

TITLE 22
AGRICULTURE AND HORTICULTURE

CHAPTER 29
BEANS -- PROMOTION OF INDUSTRY

22-2905. THE REGENTS OF THE UNIVERSITY OF IDAHO -- POWERS AND DUTIES. The regents of the University of Idaho are hereby authorized and directed to establish within the state of Idaho a bean growing experiment station, and in their name to purchase or otherwise acquire, equip, improve, operate, conduct and maintain, a farm, suitable and adapted for growing beans in connection with and for the purpose of conducting and carrying on experiments and experimental work to improve the quality of beans, to insure the purity of seed beans, and to develop new and better types of beans and methods of bean culture and utilization. Information and results of such experiments and experimental work shall from time to time be made available to and disseminated by bulletins or other suitable means, to all growers of beans and others within the state of Idaho, who may be interested in the same. The bean growing experiment station is authorized to establish such field experiment substations as in the judgment of the regents of the University of Idaho, may be necessary.

The regents of the University of Idaho are empowered and authorized, in their name, to purchase or otherwise acquire, lands and facilities and also accept gifts of land and/or facilities, or other donations as may be made to them for the purposes of this act.

[22-2905, added 1949, ch. 178, sec. 5, p. 375.]

22-2906. COOPERATION WITH OTHER AGENCIES. The regents of the University of Idaho, through the bean growing experiment station, are hereby authorized to cooperate with the United States department of agriculture, or any other recognized agencies of the United States, the state of Idaho, or with other states, in the conducting and carrying on of the experiments and experimental work herein provided to be made, and to enter into contracts for this purpose, so as to pay all, or a proportionate amount of the costs of such work as may be deemed best to be undertaken in the interests of the state.

[22-2906, added 1949, ch. 178, sec. 6, p. 375.]

22-2911. DECLARATION OF POLICY. The production of beans is one of the major agricultural activities of the state of Idaho. Idaho beans are equal, if not superior, to beans grown elsewhere in the United States. However, because the bean industry in this state has failed to adequately advertise, develop and improve the superior quality of Idaho beans on a nationwide scale, this state does not enjoy its fair share of the national bean market. In the interests of the welfare and general prosperity of the people of this state, to avoid further unnecessary losses in the national bean market, and to carry on research into the growth, production and marketing of beans in Idaho, in order that the health-giving qualities and food value of our beans may become well-known throughout the United States, it is the purpose of this act to provide for and promote national advertising of Idaho beans, and to further provide for comprehensive studies and research analyses into the future production, growing, and marketing of Idaho beans.

[22-2911, added 1957, ch. 94, sec. 1, p. 158.]

22-2912. BEAN COMMISSION CREATED. There is hereby created and established in the department of self-governing agencies the Idaho bean commission, hereinafter called the commission. It shall be composed of eight (8) men or women engaged in the bean industry. The commission shall be appointed by the governor, and each member must have been a resident of the state of Idaho for a period of three (3) years immediately prior to his appointment, shall have had active experience in growing, processing or shipping of beans produced in the state of Idaho, and at least four (4) members of the commission shall be growers actually engaged in production of beans, but who are not handlers, dealers or processors. One (1) grower member of the commission shall be appointed from each of the districts provided for by this section. The four (4) remaining members of the commission may be engaged in the processing or shipping of beans, at least one (1) of whom must be engaged in the processing or shipping of snap bean seed. The processor or shipper members of the commission shall be appointed at large, keeping in mind insofar as possible geographic locations representative of the Idaho bean industry. The qualifications for membership on the commission shall continue throughout the respective terms of office of the commissioners. Upon recommendation of organizations of producers and shippers of beans, one (1) grower commissioner shall be appointed from district No. 1, which district shall be composed of the following counties: Adams, Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Clearwater, Lewis, Idaho, Washington, Payette, Gem, Canyon and Ada; one (1) grower commissioner shall be appointed from district No. 2, which district shall be composed of the following counties: Valley, Lemhi, Custer, Boise, Twin Falls, Owyhee and Elmore; one (1) grower commissioner shall be appointed from district No. 3, which district shall be composed of the following counties: Cassia, Oneida, Power, Bannock, Caribou, Bear Lake, Franklin and Minidoka; one (1) grower commissioner shall be appointed from district No. 4, which district shall be composed of the following counties: Camas, Blaine, Gooding, Lincoln, Jerome, Bingham, Bonneville, Butte, Jefferson, Madison, Teton, Fremont and Clark. Commencing on July 1, 1999, the governor shall appoint two (2) members for a one (1) year term, two (2) members for a two (2) year term, two (2) members for a three (3) year term, and two (2) members for a four (4) year term. Thereafter, the governor shall appoint commissioners as their terms expire. Each commissioner shall serve for a term of four (4) years. Each commissioner shall hold office until his successor has been appointed.

