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## LEGISLATURE OF THE STATE OF IDAHO

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S. Day fifth Legislature

First Regular Session - 2019  
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TITLE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

## AN ACT

1 RELATING TO THE IDAHO POTATO COMMISSION; AMENDING SECTION 22-1202, IDAHO  
 2 CODE, TO PROVIDE THAT MEMBERS OF THE IDAHO POTATO COMMISSION SHALL  
 3 SERVE AT THE PLEASURE OF THE GOVERNOR, TO REVISE PROVISIONS RELATING  
 4 TO DISTRICTS, TO REMOVE CERTAIN MEETING PROVISIONS, TO PROVIDE FOR  
 5 RELEASURES, AND TO REVISE TERM OF OFFICE PROVISIONS; AMENDING SECTION  
 6 22-1204, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING CHAPTER 12, TITLE  
 7 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-1201A, IDAHO CODE,  
 8 TO PROVIDE FOR THE DESIGNATION OF VOTING REPRESENTATIVES AND TO PROVIDE  
 9 THAT DESTROYABLE REPRESENTATIVES MAY VOTE ON ONLY ONE BALLOT IN ANY ELEC  
 10 TION; AND DECLARING AN EMERGENCY.

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

12 SECTION 1. That Section 22-1202, Idaho Code, be, and the same is hereby  
 13 amended to read as follows:  
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15 22-1202. POTATO COMMISSION CREATED. There is hereby created and es-  
 16 tablished in the department of self-governing agencies the "Idaho potato  
 17 commission" to be composed of nine (9) practical potato persons, resident  
 18 citizens of the state of Idaho for a period of three (3) years prior to their  
 19 appointment, each of whom has had active experience in growing, or shipping,  
 20 or processing of potatoes produced in the state of Idaho. At least five (5)  
 21 members of said commission shall be growers who are actually now engaged in  
 22 the production of potatoes. Two (2) of the members shall be shippers who  
 23 are actually now engaged in the shipping of potatoes, and two (2) of the  
 24 members shall be processors who are actually now engaged in the processing  
 25 of potatoes. The qualifications for members of said commission as above  
 26 required shall continue throughout their respective terms of office, and  
 27 members shall serve at the pleasure of the governor. Three (3) growers shall  
 28 be nominated for each grower vacancy that occurs, from which the governor  
 29 shall appoint one (1). Two (2) grower commissioners shall be appointed from  
 30 the district known as District No. 1, consisting of the counties of Oneida,  
 31 Franklin, Bear Lake, Caribou, Blaine, Power, Bingham, Bonneville, Teton,  
 32 Madison, Jefferson, Fremont, Clark, and ~~Butte, Eastern, and Lemhi~~;  
 33 one (1) grower commissioner shall be appointed from the district known as District  
 34 No. 2A, consisting of the counties of Twin Falls, Jerome, Lincoln, Cassia,  
 35 Blaine, Boise, Valley, and Gooding; one (1) grower commissioner shall be  
 36 appointed from the district known as District No. 2B, consisting of the  
 37 counties of Cassia, Blaine, Paine, Custer, and Lemhi; and one (1) grower  
 38 commissioner shall be appointed from the district known as District No. 3,  
 39 consisting of the counties of Owyhee, Ada, Canyon, Gem, Payette, Washing-  
 40 ton, Adams, Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, Shoshone,  
 41 Kootenai, Bonner, and Boundary. Three (3) shippers shall be nominated for  
 42 each shipper vacancy that occurs, from which the governor shall appoint one

(1). Shipper commissioners do not necessarily need to be nominated from geographical areas. Three (3) processors shall be nominated for each processor vacancy that occurs, from which the governor shall appoint one (1). Processor commissioners do not necessarily need to be nominated from geographical areas. Nominations must be made thirty (30) days prior to appointment. All nominations must give equal consideration to all who are eligible for appointment as defined in this act. ~~The Idaho potato commission shall hold regular meetings of the growers, shippers, or processors, as the nominating agency shall determine. In the various districts, the nominating agency shall be nominated for appointment. Notice of said meeting shall be given by publication in one (1) newspaper published in each county of the district in which said nominations are to be made, and the notice shall be published in two (2) issues of each newspaper, the first to be published thirty (30) days and the second approximately ten (10) days before said meeting. The notice shall state the purpose, time and place of said meeting. The meetings shall be held in the district of nomination shall be held prior to March 31 of the year the appointment or appointments are to be made. The commission shall follow rules for nominating commissioners in some of the commission.~~

The term of office shall be three (3) years and no commissioner shall serve more than two (2) consecutive terms. The commissioner shall elect a chairman for a term of one (1) year.

