

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:

4

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

7

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

10

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

13

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;

17

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) "This act" means W.S. 11-49-101 through
9 11-49-108.

10

11 **11-49-102. Dry bean commission established;**
12 **composition; appointment; term; removal; vacancies;**
13 **reimbursement for expenses.**

14

15 (a) There is created the Wyoming bean commission.
16 For administrative purposes the commission shall be within
17 the department of agriculture. The commission shall be
18 composed of six (6) members initially appointed by the
19 governor. The director or his designated representative
20 shall serve ex officio without vote. The appointed
21 commission members shall consist of four (4) growers
22 residing in Wyoming with at least one (1) of the members
23 residing in Laramie, Platte or Goshen County, Wyoming. Two

1 (2) members shall be handlers with dry bean processing
2 facilities located in Wyoming. The governor may remove any
3 member he appoints as provided in W.S. 9-1-202.

4

5 (b) The terms of office for the initial appointments
6 to the commission shall be two (2) terms of four (4) years
7 and two (2) terms of two (2) years for the grower members.
8 The initial terms of office for the handler members shall
9 be one (1) term of four (4) years and one (1) term of two
10 (2) years. Upon the expiration of each of these terms, the
11 commission shall conduct by mail an election to fill the
12 open membership. Only growers and handlers who paid dry
13 bean assessments in the previous two (2) calendar years
14 shall be eligible to vote in or stand for election, which
15 shall be conducted in March of each odd-numbered year. If
16 a vacancy occurs, the governor shall appoint a person for
17 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;

1

2 (ii) Is unable to perform his duties; or

3

4 (iii) Has become a resident of another state.

5

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

9

10 **11-49-103. Powers and duties of the commission.**

11

12 (a) The commission shall:

13

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

17

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

21

22 (iii) Meet not less than two (2) times each year
23 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:

17

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.**

22

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.**

7

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 quarter
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 one percent (1%) of the assessments
12 collected during the quarter and shall be deposited with
13 the state treasurer.

14

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

17

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

20

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

23

1 (iii) After July 1, 2017, the commission by rule
2 may change the assessment levied under this section
3 provided that the proportion shall be two-thirds (2/3) on
4 the grower and one-third (1/3) on the handler and the total
5 levy shall not exceed one percent (1%) of the value of the
6 settlement to the grower.

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

21

22 (f) If dry beans are mortgaged or pledged as security
23 for a loan from a governmental agency, the assessment under

1 this section shall be deducted from the proceeds of the
2 loan at the time of the disbursement of the loan. If there
3 is an overage of dry beans at the time of settlement of the
4 loan, the over payment shall be credited to the account of
5 the grower.

6

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

10

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

1 provided under this section and shall notify all handlers
2 of those states.

3

4 **11-49-107. Refund.**

5

6 (a) Any person who has paid any assessment as
7 provided in this act is entitled to a prompt refund of the
8 contribution from the commission upon request. A claim for
9 a refund shall be made to the commission not less than
10 thirty (30) nor more than ninety (90) days from the date of
11 the sale upon which the assessment was based. The claim
12 shall be made on a form prescribed and furnished by the
13 commission. No assessment paid by a handler is refundable
14 under this section unless the grower has also claimed a
15 refund under this section for the matching portion of the
16 assessment.

17

18 (b) Before processing any claim for refund under this
19 section, the commission may require any additional
20 information or affirmation under penalty of perjury it
21 deems necessary to determine the validity of the claim.

22

1 **11-49-108. Surety bond required to receive or**
2 **disburse funds.**

3

4 Any person authorized by the commission to receive or
5 disburse funds, as provided by this act, shall post with
6 the commission a surety bond in an amount the commission
7 determines sufficient, for which the cost or premium shall
8 be paid by the commission.

9

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

11

12

(END)