

§ 953.1

7 CFR Ch. IX (1-1-08 Edition)

Subpart—Assessment Rates

953.253 Assessment rate.

Subpart—Handling Regulations

953.322 Handling regulation.

AUTHORITY: 7 U.S.C. 601-674.

SOURCE: 19 FR 8683, Dec. 18, 1954, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

Subpart—Order Regulating Handling

DEFINITIONS

§ 953.1 Secretary.

Secretary means the Secretary of Agriculture of the United States, or any other officer or member of the United States Department of Agriculture who is or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 953.2 Act.

Act means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*).

§ 953.3 Person.

Person means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

§ 953.4 Production area.

Production area means and includes the counties of Accomack, Northampton, Nansemond, James City, the cities of Chesapeake and Virginia Beach in the State of Virginia and the counties of Northampton, Halifax, Nash, Edgecombe, Pitt, Lenoir, Jones, and Onslow and all counties east thereof in the State of North Carolina.

[33 FR 8503, June 8, 1968]

§ 953.5 Potatoes.

Potatoes means all varieties of Irish potatoes grown in the production area.

§ 953.6 Handler.

Handler is synonymous with shipper and means any person (except a common or contract carrier of potatoes

owned by another person) who ships potatoes in fresh form, whether or not of his own production.

§ 953.7 Ship.

Ship is synonymous with *handle* and means to transport, sell, or in any manner place potatoes in the current of interstate commerce or so as directly to burden, obstruct, or affect such commerce.

[33 FR 8503, June 8, 1968]

§ 953.8 Producer.

Producer means any person engaged in the production of potatoes for market.

§ 953.9 Fiscal period.

Fiscal period means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

[33 FR 8503, June 8, 1968]

§ 953.10 Committee.

Committee means the Administrative Committee, called the Southeastern Potato Committee, established pursuant to § 953.15.

§ 953.11 District.

District means, describes, and refers to each of the geographic divisions of the production area hereby established as follows:

District No. 1. Accomack County in the State of Virginia.

District No. 2. Northampton County in the State of Virginia.

District No. 3. James City and Nansemond Counties and the cities of Chesapeake and Virginia Beach in the State of Virginia.

District No. 4. Northampton, Gates, Hertford, Bertie, Chowan, Perquimans, Pasquotank, Currituck, and Camden Counties in the State of North Carolina.

District No. 5. Halifax, Nash, Edgecombe, Pitt, Lenoir, Jones, Onslow, Carteret, Pamlico, Craven, Beaufort, Martin, Washington, Tyrrell, Hyde, and Dare in the State of North Carolina.

[33 FR 8503, June 8, 1968]

§ 953.12 Reapportionment and redistricting.

The committee may recommend, and pursuant thereto, the Secretary may

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approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. With respect to any such changes, the committee and the Secretary shall give consideration to:

- (a) Shifts in potato acreage within the districts and within the production area during recent years;
- (b) The importance of new production in its relation to existing districts;
- (c) The equitable relationship of committee membership and districts;
- (d) Economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and
- (e) Other relevant factors.

[33 FR 8503, June 8, 1968]

ADMINISTRATIVE COMMITTEE

§ 953.15 Establishment and membership.

(a) The Southeastern Potato Committee, consisting of 12 members of whom seven shall be producers and five shall be handlers is hereby established. For each member of the committee, there shall be an alternate member, who shall have the same qualifications as the member.

(b) Persons selected as members or alternates of the committee shall be individuals who are producers or handlers, respectively, in the respective district for which selected, or officers or employees of a corporate producer or handler, respectively, in such district: *Provided*, That no person, if he handles potatoes, shall be eligible for selection as a producer member on said committee unless 51 percent or more of the potatoes handled by him during the then current fiscal year were of his own production, or unless such person is an officer or employee of a producer's cooperative marketing association.

[19 FR 8683, Dec. 18, 1954, as amended at 33 FR 8503, June 8, 1968]

§ 953.16 Term of office.

(a) The term of office for committee members and alternates shall, except as otherwise specified, be for 1 year. The dates on which such term of office shall begin and end shall be established by the Secretary pursuant to the com-

mittee's recommendations, and the term of office may be extended or shortened, including that of the then current membership, to accord therewith.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof, beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

[33 FR 8503, June 8, 1968]

§ 953.18 Nominations.

The Secretary may select members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and handlers shall be held by the committee for each district to designate nominees for members and alternates to the committee;

(b) At least one nominee shall be designated for each position as member and for each position as alternate member on the committee;

(c) The names of nominees shall be supplied to the Secretary in such manner and form as he may prescribe, not later than September 15 of each year, or by such other date as may be specified by the Secretary;

(d) Only producers may participate in designating producer nominees and only handlers may participate in designating handler nominees. Any person who operates in more than one district or is engaged in producing and handling potatoes, shall elect the classification (i.e., producer or handler), and the district within which he desires to participate in designating nominees;

(e) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit