

TITLE 22
AGRICULTURE AND HORTICULTURE

CHAPTER 47
IDAHO OILSEED RESEARCH AND DEVELOPMENT ACT

22-4701. SHORT TITLE. This chapter shall be known and may be cited as the "Oilseed Research and Development Act."

[22-4701, added 1996, ch. 216, sec. 1, p. 704; am. 2007, ch. 60, sec. 2, p. 143.]

22-4702. DECLARATION OF LEGISLATIVE POLICY AND PURPOSE. It is in the best interests of the state of Idaho that its abundant natural resources be efficiently used and effectively managed for the benefit of its citizens. The oilseed industry is rapidly developing and significantly contributing to the economic welfare of Idaho. The products provided are an important and nutritious part of the human diet. Domestic demand exceeds what is produced in the United States. Moreover, the world market for oilseeds continues to expand. Idaho farmers are in an excellent position to take advantage of this demand. The university of Idaho leads the nation in research on canola and rapeseed. The research effort is critical to the competitiveness of Idaho growers and must be expanded and enhanced. It is the purpose of this chapter to promote the public health and welfare of the citizens of the state by implementing a program of research, promotion, and consumer and industry information designed to strengthen the position in the marketplace of the Idaho oilseed industry, to expand existing markets, and to develop new markets for oilseed and their products.

[22-4702, added 1996, ch. 216, sec. 1, p. 704; am. 2007, ch. 60, sec. 3, p. 143.]

22-4703. DEFINITIONS. As used in this chapter, unless the context requires otherwise:

(1) "Commercial channels" means the sale of oilseeds for food, feed, seed, or any industrial or chemurgic use, when sold to any commercial buyer, user, dealer, processor, cooperative, or to any person, public or private, who resells any oilseed or any product produced from oilseed.

(2) "Commission" means the Idaho oilseed commission.

(3) "Delivery" means placing of oilseed into the primary channels of trade.

(4) "First purchaser" means any person, partnership, association, corporation, cooperative, trust, estate, or any and all other business units, devices and arrangements that buy oilseed in this state in the first instance, or any lienholder, public or private, including the commodity credit corporation, who may possess oilseed from the grower under any lien.

(5) "Grower" means any landowner, or tenant of the landowner, personally engaged in growing oilseed, or both the owner and tenant jointly, and includes a person, partnership, association, corporation, cooperative, trust, estate, sharecropper, or any and all other business units, devices and arrangements.

(6) "Oilseed" means seeds produced for use as oil, meal, planting seed, condiment, or other industrial or chemurgic uses.

(7) "Sale" includes any pledge, mortgage, or delivery of oilseed for sale after harvest to any person, public or private.

(8) "Seller" means any person or entity, including growers, who sells oilseed in the first instance.

[22-4703, added 1996, ch. 216, sec. 1, p. 704; am. 2007, ch. 60, sec. 4, p. 143.]

22-4704. IDAHO OILSEED COMMISSION CREATED -- MEMBERS. There is hereby created and established in the department of self-governing agencies a commission which shall be exclusively known and referred to as the Idaho oilseed commission on and after the effective date of this act. The commission shall be composed of three (3) members appointed by the governor at the recommendation of a representative group of oilseed growers in the state of Idaho. Commission members appointed by the governor shall hold office for a term of three (3) years. The commissioners may appoint a representative from the supporting oilseed industry, who is not a grower, to serve as an ex officio member of the commission without voting privileges. The dean of the college of agriculture, university of Idaho, or his duly authorized representative, and the director of the department of agriculture shall also be ex officio members of the commission without voting privileges.

[22-4704, added 1996, ch. 216, sec. 1, p. 705; am. 2007, ch. 60, sec. 5, p. 144.]

22-4705. QUALIFICATION OF MEMBERS. Members of the commission shall be nominated and appointed because of their ability and willingness to serve the interests of the state of Idaho and their knowledge of the state's natural resources. Members shall be citizens of the United States, over twenty-five (25) years of age, and residents of the state of Idaho who are actually engaged in the growing of oilseed in the state and have been for at least the three (3) years immediately preceding appointment. Members must derive a substantial portion of their income from growing oilseed in the state of Idaho.

[22-4705, added 1996, ch. 216, sec. 1, p. 705; am. 2007, ch. 60, sec. 6, p. 145.]

22-4706. TERMS OF MEMBERS. Beginning July 1, 1996, the first members of the commission shall be appointed by the governor for terms of one (1) to three (3) years each as follows: at-large member, one (1) year; southern district member, two (2) years; northern district member, three (3) years. At the expiration of their original terms, commission members shall be appointed for a term of three (3) years. No member shall serve more than two (2) consecutive full terms. Each member shall hold office until his successor is appointed and qualified. Appointments to fill vacancies shall be for the balance of the unexpired term.

[22-4706, added 1996, ch. 216, sec. 1, p. 706.]

22-4707. COMPENSATION OF MEMBERS. Members of the commission shall be compensated as provided in section [59-509](#)(h), Idaho Code.

[22-4707, added 1996, ch. 216, sec. 1, p. 706.]

22-4708. CHAIRMAN AND ADMINISTRATOR OF COMMISSION. The commission shall elect a chairman who is a commission member and may employ an administrator who is not a member of the commission, or may contract with another state agricultural commission or similar agency for the administration of the commission's business.

[22-4708, added 1996, ch. 216, sec. 1, p. 706; am. 2007, ch. 60, sec. 7, p. 145.]

22-4709. MEETINGS OF THE COMMISSION. The commission shall meet at least once every three (3) months regularly and at other times as required by the chairman. The chairman may call special meetings of the commission at any time or place.

[22-4709, added 1996, ch. 216, sec. 1, p. 706.]

22-4710. DUTIES AND POWERS OF THE COMMISSION. (1) The commission shall establish the policies to be followed in the accomplishment of and consistent with the general purposes of this chapter.

(2) In the administration of this chapter, the commission shall have the following duties, authorities and powers:

- (a) To conduct a campaign of research, education and publicity.
 - (b) To find new markets for oilseed and oilseed products.
 - (c) To give, publicize and promulgate reliable information showing the value of oilseed and oilseed products for any purpose for which they are found useful and profitable.
 - (d) To make public and encourage the widespread national and international use of the special kinds of oilseed and oilseed products produced from all varieties of oilseed grown in Idaho.
 - (e) To investigate and participate in studies of the problems peculiar to the growers of oilseed in Idaho.
- (3) The commission shall have the duty, power and authority:
- (a) To take action as the commission deems necessary or advisable to stabilize and protect the oilseed industry of the state and the health and welfare of the public.
 - (b) To sue and be sued.
 - (c) To enter into 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 agricultural products, and to prescribe their duties and fix their compensation.
 - (e) To advertise as the commission 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 federal law, engaged in work or activities similar to the work and activities of the commission, and to enter into contracts and agreements with those organizations or agencies for carrying on joint campaigns of research, education, publicity and reciprocal enforcement.
 - (g) To lease, purchase or own the real or personal property deemed necessary in the administration of this chapter.
 - (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 this chapter.

(i) To adopt, rescind, modify and amend all necessary and proper orders, resolutions and rules for the procedures 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 at all times.

(l) Except as otherwise provided in this chapter, information obtained from books, records, and accounts required to be maintained by this chapter and pertaining to individual production records of oilseed growers shall be kept confidential, and shall not be disclosed to the public by any person.

[22-4710, added 1996, ch. 216, sec. 1, p. 706; am. 2007, ch. 60, sec. 8, p. 145.]

22-4711. COMMISSION ACCEPTING GRANTS, DONATIONS AND GIFTS. The commission may accept grants, donations and gifts of funds from any source for expenditure for any purpose consistent with this chapter which may be specified as a condition of any grant, donation or gift. All funds received under the provisions of this chapter shall be paid into a bank account in the name of the Idaho oilseed commission and such moneys are hereby continuously appropriated and made available for defraying the expenses of the commission in carrying out the provisions of this chapter.

[22-4711, added 1996, ch. 216, sec. 1, p. 707; am. 2007, ch. 60, sec. 9, p. 146.]

22-4712. BONDS OF AGENTS AND EMPLOYEES. The administrator, or any agent or employee appointed by the commission shall be bonded to the state of Idaho in the time, form and manner prescribed by [chapter 8, title 59](#), Idaho Code. The cost of the bond is an administrative expense under this act.

[22-4712, added 1996, ch. 216, sec. 1, p. 707.]

22-4713. APPOINTMENT OF ADMINISTRATOR -- DUTIES AND SALARY. The commission may appoint an administrator to devote as much time to the administration of the act as deemed necessary by the commission. He shall proceed immediately to prepare the plans and general program necessary and proper to carry out the policies that are adopted by the commission. The administrator shall be paid a reasonable salary fixed by the commission, commensurate with his duties, and all necessary expenses. The administrator shall serve at the discretion of the commission members.

