67-8301. IDAHO FOOD QUALITY ASSURANCE INSTITUTE CREATED. There is hereby created an independent public body corporate and politic to be known as the Idaho food quality assurance institute. The institute shall be exempt from taxation. The institute shall be an entity of the state of Idaho as provided in the tort claims act, chapter 9, title 6, Idaho Code, and shall be entitled to all the protection as provided in the tort claims act, chapter 9, title 6, Idaho Code.


67-8302. COMMISSIONERS -- CHAIRMAN -- APPOINTMENTS. The governor shall appoint ten (10) persons to be commissioners of the Idaho food quality assurance institute. The commissioners shall serve at the pleasure of the governor and shall include the following:

(1) One (1) representative of a row crop industry;
(2) One (1) representative of an orchard industry;
(3) One (1) representative of a grain industry;
(4) One (1) representative of a specialty crop industry;
(5) One (1) representative of a livestock industry;
(6) One (1) consumer;
(7) One (1) representative of the Idaho department of agriculture;
(8) One (1) representative of the college of southern Idaho;
(9) One (1) scientist with practical experience in quality certification procedures and standards;
(10) One (1) representative of the private laboratory industry.

The governor shall appoint a chairman from among the nine (9) commissioners. The commissioners shall be appointed for terms of four (4) years, except that all vacancies shall be filled for the unexpired term. A commissioner shall hold office until a successor has been appointed and qualifies. A certificate of the appointment or reappointment of any commissioner shall be filed in the office of the secretary of state and in the office of the institute, and the certificate shall be conclusive evidence of the due and proper appointment of the commissioner. The governor, the state treasurer, the state controller and the administrator of the division of financial management shall serve as advisors to the commissioners of the institute.

In addition, two (2) members of the Idaho senate, one (1) from the majority party and one (1) from the minority party, and two (2) members of the Idaho house of representatives, one (1) from the majority party and one (1) from the minority party, may be appointed by the legislative council to serve as advisors to the commissioners of the institute. Such appointments shall be for a term of two (2) years beginning on January 1 of each odd-numbered year, and no appointee shall serve more than two (2) terms. Actual and necessary expenses and per diem shall be allowed to the legislative advisors as provided for members of the legislative council, and shall be paid from legislative funds.
67-8303. VICE-CHAIRMAN, EXECUTIVE DIRECTOR AND OTHER PERSONNEL -- APPOINTMENTS -- QUORUM. As soon as possible after their appointment the commissioners shall organize for the transaction of business by choosing a vice-chairman and by adopting bylaws and rules suitable to the purpose of organizing the institute and conducting the business thereof. The powers of the institute shall be vested in the commissioners. A majority of the commissioners of the institute then in office shall constitute a quorum for the transaction of any business or the exercise of any power or function of the institute, and the affirmative vote of a majority of the commissioners present at any meeting, at which there is a quorum present, shall be necessary for any action taken by the institute. The commissioners may hold any of their meetings by telephone or video facilities. No vacancy in the membership of the commissioners shall impair the right of a quorum to exercise all the rights and perform all the duties of the institute. The commissioners may appoint an executive director, who shall serve at the pleasure of the commissioners, and such other officers and employees as the commissioners may require for the performance of their duties and shall prescribe the duties and compensation of each officer and employee.

[67-8303 added 1996, ch. 358, sec. 1, p. 1205.]

67-8304. POWERS OF THE INSTITUTE. The Idaho food quality assurance institute is an independent public body corporate and politic, exercising public and essential governmental functions, and having all the powers which are hereby declared to be public purposes necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

1. To provide an ongoing quality assurance testing program for Idaho agricultural commodities by analyzing and documenting the food safety practices of Idaho producers and such other agricultural commodities by documenting the food safety practices of other producers as feasible;

2. To provide for the management and operation of the quality assurance laboratory at Twin Falls, Idaho, and to provide and facilitate educational opportunities;

3. To establish fees for testing and analysis of agricultural commodities and for any other services to be provided to benefit agricultural commodity producers by the laboratory or the institute;

4. To provide for certification of testing results;

5. To sue and to be sued, to have a seal and to alter the same at pleasure, to have perpetual succession, and to make and execute agreements, contracts and other instruments necessary or convenient to the exercise of the powers and duties of the institute;

6. To own, hold and improve personal property; to purchase, lease, obtain options upon, or acquire by gift, grant, bequest, devise or otherwise, any personal property or any interest therein;

7. To make and from time to time amend and repeal bylaws and rules, not inconsistent with this act, to carry into effect the powers and purposes of the institute.

67-8305. DEPOSIT AND DISBURSEMENT OF FUNDS. (1) Immediately upon receipt, all moneys received by the institute shall be deposited in one (1) or more separate accounts in the name of the institute in one (1) or more banks or trust companies approved under chapter 27, title 67, Idaho Code, as state depositories. The institute shall designate such banks or trust companies. All funds so deposited are hereby continuously appropriated for the purpose of carrying out the provisions of this chapter.

(2) Funds can be withdrawn or paid out of such accounts only upon checks or other orders upon such accounts signed by two (2) officers designated by the institute.

(3) The right is reserved to the state of Idaho to audit the funds of the institute at any time.

(4) On or before January 15 of each year, the institute shall file with the senate agricultural affairs committee, the house agricultural affairs committee, the legislative services office, the state controller, and the division of financial management, a report showing the annual income and expenses by standard classification of the institute during the preceding fiscal year. The report shall also include an estimate of income to the institute for the current and next fiscal year and a projection of anticipated expenses by category for the current and next fiscal year. From and after January 15, 1998, 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.

(5) All moneys received or expended by the institute shall be audited annually by a certified public accountant designated by the institute, who shall furnish a copy of such audit to the director of legislative services and to the senate agricultural affairs committee and the house agricultural affairs committee. The audit shall be completed within ninety (90) days following the close of the fiscal year.


67-8306. LIMIT ON STATE LIABILITY -- COMPENSATION AND EXPENSES. All expenses incurred by the institute in performing its duties and exercising its powers shall be without liability on the part of the state.

No member of the institute shall receive any compensation for his services as such member, but members and employees of the institute and other persons acting under the direction of the institute shall be reimbursed, if approved by the institute, for their actual and reasonable expenses incurred in performing their duties under this chapter.

[67-8306, added 1997, ch. 302, sec. 6, p. 905.]

CHAPTER 84
-- [RESERVED]