

IN THE SENATE

SENATE BILL NO. 1054

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO BEANS; AMENDING SECTION 22-2912, IDAHO CODE, TO REMOVE PROVI-
2 SIONS REGARDING MEMBERS OF THE BEAN COMMISSION AND TO MAKE TECHNICAL
3 CORRECTIONS; AMENDING SECTION 22-2914, IDAHO CODE, TO REVISE A DEFI-
4 NITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 22-2921,
5 IDAHO CODE, TO REVISE PROVISIONS REGARDING TAX LEVIES, TO PROVIDE THAT
6 MEMBERS OF THE BEAN COMMISSION SHALL MAKE CERTAIN DECISIONS REGARDING
7 LEVIES, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY
8 AND PROVIDING AN EFFECTIVE DATE.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 22-2912, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 22-2912. BEAN COMMISSION CREATED. (1) There is hereby created and
14 established in the department of self-governing agencies the Idaho bean
15 commission, hereinafter called the commission. It shall be composed of
16 eight (8) men or women engaged in the bean industry. The commission shall
17 be appointed by the governor, and each member must have been a resident of
18 the state of Idaho for a period of three (3) years immediately prior to his
19 appointment, shall have had active experience in growing, processing or
20 shipping of beans produced in the state of Idaho, and at least four (4) mem-
21 bers of the commission shall be growers actually engaged in production of
22 beans, but who are not handlers, dealers or processors. One (1) grower mem-
23 ber of the commission shall be appointed from each of the districts provided
24 for by this section. The four (4) remaining members of the commission may be
25 engaged in the processing or shipping of beans, at least one (1) of whom must
26 be engaged in the processing or shipping of snap bean seed. The processor
27 or shipper members of the commission shall be appointed at large, keeping in
28 mind insofar as possible geographic locations representative of the Idaho
29 bean industry. The qualifications for membership on the commission shall
30 continue throughout the respective terms of office of the commissioners.
31 Upon recommendation of organizations of producers and shippers of beans, one
32 (1) grower commissioner shall be appointed from district No. 1, which dis-
33 trict shall be composed of the following counties: Adams, Boundary, Bonner,
34 Kootenai, Benewah, Shoshone, Latah, Nez Perce, Clearwater, Lewis, Idaho,
35 Washington, Payette, Gem, Canyon and Ada; one (1) grower commissioner shall
36 be appointed from district No. 2, which district shall be composed of the
37 following counties: Valley, Lemhi, Custer, Boise, Twin Falls, Owyhee and
38 Elmore; one (1) grower commissioner shall be appointed from district No. 3,
39 which district shall be composed of the following counties: Cassia, Oneida,
40 Power, Bannock, Caribou, Bear Lake, Franklin and Minidoka; one (1) grower
41 commissioner shall be appointed from district No. 4, which district shall
42 be composed of the following counties: Camas, Blaine, Gooding, Lincoln,

1 Jerome, Bingham, Bonneville, Butte, Jefferson, Madison, Teton, Fremont
 2 and Clark. ~~Commencing on July 1, 1999, the governor shall appoint two (2)~~
 3 ~~members for a one (1) year term, two (2) members for a two (2) year term, two~~
 4 ~~(2) members for a three (3) year term, and two (2) members for a four (4) year~~
 5 ~~term. Thereafter, the governor shall appoint commissioners as their terms~~
 6 ~~expire.~~ Each commissioner shall serve for a term of four (4) years. Each
 7 commissioner shall hold office until his successor has been appointed.

8 (2) A simple majority of members of the commission shall constitute a
 9 quorum for the transaction of business and for carrying out the duties of the
 10 commission. All commissioners shall take an oath of office before commencing
 11 their duties.

12 (3) Each member of the commission shall be compensated as provided by
 13 section 59-509(1), Idaho Code, provided however, that compensation paid to
 14 members of the commission on and after January 1, 1998, shall not be consid-
 15 ered salary as defined in section 59-1302, Idaho Code.

16 SECTION 2. That Section 22-2914, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 22-2914. DEFINITIONS. As used in this ~~act~~ chapter:

19 ~~(a)~~ (1) The term "commission" means the Idaho bean commission.

20 ~~(b)~~ (2) The term "person" means an individual, partnership, organiza-
 21 tion, corporation, association, ~~and/or~~ any other business unit.

22 ~~(c)~~ (3) The term "beans" means all dry and garden beans sold or intended
 23 for human consumption or for seed purposes grown in the state of Idaho.

24 ~~(d)~~ (4) "Shipment" of beans means loading beans within the state of
 25 Idaho in a car, bulk truck, or other conveyance, to be transported for sale
 26 or otherwise.

27 ~~(e)~~ (5) The term "dealer" means and includes any person engaged in the
 28 business of buying, receiving, cleaning, or selling beans for profit or re-
 29 muneratation, in this state or another state.

30 ~~(f)~~ (6) The term "handler" means any person handling beans in the pri-
 31 mary channels of trade.

32 ~~(g)~~ (7) The term "grower" means the actual producer of any beans defined
 33 in this ~~act~~ chapter.

34 ~~(h)~~ (8) "Delivery" means the placing of beans into primary channels of
 35 trade when any such beans are sold or delivered for shipment or delivered for
 36 canning or processing into by-products.

37 ~~(i)~~ (9) The term "hundredweight" means each one hundred (100) pound or
 38 combination of packages making a one hundred (100) pound unit of any shipment
 39 of beans based on invoice ~~and/or~~ bill of lading records.

40 SECTION 3. That Section 22-2921, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 22-2921. TAX LEVY. (1) There is hereby levied and imposed a tax
 43 of ~~twelve cents (12¢)~~ no less than sixteen cents (16¢) but no more than
 44 twenty-four cents (24¢) per hundredweight on beans covered by this ~~act~~
 45 chapter, which tax shall be due on or before the time when such beans are
 46 first handled in the primary channels of trade and shall be paid at such time
 47 or times as the commission may by rule or regulation prescribe, but not later

1 than the 15th day of the month next succeeding the three (3) month period in
2 which such beans were handled in the primary channels of trade. The commis-
3 sion shall designate the quarters (three (3) month periods) for the purpose
4 of collection of this tax.

5 (2) The person first introducing beans into primary channels of trade
6 shall be responsible for payment of the tax. If such person is the dealer
7 or shipper handling beans grown by another he may charge against or recover
8 from the grower of such beans ~~eight cents (8¢)~~ half of the cost thereof, but
9 he shall remain liable for and pay ~~four cents (4¢)~~ the remaining half of the
10 cost thereof. However, if such person is the dealer or handler and is only
11 cleaning the beans for the grower, he shall charge against or recover from
12 the grower the entire tax ~~of twelve cents (12¢) per hundredweight.~~ imposed
13 pursuant to subsection (1) of this section.

14 (3) The decision whether to adjust the amount of the tax to be levied and
15 the time for which the adjusted levy shall be in effect shall require the vote
16 of a simple majority or a quorum of the commission members.

17 SECTION 4. An emergency existing therefor, which emergency is hereby
18 declared to exist, this act shall be in full force and effect on and after
19 July 1, 2025.