

Chapter PIB 1

POTATO ASSESSMENT: METHOD OF COLLECTION

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PIB 1.01 Definitions. In addition to the definitions in section 100.39, Wis. Stats., the following definitions apply to this chapter:

(1) "Board" means the potato industry board created under section 15.135(2), Wis. Stats. and attached to the department under section 15.03, Wis. Stats.

(2) "Department" means the state of Wisconsin department of agriculture.

(3) "Processor" means a person who commercially processes potatoes into potato products, including but not restricted to frozen, dehydrated, or canned potato products, potato chips and shoestrings, and flour, or who purchases potatoes from the producer thereof for such commercial processing.

(4) "Designated handler" means a handler designated under section PIB 1.02(2) Wis. Adm. Code, as the handler responsible for the collection and payment of assessments.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75.

PIB 1.02 Potato assessments; designated handler. (1) An assessment of one cent per hundredweight is levied against each producer for all potatoes grown by him in this state and entered into the current of commerce for ultimate consumption or processing for use as human food, or for seed. Potatoes sold or distributed for purposes other than for use as human food or seed, or which are retained by the producer for his own home consumption or use as seed, are exempt from assessment but are subject to reporting requirements under section PIB 1.04 Wis. Adm. Code.

(2) Assessments as provided under subsection (1) shall be collected and submitted to the board by the following designated handlers with respect to potatoes handled by them:

(a) Handlers engaged in the business of buying potatoes from producers for resale as principal or agent or of selling potatoes as agent for producers, other than producers acting as their own designated handler under paragraph (d).

(b) Processors purchasing potatoes directly from producers and not from a handler under paragraph (a), other than producers acting as their own designated handler under paragraph (d).

(c) Producers engaged in the processing of their own potatoes or in selling potatoes of their own production directly to consumers from their premises, a roadside stand or storage location, or to itinerant truckers, and not to a handler or processor under paragraphs (a) and (b).

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(d) Producers electing to act as their own designated handler in the sale of potatoes to or through designated handlers under paragraphs (a) or (b). Producers electing to act as their own designated handler in the payment of assessments shall file written notice of such election on approved forms with the board. Copies of such notice of election shall be filed with designated handlers under paragraphs (a) or (b) for potatoes sold to or through them.

(3) Assessments on any lot of potatoes shall be determined on basis of their utilization for human consumption or seed. Records shall be kept on that portion of each lot of potatoes which is handled for ultimate consumption as human food or seed. In the absence of such records, assessments shall be due and payable on the entire lot of potatoes regardless of whether they were handled for food, seed or other purposes.

(4) Assessments shall be paid by the handler first introducing potatoes into the current of commerce. Potatoes on which assessments have been paid shall not be subject to additional assessments when handled by subsequent handlers.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75.

PIB 1.03 Collection and remittance of assessments. (1) Designated handlers may collect assessments directly from the producer whose potatoes are subject to assessment, or deduct such assessments from payment made to producers for potatoes from or sold for them. If assessments are deducted from proceeds of purchase or sale, the producer shall be furnished with a statement reflecting assessments deducted.

(2) Designated handlers shall remit assessments directly to the department by check, draft or money order payable to the board not later than 10 days following the month potatoes subject to assessment were handled together with a report as required under section PIB 1.04 Wis. Adm. Code.

(3) Producers engaged in the handling or processing of potatoes of their own production and who are responsible for the payment of assessments as a designated handler under sections PIB 1.02(2)(c) and (d) Wis. Adm. Code, shall be responsible for the maintenance of records and filing of reports under sections PIB 1.04 Wis. Adm. Code and the payment of assessments to the department in the same manner as any other designated handler.

(4) Producers are not responsible for remittance of assessments on potatoes of their own production which are graded, packed or handled by them only in connection with their sale to a designated handler excepting where producers are acting as their own designated handler under section PIB 1.02(2)(d) Wis. Adm. Code.

(5) Producers acting as their own designated handler under section PIB 1.02(2)(d) Wis. Adm. Code shall, on each invoice to designated handlers under section PIB 1.02(2)(a) or (b) Wis. Adm. Code, include a statement that the producer is acting as his own designated handler and is responsible for the payment of assessments on potatoes covered under the invoice.

(6) Nonresident designated handlers not maintaining an office or place of business in this state, but otherwise engaged in this state as a

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designated handler, shall be subject to the same requirements under this chapter as a resident designated handler with respect to business activities conducted in this state, and shall be considered as having designated the secretary of state as agent for the service of process.

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PIB 1.04 Records and reports. (1) Each designated handler shall maintain a separate record for each producer for all potatoes purchased from or handled for such producer, including a separate record for potatoes of his own production which he himself handled. Designated handlers shall, by the 10th day of each month, file a report with the board on approved forms setting forth the following information for the immediately preceding month:

- (a) Total quantity of all potatoes handled for each producer and for himself, including potatoes exempt from assessment.
- (b) Total quantity of potatoes handled for each producer and for himself which are subject to assessment.
- (c) Name and address of each producer from whom he collected an assessment and the respective amounts collected from each.
- (d) Date collection of assessments were made from each producer.
- (e) Name and address of each producer having filed with him a copy of written notice of election to act as his own designated handler for the payment of assessments together with the total quantity of potatoes received from the producer under such election.

(2) Producers electing to act as their own designated handler under section PIB 1.02 (2) (d) Wis. Adm. Code, shall include in their report under subsection (1) the name and address of designated handlers to or through whom potatoes were sold or marketed by him and the total quantity of potatoes to each such designated handler.

(3) No designated handler shall file a false or misleading report with the board or fail to remit assessments in the amount and within the time period as specified in this chapter.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75.