

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 GROWER, SHIPPER, AND
4 PROCESSOR QUALIIFICATIONS TO BECOME AND TO VOTE FOR
5 COMMISSIONERS OF THE IDAHO POTATO COMMISSION; AND TO
6 DECLARE AN EMERGENCY.

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

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

10 22-1204. DEFINITIONS. As used in this act:

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

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

14 3. The term "potatoes" means and includes only potatoes
15 sold or intended for human consumption and grown in the state of
16 Idaho.

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

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

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

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

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

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

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

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

32 11. The term "processing" means changing the form of
 33 potatoes from the raw or natural state into a product for human
 34 consumption.

35 12. The term "handler" means and includes any person
 36 processing potatoes or handling them in the primary channel of
 37 trade.

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

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