

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature First Regular Session - 2019

IN THE _____

_____ BILL NO. ____

BY _____ COMMITTEE

1 AN ACT

2 RELATING TO AGRICULTURE; AMENDING SECTION 22-1202, IDAHO CODE,
3 TO REVISE IDAHO POTATO COMMISSION COMMISSIONER DISTRICTS,
4 TO PROVIDE THAT MEMBERS OF THE IDAHO POTATO COMMISSION
5 SERVE AT THE PLEASURE OF THE GOVERNOR, TO HAVE NOMINATION
6 PROCEDURES FOR COMMISSIONER APPOINTMENTS TO THE COMMISSION
7 BE ADOPTED IN ACCORDANCE WITH IDAPA RULES, TO CONFORM
8 COMMISSIONER TERMS OF OFFICE TO THE COMMISSION'S FISCAL
9 YEAR; AND TO PROVIDE A DELAYED EFFECTIVE DATE.

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

11 SECTION 1. That Section 22-1202, Idaho Code, be, and the same is
12 hereby amended to read as follows:

13 22-1202. POTATO COMMISSION CREATED. There is hereby
14 created and established in the department of self-governing
15 agencies the "Idaho potato commission" to be composed of nine
16 (9) practical potato persons, resident citizens of the state of
17 Idaho for a period of three (3) years prior to their appointment
18 each of whom has had active experience in growing, or shipping,
19 or processing of potatoes produced in the state of Idaho. At
20 least five (5) members of said commission shall be growers who
21 are actually now engaged in the production of potatoes. Two (2)
22 of the members shall be shippers who are actually now engaged in
23 the shipping of potatoes, and two (2) of the members shall be
24 processors who are actually now engaged in the processing of
25 potatoes. The qualifications for members of said commission as
26 above required shall continue throughout their respective terms
27 of office and shall serve at the pleasure of the governor. Three
28 (3) growers shall be nominated for each grower vacancy that
29 occurs, from which the governor shall appoint one (1). ~~Two (2)~~
30 ~~grower commissioners shall be appointed from the district known~~
31 ~~as District No. 1, consisting of the counties of Oneida,~~
32 ~~Franklin, Bear Lake, Caribou, Bannock, Power, Bingham,~~
33 ~~Bonneville, Teton, Madison, Jefferson, Fremont, Clark, Butte,~~

1 ~~Custer, and Lemhi; one (1) grower commissioner shall be appointed~~
2 ~~from the district known as District No. 2A, consisting of the~~
3 ~~counties of Twin Falls, Jerome, Lincoln, Camas, Elmore, Boise,~~
4 ~~Valley, and Gooding; one (1) grower commissioner shall be~~
5 ~~appointed from the district known as District No. 2B, consisting~~
6 ~~of the counties of Cassia, Minidoka, Blaine, Custer and Lemhi;~~
7 ~~and one (1) grower commissioner shall be appointed from the~~
8 ~~district known as District No. 3, consisting of the counties of~~
9 ~~Owyhee, Ada, Canyon, Gem, Payette, Washington, Adams, Idaho,~~
10 ~~Lewis, Nez Perce, Clearwater, Latah, Benewah, Shoshone,~~
11 ~~Kootenai, Bonner, and Boundary. One (1) grower commissioner shall~~
12 ~~be appointed from the district known as District No. 1,~~
13 ~~consisting of the counties of Fremont, Jefferson, Madison, and~~
14 ~~Teton; one (1) grower commissioner shall be appointed from the~~
15 ~~district known as District No. 2, consisting of the counties of~~
16 ~~Bingham, Butte and Clark; one (1) grower commissioner shall be~~
17 ~~appointed from the district known as District No. 3, consisting~~
18 ~~of the counties of Power, Oneida, Franklin, Bear Lake, Bannock,~~
19 ~~Caribou, and Bonneville; one (1) grower commissioner shall be~~
20 ~~appointed from the district known as District No. 4, consisting~~
21 ~~of the counties of Cassia, Minidoka, Jerome, Lincoln, Blaine,~~
22 ~~Custer, and Lemhi; and one (1) grower commissioner shall be~~
23 ~~appointed from the district known as District No. 5, consisting~~
24 ~~of the counties of Boundary, Bonner, Kootenai, Benewah, Latah,~~
25 ~~Nez Perce, Lewis, Shoshone, Clearwater, Idaho, Adams, Valley,~~
26 ~~Washington, Payette, Gem, Boise, Canyon, Ada, Elmore, Owyhee,~~
27 ~~Camas, Gooding, and Twin Falls; Three (3) shippers shall be~~
28 ~~nominated for each shipper vacancy that occurs from which the~~
29 ~~governor shall appoint one (1). Shipper commissioners do not~~
30 ~~necessarily need to be nominated from geographical areas. Three~~
31 ~~(3) processors shall be nominated for each processor vacancy that~~
32 ~~occurs from which the governor shall appoint one (1). Processor~~
33 ~~commissioners do not necessarily need to be nominated from~~
34 ~~geographical areas. ~~Nominations must be made thirty (30) days~~~~
35 ~~~~prior to appointment. All nominations must give equal~~~~
36 ~~~~consideration to all who are eligible for appointment as defined~~~~
37 ~~~~in this act. The Idaho potato commission shall hold separate~~~~
38 ~~~~meetings of the growers, shippers, or processors, as the~~~~
39 ~~~~nominations to be made shall require, in the various districts,~~~~
40 ~~~~to determine who shall be nominated for appointment. Notice of~~~~
41 ~~~~said meetings shall be given by publication in one (1) newspaper~~~~
42 ~~~~published in each county of the district or districts in which~~~~
43 ~~~~said nominations are to be made, and the notice shall be~~~~
44 ~~~~published in two (2) issues of each newspaper, the first to be~~~~

1 ~~approximately thirty (30) days and the second approximately ten~~
2 ~~(10) days before said meeting. The notice shall state the~~
3 ~~purpose, time and place of said meeting. All meetings held for~~
4 ~~the selection of nominees shall be held prior to March 31 of the~~
5 ~~year the appointment or appointments are to be made. The~~
6 Commission shall adopt rules for nominating commissioners to
7 serve on the Commission.

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

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

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

23 Each member of the commission shall be compensated as
24 provided by section 59-509(j), Idaho Code, provided however,
25 that compensation paid to members of the commission from and
26 after April 1, 1992, shall not be considered salary as defined
27 in section 59-1302(31), Idaho Code.

28 SECTION 2: This section shall be in full force and effect for
29 appointments to the commission on and after September 1, 2020.