

SENATE FILE NO. SF0004

Dry bean research.

Sponsored by: Joint Agriculture, State and Public Lands & Water Resources Interim Committee

A BILL

for

1 AN ACT relating to agriculture; creating the dry bean  
2 commission; providing powers and duties; creating the dry  
3 bean commission account; requiring assessments from dry  
4 bean growers and handlers as provided; providing  
5 definitions; providing rulemaking authority; and providing  
6 for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 11-49-101 through 11-49-108 are  
11 created to read:

12

13

CHAPTER 49

14

BEAN RESEARCH

15

1           **11-49-101. Definitions.**

2

3           (a) As used in this act:

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5                   (i) "Commission" means the bean commission  
6 established under W.S. 11-49-102;

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8                   (ii) "Department" means the state department of  
9 agriculture;

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11                   (iii) "Director" means the director of the state  
12 department of agriculture or his designee;

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14                   (iv) "Dry edible beans" includes all market  
15 classes and varieties of dry edible beans produced in  
16 Wyoming including beans intended for use as seed;

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18                   (v) "Grower" means any person engaged in  
19 growing, or causing to be grown, dry edible beans on one  
20 (1) acre or more in Wyoming. "Grower" may include an owner  
21 and tenant jointly or a partnership, association,  
22 corporation, cooperative, trust, sharecropper or any other  
23 business unit, device or arrangement;

1

2 (vi) "Handler" means any person, no matter where  
3 the person is located, who is engaged in the operation of  
4 buying, selling, shipping or distributing dry beans grown  
5 in Wyoming which he has purchased or acquired from a grower  
6 or which he is shipping on behalf of a grower;

7

8 (vii) "Variety" means a type of dry edible bean  
9 which has a similar appearance and end use to another type  
10 of bean;

11

12 (viii) "This act" means W.S. 11-49-101 through  
13 11-49-108.

14

15 **11-49-102. Dry bean commission established;**  
16 **composition; appointment; term; removal; vacancies;**  
17 **reimbursement for expenses.**

18

19 (a) There is created the Wyoming bean commission.  
20 For administrative purposes the commission shall be within  
21 the department of agriculture. The commission shall be  
22 composed of six (6) members appointed by the governor. The  
23 director or his designated representative shall serve ex

1 officio without vote. The appointed commission members  
2 shall consist of four (4) growers residing in Wyoming with  
3 at least one (1) of the members residing in Laramie, Platte  
4 or Goshen County, Wyoming. Two (2) members shall be  
5 handlers with dry bean processing facilities located in  
6 Wyoming. The governor may remove any member he appoints as  
7 provided in W.S. 9-1-202.

8

9 (b) The terms of office for the initial appointments  
10 to the commission shall be two (2) terms of four (4) years  
11 and two (2) terms of two (2) years for the grower members.  
12 The initial terms of office for the handler members shall  
13 be one (1) term of four (4) years and one (1) term of two  
14 (2) years. Upon the expiration of the term of an appointed  
15 member, a successor shall be appointed by the governor for  
16 a term of four (4) years. If a vacancy occurs, the governor  
17 shall appoint a person for the unexpired term.

18

19 (c) The governor shall declare the office of any  
20 appointed member of the commission vacant when he finds  
21 that the member:

22

23 (i) Is no longer a grower or handler;

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2

(ii) Is unable to perform his duties; or

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4

(iii) Has become a resident of another state.

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(d) Members of the commission shall serve without compensation but shall receive mileage and per diem as provided by law for state employees.

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**11-49-103. Powers and duties of the commission.**

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12

(a) The commission shall:

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(i) Receive and disburse funds under the provisions of this act to be used in administering the provisions of this act;

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(ii) Annually elect a chairman and vice chairman from among its members. No chairman shall succeed himself more than once;

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23

(iii) Meet not less than two (2) times each year in conjunction with the crop research foundation of Wyoming

1 and at such other times as called by the chairman or when  
2 requested by three (3) or more members of the commission;

3

4 (iv) Keep a permanent record of its proceedings  
5 and report to the governor respecting its activities as  
6 provided in W.S. 9-2-1014;

7

8 (v) If the commission determines that it is  
9 advisable to implement a research, promotion or market  
10 program, prepare and submit a proposed program to the  
11 director together with a budget and cash flow statement.  
12 Funds shall only be dispersed to the crop research  
13 foundation in accordance with the submitted budget and cash  
14 flow statement.

15

16 (b) The commission may:

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18 (i) Conduct or contract for scientific research  
19 to discover and develop improved varieties, production  
20 techniques and end-use products;

21

22 (ii) Conduct or contract for programs of  
23 consumer education and market development;

1

2 (iii) Disseminate information on dry edible  
3 beans based on scientific research;

4

5 (iv) Study state and federal legislation with  
6 respect to matters concerning the dry edible bean industry;

7

8 (v) Sue and be sued as a commission, without  
9 individual liability, for acts of the commission within the  
10 scope of the powers and duties conferred upon it by this  
11 act;

12

13 (vi) Enter into contracts to carry out the  
14 purpose of the commission as provided in this act;

15

16 (vii) Appoint advisory groups composed of  
17 representatives from organizations, institutions or  
18 business related to or interested in the welfare of the dry  
19 edible bean industry;

20

21 (viii) Make grants to research agencies for  
22 financing special or emergency studies, or for purchase or

1 acquisition of facilities necessary to carry out the  
2 purposes of the commission;

3

4 (ix) Appoint subordinate officers and employees  
5 of the commission, prescribe their duties and fix their  
6 compensation;

7

8 (x) Cooperate with any local, state or  
9 nationwide organization or agency engaged in work or  
10 activities similar to or related to those of the  
11 commission, and enter into contracts with those  
12 organizations or agencies for carrying on joint programs;

13

14 (xi) Adopt rules and regulations necessary to  
15 carry out the provisions of this act;

16

17 (xii) Adopt, rescind, modify or amend all proper  
18 regulations, orders and resolutions for the exercise of its  
19 powers and duties.

