

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. "Shipment" 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. Each shipper entity shall designate annually its voting representative to the Commission for Commissioner nominations. Designated representatives may only vote on one ballot in any election.
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.
  - e. Each grower entity shall designate annually its voting representative to the Commission for Commissioner nominations. Designated representatives may only vote on one ballot in any election.

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 canning and/or processing into by-products.

9. The term "hundredweight" means each one hundred (100) pound unit or combination of packages making a 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 licensed to do business in the state of Idaho. Each processor entity shall designate annually its voting representative to the Commission for Commissioner nominations. Designated representatives may only vote on one ballot in any election.

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 commission's activities in carrying out the purposes of this act.

History:

[22-1204, added 1939, ch. 172, sec. 4, p. 312; am. 1957, ch. 274, sec. 2, p. 632; am. 1961, ch. 316, sec. 2, p. 603; am. 1969, ch. 213, sec. 3, p. 614; am. 1973, ch. 121, sec. 1, p. 229.]