[22-4713, added 1996, ch. 216, sec. 1, p. 707.]

22-4714. ESTABLISHMENT OF ADMINISTRATOR'S OFFICE. For the convenience of the majority of those most likely to be affected in the administration of this chapter, the administrator, upon recommendation of the commission, shall establish and maintain an office for the administrator.

[22-4714, added 1996, ch. 216, sec. 1, p. 708; am. 2007, ch. 60, sec. 10, p. 146.]

22-4715. STATE NOT LIABLE FOR ACTS OR OMISSIONS OF COMMISSION OR OF ITS EMPLOYEES. The state of Idaho is not liable for the acts or omissions of the commission or any of its members, or any officer, agent or employee of the commission.

[22-4715, added 1996, ch. 216, sec. 1, p. 708.]

22-4716. IMPOSITION OF TAX -- LATE FEES. (1) From and after the first day of July 1996, there is hereby levied and imposed a tax of ten cents (10¢) per hundred weight on all oilseed sold or contracted in this state through commercial channels. The tax shall be due on or before the time when the oilseed is first sold or contracted in the commercial channels in this state and shall be paid at the times the commission may by rule prescribe, but not later than the 15th day of the month next succeeding the three (3) month period in which the oilseed is sold or contracted in commercial channels. The commission shall designate the quarters (three (3) month periods) for the purpose of collection of this tax.

(2) The tax shall be levied and assessed to the seller at the time of delivery for sale and shall be deducted by the first purchaser from the price paid to the seller at the time of sale, or in case of a lienholder who may possess the oilseed under his lien, the tax shall be deducted by the lienholder from the proceeds of the claim secured by the lien at the time the oilseed is pledged or mortgaged. The tax shall be deducted as provided in this section whether the oilseed is stored in this state or elsewhere. The commission may, however, permit any federal corporation, such as the commodity credit corporation, to waive its responsibility for the collection of the tax, provided the amount of the tax is one dollar (\$1.00) or less.

(3) The tax constitutes a lien prior to all other liens and encumbrances upon the oilseed, except liens which are declared prior by operation of a statute of this state.

(4) Any person or firm who pays taxes to the commission at a date later than that prescribed in this section may be subject to assessment of a late payment penalty as set forth by rule of the commission. The penalty shall not exceed the rate of eighteen percent (18%) per annum on the amount due. In addition to the penalty, the commission may recover all costs and fees, including reasonable attorney's fees, incurred in collecting the tax and penalty provided for in this section.

(5) A sale shall be exempt from the tax imposed in this section if a substantially similar tax is imposed by and paid to another state or foreign country and used for similar purposes with respect to the same oilseed. The commission shall, by rule, identify what other taxes are substantially similar and are used for similar purposes, and shall establish procedures for sellers to prove the payment of the other taxes.

[22-4716, added 1996, ch. 216, sec. 1, p. 708; am. 2007, ch. 60, sec. 11, p. 147.]

22-4717. ASSESSMENT REFUNDS -- ESCROW ACCOUNT. (1) During the period beginning on July 1, 1996, and ending on the date on which a referendum is conducted pursuant to section [22-4718](#), Idaho Code, the commission shall establish an escrow account to be used for refunds of assessments collected pursuant to section [22-4716](#), Idaho Code, and shall place an amount equal to ten percent (10%) of the total amounts collected in the escrow account. At the conclusion of each fiscal year, any balance in the escrow account after

paying refund claims shall be transferred to one (1) or more of the accounts established by the commission pursuant to section [22-4720](#), Idaho Code.

(2) The commission shall refund to a seller the assessments paid by or on behalf of the seller if the seller is required to pay the assessments, the seller does not support the program established under this act, and the seller demands the refund prior to the time prescribed by the commission in rules of the commission.

(3) The refund demand shall be made in accordance with rules, in the form, and within the time period prescribed by the commission.

(4) The refund shall be made on submission of proof satisfactory to the commission that the seller paid the assessments described in section [22-4716](#), Idaho Code, and for which the refund is demanded.

(5) If the amount in the escrow account is not sufficient to refund the total amount of assessments demanded by eligible sellers and the commission is not approved to continue pursuant to the referendum conducted pursuant to this act, the commission shall prorate the amount of the refunds among all eligible sellers who demand a refund.