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

Each member of the commission shall be compensated as provided by section [59-509](#)(1), Idaho Code, provided however, that compensation paid to members of the commission on and after January 1, 1998, shall not be considered salary as defined in section [59-1302](#), Idaho Code.

[22-2912, added 1957, ch. 94, sec. 2, p. 158; am. 1970, ch. 45, sec. 1, p. 92; am. 1974, ch. 13, sec. 7, p. 138; am. 1980, ch. 247, sec. 12, p. 591; am. 1998, ch. 403, sec. 1, p. 1256; am. 1999, ch. 63, sec. 1, p. 165.]

22-2913. EXECUTIVE OFFICE. The executive office of the commission is hereby established in Ada county.

[22-2913, added 1957, ch. 94, sec. 3, p. 158; am. 2001, ch. 183, sec. 3, p. 615.]

22-2914. DEFINITIONS. As used in this act:

- (a) The term "commission" means the Idaho bean commission.
- (b) The term "person" means individual, partnership, organization, corporation, association, and/or any other business unit.
- (c) The term "beans" means all dry beans sold or intended for human consumption or for seed purposes grown in the state of Idaho.
- (d) "Shipment" of beans means loading beans within the state of Idaho in a car, bulk truck, or other conveyance, to be transported for sale or otherwise.
- (e) The term "dealer" means and includes any person engaged in the business of buying, receiving, cleaning, or selling beans for profit or remuneration, in this state or another state.
- (f) The term "handler" means any person handling beans in the primary channels of trade.
- (g) The term "grower" means the actual producer of any beans defined in this act.
- (h) "Delivery" means the placing of beans into primary channels of trade when any such beans are sold or delivered for shipment or delivered for canning or processing into by-products.
- (i) The term "hundredweight" means each one hundred (100) pound or combination of packages making a hundred (100) pound unit of any shipment of beans based on invoice and/or bill of lading records.

[22-2914, added 1957, ch. 94, sec. 4, p. 158; am. 1972, ch. 351, sec. 1, p. 1038.]

22-2915. ADMINISTRATION AND ENFORCEMENT OF ACT. The commission shall prescribe and enforce suitable and reasonable regulations to enforce the provisions of this act, and shall administer the taxes levied and imposed by this act. The commission may at any time send its duly authorized agent or representative to enter upon the premises of any grower, dealer and/or handler of beans, to examine or cause to be examined any books, papers, records or memoranda concerning taxes payable under this act, and to secure other information either directly or indirectly involved in the enforcement of this act.

[22-2915, added 1957, ch. 94, sec. 5, p. 158.]

22-2916. PENALTY FOR TAX DEFAULTS. Any handler, dealer or grower who fails to make collection, file return or pay any tax within the time required by or pursuant to this act shall thereby forfeit to the state a penalty of five per centum (5%) of the amount of tax determined to be due, as provided in this act, plus one per centum (1%) of such amount for each month of delay or fraction thereof after the expiration of the first month after such return was required to be filed or such tax became due; but the commission, if satisfied that the delay was excusable, may remit all or any part of such penalty. Such penalty shall be paid to the commission and disposed of as provided with respect to moneys derived from the taxes levied and imposed by this act.

[22-2916, added 1957, ch. 94, sec. 6, p. 158.]

22-2917. POWERS AND DUTIES OF COMMISSION. The powers and duties of the commission shall include the following:

1. To adopt and from time to time alter, rescind, modify and/or amend all proper and necessary rules, regulations and orders for the exercise of its powers and the performance of its duties under this act.

2. To employ and at its pleasure discharge an advertising manager, agents, advertising agencies and such other help as it deems necessary and to outline their powers and duties and fix their compensation.

3. To make in the name of the commission such advertising contracts and other agreements as may be necessary.

4. To keep books, records and accounts of all its doings, which books, records and accounts shall be open to inspection by the state controller at all times.

