

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 22-1204, IDAHO CODE,  
3 TO REVISE DEFINITIONS RELATED TO THE IDAHO POTATO COMMISSION.

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

5 SECTION 1. That Section 22-1204, Idaho Code, be, and the same is  
6 hereby amended to read as follows:

7 22-1204. DEFINITIONS. As used in this act:

8 1. The term "commission" means the Idaho potato commission.

9 2. The term "person" means individual, partnership,  
10 corporation, association, grower and/or any other business unit.

11 3. The term "potatoes" means and includes only potatoes  
12 sold or intended for human consumption and grown in the state of  
13 Idaho.

14 4. "Shipment" of potatoes shall be deemed to take place  
15 when the potatoes are loaded within the state of Idaho, in a car,  
16 bulk, truck or other conveyance in which the potatoes are to be  
17 transported for sale or otherwise.

18 5. The term "dealer" means and includes any person engaged  
19 in the business of buying, receiving, processing, or selling  
20 potatoes for profit or remuneration.

21 6. The term "shipper" means and includes one who is  
22 properly licensed under federal and state laws and actively  
23 engaged in the packing and shipping of potatoes in the primary  
24 channel of trade in interstate commerce in the state of Idaho,  
25 and who ships more than he produces. Each shipper entity shall  
26 designate annually its voting representative to the Commission  
27 for Commissioner nominations. Designated representatives may  
28 only vote on one ballot in any election.

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

32 a. Is actively engaged in the production of potatoes  
33 in the state of Idaho and derives a substantial  
34 portion of his income therefrom;

- 1           **b.** Is not primarily engaged in the shipping or  
2           processing of potatoes;
- 3           **c.** Grows potatoes on five (5) or more acres, and
- 4           **d.** Has been actively engaged in growing potatoes in  
5           the state of Idaho for a period of at least three  
6           (3) years prior to nomination and has paid  
7           assessments to the commission on potatoes in each  
8           of the preceding three (3) calendar years.
- 9           **e.** Each grower entity shall designate annually its  
10           voting representative to the Commission for  
11           Commissioner nominations. Designated  
12           representatives may only vote on one ballot in  
13           any election.

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

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

22           10. The term "processor" means a person who is actively  
23 engaged in the processing of potatoes in Idaho for human  
24 consumption and transacting business in the state of Idaho. Each  
25 processor entity shall designate annually its voting  
26 representative to the Commission for Commissioner nominations.  
27 Designated representatives may only vote on one ballot in any  
28 election.

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

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

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

39           SECTION 2: An emergency existing therefor, which emergency  
40 is hereby declared to exist, this act shall be in full force and  
41 effect on and after its passage and approval.