20

21 **11-49-104. Authority to accept grants.**

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1 The commission may accept grants, donations, contributions  
2 or gifts from any source for expenditures for any purpose  
3 consistent with the powers and duties conferred on the  
4 commission.

5

6 **11-49-105. Contributions allowed.**

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8 From the funds it receives, the commission may pay or  
9 contribute to outside organizations to carry out work and  
10 programs approved by the commission.

11

12 **11-49-106. Dry bean commission account; assessment**  
13 **rate; collection and payment of assessment.**

14

15 (a) All monies received by the commission shall be  
16 deposited in the state treasury. The state treasurer shall  
17 deposit the monies to the credit of the dry bean commission  
18 account which is hereby created. Interest earned on monies  
19 in the account shall be deposited to the credit of the  
20 account. All monies in the account including earned  
21 interest shall be expended only for the purposes authorized  
22 by this act.

23

1           (b) Assessments collected by the department under  
2 this section shall be deposited with the state treasurer to  
3 the credit of the account created by subsection (a) of this  
4 section. Monies received by the commission under this  
5 subsection shall be used to administer this act.

6

7           (c) The commission shall at the end of each month  
8 reimburse the department for collection and administrative  
9 costs incurred by the department in collecting the  
10 assessment under subsection (b) of this section. The amount  
11 reimbursed shall equal three percent (3%) of the  
12 assessments collected during the month and shall be  
13 deposited with the state treasurer.

14

15           (d) The amount of the assessment collected under this  
16 section shall be as follows:

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18                   (i) For growers, thirty-four hundredths percent  
19 (0.34%) of the value of the settlement to the grower; and

20

21                   (ii) For handlers, seventeen hundredths percent  
22 (0.17%) of the value of the settlement to the grower.

23

1           (e) The assessment rate as determined under  
2 subsection (d) of this section shall be paid by the  
3 respective grower and handler who are primarily liable. The  
4 first handler of beans sold or contracted in a commercial  
5 channel shall collect the required assessment from the  
6 grower and shall remit the assessment from the grower and  
7 the handler to the department not later than the fifteenth  
8 day of the month immediately following the quarter in which  
9 the beans were sold or contracted. The first time each year  
10 that a handler submits assessments under this section, the  
11 handler shall also submit a list of the name and address of  
12 all growers that the handler collected assessments from in  
13 the immediately preceding year.

14

15           (f) If dry beans are mortgaged or pledged as security  
16 for a loan from a governmental agency, the assessment under  
17 this section shall be deducted from the proceeds of the  
18 loan at the time of the disbursement of the loan. If there  
19 is an overage of dry beans at the time of settlement of the  
20 loan, the over payment shall be credited to the account of  
21 the grower.

22

1           (g) Dry beans stored in private or public storage  
2 within the state shall not be liable for an assessment  
3 under this section until a sale of the beans is made.

4  
5           (h) A grower who through his activities also  
6 qualifies as a handler under this act or a grower who  
7 ships, sells or otherwise disposes of beans to a handler or  
8 for storage outside of the jurisdiction of this act shall  
9 remit to the department the full amount of the assessment  
10 due under this section. Dry beans which originate from any  
11 other state that collects a similar assessment and the  
12 state bases the assessment on the location of the first  
13 sale, the beans shall be treated as if they were grown  
14 within Wyoming if the beans are handled first by a Wyoming  
15 handler. Not later than November 1 each year, the  
16 commission shall determine any states that collect a  
17 similar assessment as provided under this section and shall  
18 notify all handlers of those states.

19

20           **11-49-107. Refund.**

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22           (a) Any person who has paid any assessment as  
23 provided in this act is entitled to a prompt refund of the

1 contribution from the commission upon request. A claim for  
2 a refund shall be made to the commission not less than  
3 thirty (30) or more than ninety (90) days from the date of  
4 the sale upon which the assessment was based. The claim  
5 shall be made on a form prescribed and furnished by the  
6 commission. No assessment paid by a handler is refundable  
7 under this section unless the grower has also claimed a  
8 refund under this section for the matching portion of the  
9 assessment.

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11 (b) Before processing any claim for refund under this  
12 section, the commission may require any additional  
13 information or affirmation under penalty of perjury it  
14 deems necessary to determine the validity of the claim.

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16 **11-49-108. Surety bond required to receive or**  
17 **disburse funds.**

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19 Any person authorized by the commission to receive or  
20 disburse funds, as provided by this act, shall post with  
21 the commission a surety bond in an amount the commission  
22 determines sufficient, for which the cost or premium shall  
23 be paid by the commission.

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**Section 2.** This act is effective July 1, 2015.

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(END)