

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 455

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE APPLE COMMISSION; AMENDING SECTION 22-3601, IDAHO CODE, TO
2 DEFINE A TERM; AMENDING SECTION 22-3603, IDAHO CODE, TO REVISE TER-
3 MINOLOGY AND TO REVISE DEFINITIONS; REPEALING SECTION 22-3604, IDAHO
4 CODE, REGARDING THE IDAHO APPLE COMMISSION; AMENDING CHAPTER 36, TITLE
5 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-3604, IDAHO CODE, TO
6 PROVIDE FOR THE IDAHO APPLE COMMISSION; AMENDING SECTION 22-3705, IDAHO
7 CODE, TO REVISE POWERS AND DUTIES OF THE COMMISSION; AND DECLARING AN
8 EMERGENCY.
9

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

11 SECTION 1. That Section 22-3601, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 22-3601. PURPOSE. It is to the best interests of all the people of the
14 state of Idaho that the abundant and natural resources of Idaho be protected,
15 fully developed and uniformly distributed. It is in the public interest and
16 within the exercise of the police power of the state to protect the public
17 health; to prevent fraudulent practices; to provide the means for the devel-
18 opment of markets; production research; and new product development and pro-
19 motion of the apple industry. "Apples" as used in this chapter means Idaho
20 apples.

21 SECTION 2. That Section 22-3603, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 22-3603. DEFINITIONS. As used in this ~~act~~ chapter, unless the context
24 requires otherwise:

25 (1) "Commission" means the Idaho apple commission.

26 (2) "Grower" means any landowner personally engaged in growing apples,
27 a tenant personally engaged in growing apples, or both the owner and the ten-
28 ant jointly, and includes a person, partnership, association, corporation,
29 cooperative organization, trust, sharecropper, or any and all other busi-
30 ness units, devices and arrangements, that grow apples.

31 (3) "Dealer" means any person, partnership, association, corporation,
32 cooperative or other business units and devices who first handles, packs,
33 ships, buys or sells apples, or who acts as sales or purchasing agent, broker
34 or factor of apples.

35 (4) "Ship" means to load apples into any mode of conveyance for trans-
36 port in the channels of trade or to market.

37 (5) "Processor" and "Processing Plant" means every person, partner-
38 ship, association, corporation, cooperative or other business units and
39 devices to whom and every place to which apples are delivered for drying,

1 freezing, dehydrating, canning, pressing, powdering, extracting, cooking
2 and for use in producing a product or manufacturing a manufactured article.

3 (6) "District No. 1" shall consist of the following counties: Canyon,
4 Ada, Owyhee, Elmore, Camas, Blaine, Gooding, Lincoln, Minidoka, Jerome,
5 Twin Falls, Cassia, Power, Oneida, Bannock, Franklin, Bear Lake, Caribou,
6 Bonneville, Madison, Teton, Jefferson, Fremont, Butte, Clark and Bingham.

7 (7) "District No. 2" shall consist of the following counties: Gem,
8 Boise, Valley, Custer, and Lemhi.

9 ~~(8) "District No. 3" shall consist of the following counties: Payette,~~
10 ~~Washington, Adams, Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah,~~
11 ~~Shoshone, Kootenai, Bonner and Boundary.~~

12 (98) "Person" means any partnership, association, corporation, coop-
13 erative or other business units or devices.

14 SECTION 3. That Section [22-3604](#), Idaho Code, be, and the same is hereby
15 repealed.

16 SECTION 4. That Chapter 36, Title 22, Idaho Code, be, and the same is
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
18 ignated as Section 22-3604, Idaho Code, and to read as follows:

19 22-3604. COMMISSION MEMBERS -- NOMINATION AND APPOINTMENT. (1) The
20 commission shall consist of five (5) members appointed by the governor fol-
21 lowing nomination. Three (3) members shall be growers, with one (1) grower
22 member representing district no. 1, one (1) grower member representing dis-
23 trict no. 2, and one (1) grower member being a grower member at large, and two
24 (2) members shall be dealers.

25 (2) Members shall serve for a term of three (3) years. On and after the
26 effective date of this act, terms that are held by the commission members im-
27 mediately prior to the effective date of this act, hereinafter referred to as
28 current commissioners, shall expire and be filled on the following schedule:

29 District no. 1 shall be held by the current grower commissioner for dis-
30 trict no. 1, whose term shall expire on July 1, 2016;

31 District no. 2 shall be held by the current grower commissioner for dis-
32 trict no. 2, whose term shall expire on July 1, 2017;

33 The term of the grower member at large shall expire on July 1, 2018, and
34 shall be held by the current grower commissioner for district no. 3, as
35 it existed prior to the effective date of this act;

36 The term of one (1) dealer member at large shall be held by the current
37 dealer member at large whose term shall expire on July 1, 2016; and

38 The term of the second dealer member at large shall be held by the cur-
39 rent dealer member at large whose term shall expire on July 1, 2018.

40 (3) Members of the commission may not serve more than two (2) consecu-
41 tive terms. Upon serving two (2) consecutive terms and the lapse of one (1)
42 full term, such member may again be nominated and appointed to the commis-
43 sion.

44 (4) Meetings shall be held for the selection of member nominees prior to
45 expiration of a member's term and shall be held at the discretion of the com-
46 mission. In seeking nominations for a grower member, the commission shall
47 conduct meetings at such times and places as determined by the commission
48 during which time growers shall nominate two (2) qualified growers for each

1 expiring member term. In seeking nominations for a dealer member, the com-
 2 mission shall conduct meetings at such times and places as determined by the
 3 commission, during which time dealers shall nominate two (2) qualified deal-
 4 ers at large for each expiring member term. Notice of the meetings for the
 5 nominations of growers and dealers shall be by publication in a newspaper of
 6 general circulation in any county in which a meeting is to be held and shall
 7 be published in two (2) issues of such newspaper, the first approximately
 8 thirty (30) days and the second approximately ten (10) days before said meet-
 9 ing. The notice shall state the purpose, time and place of said meeting.

10 (5) In the event there are vacancies in the commission through death,
 11 resignation or removal, it shall be the duty of the growers and dealers as
 12 provided in this section to submit to the governor at least two (2) qualified
 13 names for each grower vacancy and two (2) qualified names for each dealer va-
 14 cancy. The governor shall make the appointment to fill the vacancy.

15 SECTION 5. That Section 22-3605, Idaho Code, be, and the same is hereby
 16 amended to read as follows:

17 22-3605. POWERS AND DUTIES. The Idaho apple commission shall have, but
 18 is not limited to, the following powers and duties:

19 (1) To elect a chairman and such other officers as it deems advisable.

20 (2) To appoint and employ, and at its pleasure discharge, all necessary
 21 agents, employees and professional personnel and other personnel, including
 22 experts in agriculture and the publicizing of the products thereof, and to
 23 prescribe their duties and fix their compensation.

24 (3) To establish offices and incur expense and enter into contracts and
 25 to create such liabilities as may be reasonable for the proper administra-
 26 tion and enforcement of this chapter.

27 (4) To ~~find~~ aid in finding new markets for Idaho apples and apple prod-
 28 ucts.

29 (5) To give, publicize and promulgate reliable information showing the
 30 value of apples and apple products for any purpose for which they are found
 31 useful and profitable.

32 (6) To make public and encourage the widespread national and interna-
 33 tional use of apples and apple products.

34 (7) To investigate and participate in studies of the problems peculiar
 35 to the growers of apples in the state of Idaho.

36 (8) To take such action as to the commission seems necessary or advis-
 37 able in order to promote the sale of apples and to protect the apple industry.

38 (9) To enter into such contracts as may be necessary or advisable.

39 (10) To make use of such advertising means and methods as the commission
 40 deems advisable and to enter into contracts and agreements for research and
 41 advertising within and without the state of Idaho.

42 (11) To cooperate with any local, state or national organization or
 43 agency, whether voluntary or created by the law of any state, or the United
 44 States government, engaged in work or activity similar to the work and activ-
 45 ities of the commission, and to enter into contracts and agreements with such
 46 organizations or agencies for carrying on a joint campaign of research, ed-
 47 ucation, product protection, publicity and reciprocal enforcement of these
 48 objectives.

1 (12) To investigate and prosecute in the name of the state of Idaho vi-
2 olations of this ~~act~~ chapter; to investigate and prosecute in the name of
3 the state of Idaho any suit or action for the collection of assessments as
4 hereinafter provided, or to protect brands, marks, packages, brand names or
5 trademarks being promoted by the commission.

6 (13) To do any and all things that will promote the sale of apples.

7 (14) To keep an accurate record of all of its dealings, which shall be
8 open to inspection by the state controller.

9 (15) To sue and be sued.

10 (16) To adopt and from time to time alter, rescind, modify and/or amend
11 all proper and necessary rules and orders for the exercise of its powers and
12 performance of its duties under this ~~act~~ chapter.

13 SECTION 6. An emergency existing therefor, which emergency is hereby
14 declared to exist, this act shall be in full force and effect on and after its
15 passage and approval.