

TITLE 25
ANIMALS

CHAPTER 34
PORK PROMOTION ASSESSMENT ACT

25-3401. SHORT TITLE. This chapter shall be known as the "Pork Promotion Assessment Act."

[25-3401, added 1992, ch. 260, sec. 1, p. 753.]

25-3402. DECLARATION OF PURPOSE. It is in the public interest for the state to enable producers of porcine animals to assess themselves in order to raise funds to promote the interests of the pork industry and to control porcine diseases.

[25-3402, added 1992, ch. 260, sec. 1, p. 753.]

25-3403. DEFINITIONS. In this chapter:

(1) "Association" means the Idaho pork producers association, inc., an Idaho nonprofit corporation.

(2) "Buyer" means any person who buys, receives or assembles swine for his own account, or for the account of another person for feeding, breeding, slaughter or any other purpose.

(3) "Department" means the Idaho department of agriculture.

(4) "Market" means to sell, barter, exchange, slaughter for sale or otherwise dispose of a porcine animal in commerce.

(5) "Person" means an individual, a partnership, a corporation, a firm, an agency or other business unit.

(6) "Porcine animal" means all breeds of domestic porcine and all wild and exotic porcine.

(7) "Pork producer" means a person who owns, manages or has a financial interest in production of porcine animals in the state of Idaho.

[25-3403, added 1992, ch. 260, sec. 1, p. 753.]

25-3404. REFERENDUM. (1) The association may conduct among pork producers a referendum upon the question of whether an assessment shall be levied on porcine animals sold in this state.

(2) The association shall determine:

(a) The amount of the proposed assessment.

(b) The time and place of the referendum.

(c) Procedures for conducting the referendum and counting of votes.

(d) Any other matters pertaining to the referendum.

(3) The amount of the proposed assessment shall be stated on the referendum ballot. The amount shall not exceed thirty cents (30¢) for each porcine animal marketed in this state. If the assessment is approved in the referendum, the association may set the assessment at an amount equal to or less than the amount stated on the ballot. If the association sets a lower amount than the amount approved by referendum, it may increase the amount annually without a referendum by no more than two cents (2¢) for each porcine animal. The increased rate may not exceed the amount approved by referendum and may not exceed the maximum allowable rate of thirty cents (30¢) for each porcine animal.

(4) Each producer, whether an individual, a partnership, a corporation, a firm, an agency or other business unit, shall have one (1) vote at such referendum. Any dispute over eligibility to vote or any other matter relating to the referendum shall be determined by the association. The association shall make reasonable efforts to provide pork producers with notice of the referendum and an opportunity to vote.

(5) The association shall be reimbursed for the costs of the referendum by moneys derived from the assessment.

[25-3404, added 1992, ch. 260, sec. 1, p. 753.]

25-3405. PAYMENT AND COLLECTION OF ASSESSMENT. (1) The assessment shall not be collected unless more than one-half (1/2) of the votes cast in the referendum are in favor of the assessment. If more than one-half (1/2) of the votes cast in the referendum are in favor of the assessment, then the association shall notify the department of the amount of the assessment and the effective date of the assessment. The department shall notify all buyers and pork producers of the assessment.

(2) Each pork producer shall pay an assessment on each porcine animal sold to a buyer.

(3) A buyer of a porcine animal shall collect the assessment when buying a porcine animal by deducting the assessment from the price paid for the animal. The buyer shall remit collected assessments to the department no later than the tenth day of the following month. The department shall provide forms to buyers for reporting the assessment. If the total assessments collected by a buyer in a month are less than twenty-five dollars (\$25.00), the buyer may keep the assessments until the total amount due is at least twenty-five dollars (\$25.00) or the end of the quarter, whichever comes first. All buyers shall file at least one (1) report in each calendar quarter, regardless of the amount due.

(4) A buyer of porcine animals shall keep records of the number of porcine animals purchased and the date purchased. Records shall be maintained for two (2) years and be available for inspection and reproduction by the department at all reasonable times. All financial information or records regarding purchases of porcine animals by individual buyers shall be kept confidential by employees or agents of the department and the association, and shall not be disclosed except by court order.

(5) A pork producer, who sells directly to an out-of-state buyer, shall pay the assessment. The producer shall remit assessments to the department no later than the tenth day of the month following the date of sale. The department shall provide forms to producers for reporting and remitting the assessment. If the total assessments owed by a producer in a month are less than twenty-five dollars (\$25.00), the producer may accumulate the assessments until the total amount due is at least twenty-five dollars (\$25.00) or the end of the quarter, whichever comes first. All producers shall file at least one (1) report in each calendar quarter, regardless of the amount due.

(6) A producer shall keep records of the number of porcine animals sold, the market sold to and the date of sale. Records shall be maintained for two (2) years and be available for inspection and reproduction by the department at all reasonable times. All financial information or records regarding sale of porcine animals to out-of-state markets by producers shall be kept confidential by employees or agents of the department and the association, and shall not be disclosed except by court order.

(7) The association may bring an action to recover any unpaid assessments, plus the reasonable costs, including attorney fees, incurred in the action.

[25-3405, added 1992, ch. 260, sec. 1, p. 754.]

25-3406. USE OF ASSESSMENTS. The funds collected under this assessment shall be used to promote the interests of the pork industry and to conduct a porcine disease control program. The department shall remit all funds collected under this act to the association at least monthly. The association shall return to the department at least monthly those funds necessary to conduct a porcine disease control program. In order to prevent duplication of effort, these funds shall not be used for activities funded under 7 U.S.C. chapter 79, pork promotion, research and consumer information.

[25-3406, added 1992, ch. 260, sec. 1, p. 755.]

25-3407. TERMINATION OF ASSESSMENT. Upon receipt of a petition signed by at least ten percent (10%) of the pork producers in Idaho known to the association, the department shall notify the association and the association shall, within six (6) months, conduct a referendum upon the question of continuing the assessment. If a majority of the votes cast in the referendum are against continuing the assessment or if the association fails to conduct a referendum within the six (6) month period, the assessment expires at the end of the six (6) month period. If a majority of the votes cast in the referendum are in favor of continuing the assessment, then no subsequent referendum shall be held for at least three (3) years.

[25-3407, added 1992, ch. 260, sec. 1, p. 755.]