Vacancies shall be filled as terms expire. Each of such commissioners shall hold office until his successor has been appointed and qualified. The term of office shall commence on September 15 of the year of appointment and expire on September 14 August 31 of the last year of the term of office.

A majority of the members of said commission shall constitute a quorum for the transaction of all business and the carrying out of the duties of said commissioner. Before entering on the discharge of their duties as members of said commission, each member shall take and subscribe to the oath of office prescribed for state officers.

Each member of the commission shall be compensated as provided by section 59-205 (1), Idaho Code, provided however, that compensation paid to members of the commission from and after April 1, 1992, shall not be considered salary as defined in section 59-202 (1), Idaho Code.

SECTION 2. That Section 22-1204, Idaho Code, be, and the same is hereby amended to read as follows:

22-1204. DEFINITIONS. As used in this act:

1. The term "commission" means the Idaho potato commission.
2. The term "person" means individual, partnership, corporation, association, grower and/or any other business unit.
3. The term "potatoes" means and includes only potatoes sold or intended for human consumption and grown in the state of Idaho.
4. "Shipments" of potatoes shall be deemed to take place when the potatoes are loaded within the state of Idaho, in a car, bulk truck or other conveyance in which the potatoes are to be transported for sale or otherwise.
5. The term "dealer" means and includes any person engaged in the business of buying, receiving, processing, or selling potatoes for profit or remuneration.

6. The term "shipper" means and includes one who is properly licensed under federal and state laws and actively engaged in the packing and shipping of potatoes in the primary channel of trade in interstate commerce in the state of Idaho, and who ships more than he produces.

7. The term "grower" means one who is actively engaged in the production of farm products, primarily potatoes, and who is not engaged in the shipping or processing of potatoes:

- (a) Is actively engaged in the production of potatoes in the state of Idaho and derives a substantial portion of his income therefrom;
- (b) is not primarily engaged in the shipping or processing of potatoes;
- (c) Grows potatoes on five (5) or more acres; and
- (d) has been actively engaged in growing potatoes in the state of Idaho for a period of at least three (3) years prior to nomination and has paid assessments to the commission on potatoes in each of the preceding three (3) calendar years.

8. Potatoes shall be deemed to be delivered into the primary channel of trade when any such potatoes are sold or delivered for shipment, or delivered for packing and/or processing into by products.

9. The term "hundredweight" means each one hundred (100) pound unit or combination of packages making a one hundred (100) pound unit of any shipment of potatoes based on invoice and/or bill of lading records.

10. The term "processor" means a person who is actively engaged in the processing of potatoes in Idaho for human consumption and transacting said business in the state of Idaho.

11. The term "processing" means changing the form of potatoes from the raw or natural state into a product for human consumption.

12. The term "handler" means and includes any person processing potatoes or handling them in the primary channel of trade.

13. The term "tax" means an assessment levied on potatoes covered by this act for the sole purpose of financing, on behalf of the potato industry in Idaho, the commissioner's activities in carrying out the purposes of this act.

SECTION 3. That Chapter 12, Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 22-1204A, Idaho Code, and to read as follows:

22-1204A. DESIGNATION OF VOTING REPRESENTATIVES -- VOTING. (1) Each grower entity shall designate annually its voting representative to the commission for commissioner nominations. Designated representatives may vote on only one (1) ballot in any election.

(2) Each shipper entity shall designate annually its voting representative to the commission for commissioner nominations. Designated representatives may vote on only one (1) ballot in any election.

(3) Each processor entity shall designate annually its voting representative to the commission for commissioner nominations. Designated representatives may vote on only one (1) ballot in any election.

SECTION 4. An emergency existing therewith, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.