(6) If the operation of the commission is approved in the referendum conducted pursuant to this act, all funds remaining in the escrow account shall be returned to the commission for its use in accordance with this act.

[22-4717, added 1996, ch. 216, sec. 1, p. 709; am. 1998, ch. 241, sec. 1, p. 800.]

22-4718. REFERENDUM. (1) During the period ending thirty (30) months after July 1, 1996, the commission shall conduct a referendum among sellers who, during a representative period as determined by the rules of the commission, have sold oilseed for the purpose of ascertaining whether the commission shall continue.

(2) Notice shall be given to sellers eligible to vote in the referendum in accordance with rules established by the commission.

(3) If a majority of the eligible sellers approve, the commission will be continued and the refund provisions will be terminated.

(4) If a majority of eligible sellers do not approve to continue the commission, collection of the tax under this chapter shall be terminated.

(5) If a majority of the eligible sellers approve of continuing the commission in the original referendum, at intervals of five (5) years, the commission shall conduct an advisory poll of qualified sellers as to the effectiveness and continuation of the commission.

[22-4718, added 1996, ch. 216, sec. 1, p. 709; am. 2007, ch. 60, sec. 12, p. 147.]

22-4719. DELIVERY OF INVOICES TO SELLERS. (1) The purchaser, at the time of settlement, shall make and deliver separate invoices for each purchase to the seller.

(2) The invoices shall be on forms and in such numbers as prescribed and supplied by the commission and shall show at least:

- (a) The name and address of the seller.
- (b) The name and address of the purchaser.
- (c) The number of pounds of oilseed sold.
- (d) The date of purchase.

(3) The invoices shall be legibly written and shall have no corrections or erasures on the face thereof.

(4) Unlawful or willful alteration of an invoice shall constitute a misdemeanor.

[22-4719, added 1996, ch. 216, sec. 1, p. 709; am. 2007, ch. 60, sec. 13, p. 148.]

22-4720. DEPOSITS AND DISBURSEMENT OF FUNDS. (1) Immediately upon receipt, all moneys received by the commission shall be deposited in one (1) or more separate accounts in the name of the commission in one (1) or more banks or trust companies approved under [chapter 27, title 67](#), Idaho Code, as state depositories. The commission shall designate the banks or trust companies. All funds so deposited are hereby continuously appropriated for the purpose of carrying out the provisions of this chapter.

(2) No moneys shall be withdrawn or paid out of such accounts except upon order of the commission and upon checks or other orders upon such accounts signed by such member of the commission as the commission designates. The commission shall establish and maintain an adequate and reasonable system of internal accounting controls. The internal accounting controls shall be written, approved and periodically reviewed by the commission.

(3) On or before January 15 of each year, the commission shall file with the senate agricultural affairs committee, the house of representatives agricultural affairs committee, the legislative council, the state controller, and the division of financial management, a report showing the annual income and expenses by standard classification of the commission during the preceding fiscal year. The report shall also include an estimate of income to the commission for the current and next fiscal year. From and after January 15, 1999, the report shall also include a reconciliation between the estimated income and expenses projected and the actual income and expenses of the preceding fiscal year.

(4) All moneys received or expended by the commission shall be audited every second year, but shall address each year separately, by a certified public accountant designated by the commission, who shall furnish a copy of the audit to the director of legislative services and to the senate agricultural affairs committee and the house of representatives agricultural affairs committee. The audit shall be completed within ninety (90) days following the close of the fiscal year. The right is reserved to the state of Idaho to audit the funds of the commission at any time.

(5) The expenditures of the commission are expressly exempted from the provisions of sections [67-2007](#) and [67-2008](#), Idaho Code.

[22-4720, added 1996, ch. 216, sec. 1, p. 710; am. 2003, ch. 32, sec. 14, p. 126; am. 2005, ch. 56, sec. 1, p. 210; am. 2006, ch. 363, sec. 1, p. 1100.]

22-4722. PENALTIES. Any person who shall violate or aid in the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than three hundred dollars (\$300), or imprisonment not to exceed ninety (90) days, or both. Fines collected for violation of this chapter shall be paid into the "Idaho oilseed commission fund."

[22-4722, added 1996, ch. 216, sec. 1, p. 711; am. 2007, ch. 60, sec. 14, p. 148.]

CHAPTER 48

SMOKE MANAGEMENT AND CROP RESIDUE DISPOSAL -- [REPEALED]