5. To purchase or authorize the purchase of all office equipment and supplies and to incur all other reasonable and necessary expenses and obligations in connection with and required for properly carrying out the provisions of this act.

6. To define and describe such grade or grades of beans as may be advertised in accordance with the provisions of this act.

7. Whenever and wherever it deems it necessary the commission shall use its offices to prevent any substitution of other beans for Idaho beans and to prevent the misrepresentation or misbranding of Idaho beans at any and all times at any and all points where it discovers the same is being done.

8. To cooperate with the United States department of agriculture and other growers or shippers organizations on a national basis to improve the total consumption of dry beans.

9. To make, conduct or carry on studies and research in connection with the raising and production of "dry edible beans for human consumption" and of "snap bean seed" and for conducting necessary measures for the control of insects known to be detrimental to the production of such beans, bean seed, and their by-products; to disseminate information with respect to such study and research as a part of the commission's publicity and sales promotion activities authorized by this act and to assist, aid and educate growers, dealers and handlers in the raising, production, marketing, and processing of beans and bean seed.

For the accomplishment of such ends with reference to snap bean seed a minimum of twenty percent (20%) of the tax collected shall be placed in a reserve fund to be used for these purposes as required.

The above twenty percent (20%) figure is the amount of tax which is the average accrued from snap bean seed production.

For the accomplishment of such ends the commission is hereby empowered to employ the necessary persons or contract for the performance of required services; to cooperate with any organization of growers in this state, whether organized by authority of law or voluntarily, engaged in carrying on similar activities, and to participate jointly with any such organization, by contract or otherwise, in financing such study and research or paying for the employment of persons or services required or in carrying out projects and programs as herein contemplated.

[22-2917, added 1957, ch. 94, sec. 7, p. 158; am. 1994, ch. 180, sec. 21, p. 435.]

22-2918. ADVERTISING, PUBLICITY AND SALES PROMOTION. The commission shall plan and carry out marketing research, and conduct a continuous cam-

campaign for commodity advertising, publicity and sales promotion to increase the consumption of beans and may contract for any advertising, publicity and sales promotion service. To accomplish such purpose the commission shall have power and it shall be the duty of the commission to disseminate information relating to:

(a) Beans and the importance thereof in preserving the public health, the economy thereof in the diet of the people and the importance therein in the nutrition of children;

(b) The manner, method and means used and employed in the production, transportation, marketing and grading of beans, and laws of the state regulating and safeguarding such production, transportation, marketing and grading;

(c) The added cost to the producer and dealer in producing and handling beans to meet the high standards imposed by the state to insure a pure and wholesome product;

(d) The reasons why producers and dealers should receive a reasonable return on their labor and investment;

(e) The problem of furnishing the consumer at all times with an abundant supply of fine quality beans at reasonable prices;

(f) Factors of instability peculiar to the vegetable industry in general, and the bean industry in particular, such as unbalanced production, effect of the weather, influence of consumer purchasing power and price relative to the cost of other items of food in the normal diet of people, all to the end that an intelligent and increasing consumer demand may be created. [;]

(g) The possibilities of increased consumption of Idaho beans;

(h) Such other, further and additional information as shall tend to promote increased consumption of Idaho beans, and as may foster a better understanding and more efficient cooperation between producers, dealers and the consuming public;

(i) Branding, labeling, stenciling, sealing or packaging to promote and use in all ways, to advertise Idaho beans, and to protect their identity as far as possible to the final consumer.

[22-2918, added 1957, ch. 94, sec. 8, p. 158.]

22-2919. DEPOSIT AND DISBURSEMENT OF FUNDS. (1) Immediately upon receipt, all moneys received by the commission shall be deposited in one (1) or more separate accounts in the name of the commission in one (1) or more banks or trust companies approved under [chapter 27, title 67](#), Idaho Code, as state depositories. The commission shall designate such banks or trust companies. All funds so deposited are hereby continuously appropriated for the purpose of carrying out the provisions of this chapter.

(2) No moneys shall be withdrawn or paid out of such accounts except upon order of the commission and upon checks or other orders upon such accounts signed by such member of the commission as the commission designates. The commission shall establish and maintain an adequate and reasonable system of internal accounting controls. The internal accounting controls shall be written, approved and periodically reviewed by the commission.

(3) The right is reserved to the state of Idaho to audit the funds of the commission at any time.

(4) On or before January 15 of each year, the commission shall file with the senate agricultural affairs committee, the house of representatives agricultural affairs committee, the legislative services office, the state

controller, and the division of financial management, a report showing the annual income and expenses by standard classification of the commission during the preceding fiscal year. The report shall also include an estimate of income to the commission for the current and next fiscal year and a projection of anticipated expenses by category for the current and next fiscal year. From and after January 15, 1989, the report shall also include a reconciliation between the estimated income and expenses projected and the actual income and expenses of the preceding fiscal year.

(5) All moneys received or expended by the commission shall be audited biennially by a certified public accountant designated by the commission, who shall furnish a copy of such audit to the director of legislative services and to the senate agricultural affairs committee and the house of representatives agricultural affairs committee. The audit shall be completed within ninety (90) days following the close of the fiscal year.

(6) The expenditures of the commission are expressly exempted from the provisions of sections [67-2007](#) and [67-2008](#), Idaho Code.

[22-2919, added 1988, ch. 51, sec. 2, p. 75; am. 1993, ch. 327, sec. 7, p. 1200; am. 1994, ch. 180, sec. 22, p. 436; am. 1996, ch. 159, sec. 8, p. 512; am. 2003, ch. 32, sec. 7, p. 120; am. 2006, ch. 364, sec. 1, p. 1101.]

22-2920. USES FOR MONEYS. Funds received under the provisions of this chapter shall be expended for the following purposes:

(a) For the collection of the tax provided for in section [22-2921](#), Idaho Code, and the enforcement of all the provisions of this chapter.

(b) For the purpose of investigating and procuring better methods of production, transportation, shipment and merchandising of beans, and for the manufacture and merchandising of their by-products.

(c) For the general purpose of advertising beans for food and all other purposes.

[22-2920, added 1957, ch. 94, sec. 10, p. 158; am. 1988, ch. 51, sec. 3, p. 76.]

22-2921. TAX LEVY. There is hereby levied and imposed a tax of twelve cents (12¢) per hundredweight on beans covered by this act, which tax shall be due on or before the time when such beans are first handled in the primary channels of trade and shall be paid at such time or times as the commission may by rule or regulation prescribe, but not later than the 15th day of the month next succeeding the three (3) month period in which such beans were handled in the primary channels of trade. The commission shall designate the quarters (three (3) month periods) for the purpose of collection of this tax.

The person first introducing beans into primary channels of trade shall be responsible for payment of the tax. If such person is the dealer or shipper handling beans grown by another he may charge against or recover from the grower of such beans eight cents (8¢) of the cost thereof, but he shall remain liable for and pay four cents (4¢) of the cost thereof. However, if such person is the dealer or handler and is only cleaning the beans for the grower, he shall charge against or recover from the grower the entire tax of twelve cents (12¢) per hundredweight.

[22-2921, added 1957, ch. 94, sec. 11, p. 158; am. 1970, ch. 45, sec. 2, p. 92; 1972, ch. 351, sec. 2, p. 1038; am. 1978, ch. 135, sec. 1, p. 309; am. 1992, ch. 91, sec. 1, p. 281.]

22-2922. DEALERS' RECORDS -- TAX RETURNS. Every dealer or handler shall keep a complete and accurate record of all beans handled by him in the primary channels of trade, such record to be in such form as the commission shall by regulation or rule prescribe. Such records shall be preserved by such dealer or handler for a period of two (2) years and shall be open to inspection at any time upon written or oral request or demand by the commission or its duly authorized agent or employee. Every dealer or handler shall at such times as the commission may by rule or regulation require file with the commission a return under oath on forms to be prescribed and furnished by the commission, stating the quantity of beans handled by such dealer or handler in the primary channels of trade during the period or periods of time prescribed by the commission, and containing such further information as the commission may require.

[22-2922, added 1957, ch. 94, sec. 12, p. 158.]

22-2923. PENALTY FOR VIOLATIONS. Any person who shall violate or aid in the violation of any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of not more than \$300 or imprisonment for a period not to exceed 90 days, or both such fine and imprisonment, and all fines collected for violation of this act shall be paid into the Idaho bean marketing and production promotion fund.

[22-2923, added 1957, ch. 94, sec. 13, p. 158.]

CHAPTER 30
PRUNES -- PROMOTION OF INDUSTRY [REPEALED]