POLICY. It is to the best interests of all the people of the state of Idaho that the abundant and natural resources of Idaho be protected, fully developed and uniformly distributed. It is in the public interest and within the exercise of the police power of the state to protect the public health; to prevent fraudulent practices; to provide the means for the development of markets; to provide production research and education; and to encourage new product development and promotion of the sheep, lamb and wool industry.

[25-154, added 1998, ch. 205, sec. 4, p. 728.]

25-155. DUTIES AND POWERS OF THE BOARD PERTAINING TO PROMOTION, RESEARCH AND EDUCATION POLICY. (1) The board may contract with the Idaho wool growers association, inc., or a similar agency for the administration of the Idaho sheep and goat health board's business pertaining to the promotion, research and education policy.

(2) In the administration of sections [25-153](#) through [25-160](#), Idaho Code, the board shall, in conjunction with the Idaho wool growers association, inc., have the following duties, authorities and powers:

(a) To conduct a campaign of research, education and publicity;

- (b) To find new markets for sheep, lamb and wool products;
- (c) To give, publicize and promulgate reliable information showing the value of sheep, lamb and wool products for any purpose for which it is found useful and profitable;
- (d) To make public and encourage the widespread national and international use of sheep, lamb and wool products produced in Idaho;
- (e) To investigate and participate in studies of the problems peculiar to the producers of sheep, lamb and wool in Idaho.
- (3) The board shall have the duty, power and authority:
 - (a) To take such action as the board deems necessary or advisable in order to stabilize and protect the sheep, lamb and wool industry of the state and the health and welfare of the public;
 - (b) To sue and be sued;
 - (c) To enter into such contracts as may be necessary or advisable;
 - (d) To appoint and employ officers, agents and other personnel, including experts in agriculture and the publicizing of the products thereof, and to prescribe their duties and fix their compensation;
 - (e) To make use of such advertising means and methods as the board deems advisable and to enter into contracts and agreements for research and advertising within and without the state;
 - (f) To cooperate with any local, state or national organization or agency, whether voluntary or created by the law of any state or by national law, engaged in work or activities similar to the work and activities of the board, and to enter into contracts and agreements with such organizations or agencies for carrying on a joint campaign of research, education and publicity and reciprocal enforcement;
 - (g) To lease, purchase or own the real or personal property deemed necessary in the administration of the provisions of this act;
 - (h) To prosecute in the name of the state of Idaho any suit or action for collection of the tax or assessment provided for in the provisions of this act;
 - (i) To adopt, rescind, modify and amend all necessary and proper orders and resolutions for the procedure and exercise of its powers and the performance of its duties;
 - (j) To incur indebtedness and carry on all business activities;
 - (k) To keep books and records and accounts of all its doings, which books, records and accounts shall be open to inspection by the state controller and the public at all times;
 - (l) To adopt from time to time, alter, rescind, modify and/or amend all proper and necessary rules and orders for the exercise of its powers and performance of its duties under this act.

[25-155, added 1998, ch. 205, sec. 4, p. 728; am. 2012, ch. 117, sec. 17, p. 328.]

25-156. REPORT. On or before January 15 of each year, the board, or entity the board has contracted with pursuant to the provisions of section [25-155](#), Idaho Code, shall file with the senate agricultural affairs committee, the house agricultural affairs committee, the legislative council, the state controller, and the division of financial management, a report showing the annual income to the board during the preceding fiscal year. The report shall also include an estimate of income to the board for the current fiscal year and a projection of anticipated expenses by category for the current fiscal year. The report shall also include a reconciliation between the es-

timated income and expenses projected and the actual income and expenses of the preceding fiscal year.

[25-156, added 1998, ch. 205, sec. 4, p. 729; am. 2003, ch. 32, sec. 15, p. 126; am. 2012, ch. 117, sec. 18, p. 329.]

25-158. STATE NOT LIABLE FOR ACTS OR OMISSIONS OF BOARD OR OF ITS EMPLOYEES. The state of Idaho is not liable for the acts or omissions of the board or any member thereof or any officer, agent or employee thereof.

[25-158, added 1998, ch. 205, sec. 4, p. 730; am. 2012, ch. 117, sec. 20, p. 329.]

25-159. ASSESSMENT. In addition to the assessment described in section [25-131](#), Idaho Code, there is hereby levied upon all wool grown annually in the state of Idaho an assessment of up to four cents (4¢) per pound of wool marketed. The assessment shall be collected in the amount authorized by the Idaho wool growers association and in the same manner as prescribed in this chapter with all provisions of this chapter, and corresponding rules, applying thereto.

[25-159, added 1998, ch. 205, sec. 4, p. 730.]

25-160. REFERENDUM FOR WOOL GROWERS. Prior to the provisions of this act becoming effective, a referendum shall be held to determine if producers favor the provisions of this act. The question shall be submitted by secret ballot upon which the words "Do you favor a promotion, research, and education program for the Idaho sheep industry that is funded by all producers with no refund provision?" are printed with a square before each of the words "YES" and "NO" with directions to insert an "X" mark in the square before the proposition which the voter favors. If a majority of the producers voting in the referendum or a majority of the production represented by the producers voting in the referendum vote in favor of the question submitted, the provisions of this act shall become effective.

(1) The procedures necessary to initiate a referendum in subsequent years, but not less than five (5) years from the passage of the initial referendum, are as follows:

(a) A referendum shall be held if the Idaho department of agriculture receives a petition requesting such referendum signed by ten percent (10%) or more of sheep producers who have paid an assessment to the Idaho sheep and goat health board in either of the two (2) immediate past calendar years; or

(b) A referendum shall be held if the Idaho department of agriculture receives a written request for such referendum from the Idaho sheep and goat health board.

(2) (a) Any referendum shall be conducted only among sheep producers who paid an assessment to the Idaho sheep and goat health board during one (1) of the two (2) years prior to the referendum.

(b) Any referendum must be supervised by the Idaho department of agriculture.

(c) Any referendum shall be held, and the result determined and declared by the director of the department of agriculture, and recorded in the office of the secretary of state.

(d) Notice of any referendum must be given by the board in a manner determined by it. The ballots must be prepared by the board and forwarded to eligible producers, who shall return them within twenty (20) days after mailing by the board.

(e) The board shall pay the costs of any referendum.

[25-160, added 1998, ch. 205, sec. 4, p. 730; am. 2012, ch. 117, sec. 21, p. 329.]