

ENROLLED ACT NO. 52, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

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

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

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

CHAPTER 49
BEAN RESEARCH

11-49-101. Definitions.

(a) As used in this act:

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

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

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

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

(v) "Grower" means any person engaged in growing, or causing to be grown, dry edible beans on one (1) acre or more in Wyoming. "Grower" may include an owner

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and tenant jointly or a partnership, association, corporation, cooperative, trust, sharecropper or any other business unit, device or arrangement;

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

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

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

(a) There is created the Wyoming bean commission. For administrative purposes the commission shall be within the department of agriculture. The commission shall be composed of six (6) members initially appointed by the governor. The director or his designated representative shall serve ex officio without vote. The appointed commission members shall consist of four (4) growers residing in Wyoming with at least one (1) of the members residing in Laramie, Platte or Goshen County, Wyoming. Two (2) members shall be handlers with dry bean processing facilities located in Wyoming. The governor may remove any member he appoints as provided in W.S. 9-1-202.

(b) The terms of office for the initial appointments to the commission shall be two (2) terms of four (4) years and two (2) terms of two (2) years for the grower members. The initial terms of office for the handler members shall be one (1) term of four (4) years and one (1) term of two

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(2) years. Upon the expiration of each of these terms, the commission shall conduct by mail an election to fill the open membership. Only growers and handlers who paid dry bean assessments in the previous two (2) calendar years shall be eligible to vote in or stand for election, which shall be conducted in March of each odd-numbered year. If a vacancy occurs, the governor shall appoint a person for the unexpired term.

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

- (i) Is no longer a grower or handler;
- (ii) Is unable to perform his duties; or
- (iii) Has become a resident of another state.

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

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

(a) The commission shall:

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

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

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(iii) Meet not less than two (2) times each year in conjunction with the crop research foundation of Wyoming and at such other times as called by the chairman or when requested by three (3) or more members of the commission;

(iv) Keep a permanent record of its proceedings and report annually to the governor and the joint agriculture, state and public lands and water resources interim committee respecting its activities as provided in W.S. 9-2-1014;

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

(b) The commission may:

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

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

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

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

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

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

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

(viii) Make grants to research agencies for financing special or emergency studies, or for purchase or acquisition of facilities necessary to carry out the purposes of the commission;

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

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

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

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

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11-49-104. Authority to accept grants.

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

11-49-105. Contributions allowed.

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

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

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

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

(c) The commission shall at the end of each quarter reimburse the department for collection and administrative costs incurred by the department in collecting the assessment under subsection (b) of this section. The amount

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

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

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

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

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

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

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

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

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

11-49-107. Refund.

(a) Any person who has paid any assessment as provided in this act is entitled to a prompt refund of the contribution from the commission upon request. A claim for a refund shall be made to the commission not less than thirty (30) nor more than ninety (90) days from the date of the sale upon which the assessment was based. The claim

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shall be made on a form prescribed and furnished by the commission. No assessment paid by a handler is refundable under this section unless the grower has also claimed a refund under this section for the matching portion of the assessment.

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

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

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk