

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 176

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO POTATOES; AMENDING SECTION 22-1204, IDAHO CODE, TO REVISE DEFINITIONS AND TO PROVIDE THAT CERTAIN RULEMAKING SHALL NOT BE AUTHORIZED; AND DECLARING AN EMERGENCY.

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

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

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, who does not provide the primary management to a growing or processing operation, and who ships more than he produces.

7. The term "grower" means one who is actively engaged in the ~~production of farm products, primarily growing of potatoes on five (5) or more acres in the state of Idaho, and who is not engaged in the~~ does not provide the primary management to a shipping or processing of potatoes operation.

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 one 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 the state of Idaho for human consumption.

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

1 in Idaho, the commission's activities in carrying out the purposes of this
2 act.

3 Notwithstanding any other provision of law to the contrary, the commis-
4 sion shall not be authorized to promulgate rules relating to the amendments
5 to the definitions of the terms "shipper," "grower," and "processor" as pro-
6 vided for in this act for a period of one (1) year from the effective date of
7 this act.

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