

TITLE 22
AGRICULTURE AND HORTICULTURE

CHAPTER 35
PEA AND LENTIL COMMISSION

22-3501. DECLARATION OF POLICY. It is to the interest of all the people that the abundant natural resources of Idaho be protected, fully developed and uniformly distributed. Among the agricultural industries of the state of Idaho that contribute to the economic welfare of the state is the welfare and well-being of the people of this state by providing means for the development of markets, production research, new product development and promotion of dry peas and lentils grown in Idaho.

[22-3501, added 1965, ch. 106, sec. 1, p. 192.]

22-3502. PEA AND LENTIL COMMISSION CREATED -- MEMBERS. There is hereby created and established in the department of self-governing agencies the Idaho pea and lentil commission to be composed of six (6) members. Five (5) of the members shall be growers and one (1) of the members shall be a processor or dealer. The dean of the college of agriculture, university of Idaho, or his duly authorized representative, shall be an ex officio member without vote of the commission.

[22-3502, added 1965, ch. 106, sec. 2, p. 192; am. 1974, ch. 13, sec. 12, p. 138; am. 2011, ch. 54, sec. 1, p. 118.]

22-3503. DEFINITIONS. As used in the act, unless the context requires otherwise:

(1) The term "peas and lentils" means dry peas, lentils, chickpeas and garbanzos grown in the state of Idaho except it does not include wrinkled varieties of peas grown for seed or chickpeas or garbanzos grown south of the Salmon River.

(2) "Commercial channels" means the sale of peas or lentils for use as food, feed, seed, or any industrial or chemurgic use, when sold to any commercial buyer, user, dealer, processor, cooperative, or to any person, public or private, who resells any pea or lentil product produced from peas or lentils.

(3) "Commission" means the Idaho pea and lentil commission.

(4) "First purchaser" means any person, group, association, partnership, or corporation that buys peas or lentils from the grower in the first instance, or any lienholder, public or private, including the commodity credit corporation, who may possess peas or lentils from the grower under any lien.

(5) "Grower" means any landowner personally engaged in growing peas or lentils, a tenant of the landowner personally engaged in growing peas or lentils, or both the owner and the tenant jointly, and includes a person, partnership, association, corporation, cooperative, trust, sharecropper or any and all other business units, devices and arrangements, who has grown or marketed peas or lentils in either of the preceding two (2) years.

(6) "Sale" includes any pledge, mortgage, trade, or contract device, or delivery of peas or lentils for sale or payment after harvest to any person, public or private.

(7) "Deliver" means placing of peas or lentils into the primary channels of trade.

(8) "Dealer" means any person, group, association, partnership or corporation which acts as principal or agent or otherwise in selling, marketing, warehousing, or distributing dry peas or lentils not produced by such person, group, association, partnership or corporation.

(9) "Processor" means any person, group, association, partnership or corporation which acts as principal or agent or otherwise in processing dry peas or lentils not produced by such person, group, association, partnership or corporation.

[22-3503, added 1965, ch. 106, sec. 3, p. 192; am. 1997, ch. 154, sec. 1, p. 436.]

22-3504. QUALIFICATION OF GROWER MEMBERS. Grower members of the commission shall be selected because of their ability and disposition to serve the state's interest and for knowledge of the state's natural resources. Members shall be citizens over twenty-five (25) years of age, residents of the state who have been actually engaged in growing peas or lentils in this state for at least three (3) of the previous five (5) years, and who derive a substantial portion of their income from growing peas or lentils in the state of Idaho.

[22-3504, added 1965, ch. 106, sec. 4, p. 192.]

22-3505. QUALIFICATION OF DEALER AND PROCESSOR MEMBERS. Dealer and processor members of the commission shall be residents of the state of Idaho and be selected because of their ability and disposition to serve the state's interest and for knowledge of the state's natural resources. They shall be practical dealers or processors of dry peas or lentils and shall be citizens over twenty-five (25) years of age and who have been, either individually or as officers or employees of a corporation, firm, partnership, association, or other business having a place of business within the state of Idaho and actually engaged in the processing, selling, marketing or distributing of dry peas or lentils within the state of Idaho for a period of five (5) years and has during that period derived a substantial portion of its income therefrom.

[22-3505, added 1965, ch. 106, sec. 5, p. 192.]

22-3506. SELECTION OF COMMISSION -- TERMS OF MEMBERS -- VACANCIES. (1) The governor shall appoint six (6) persons to the commission based upon submitted nominee petitions. One (1) member shall be a dealer or processor and five (5) members shall be growers.

(a) Growers, dealers and processors shall nominate from among themselves, by petition, not more than two (2) names for each position to be filled on the commission.

(b) In the case of grower members, petitions shall be signed by not less than fifteen (15) qualified growers. The nominations made shall be, as near as practicable, representative of lentils, dry peas and chickpeas.

(c) Petitions for dealer or processor members shall be signed by not less than three (3) qualified processors or dealers.

(2) The first members of the commission shall draw lots to determine their respective terms of office. Two (2) of the original members shall

serve for one (1) year; two (2) of the original members shall serve for two (2) years; and three (3) of the original members shall serve for three (3) years, provided however, that the terms of office of both dealer members of the commission shall not expire in the same year. The term of office of members of the commission thereafter shall be three (3) years, commencing on July 1.

(3) Members of the commission may not serve more than two (2) consecutive terms, nor may they hold or file for any elective political office while a member of the commission.

(4) In the event there are vacancies in the commission, it shall be the duty of the western pea and lentil growers' association, as the designated representative of Idaho growers of dry peas, lentils and chickpeas or, in the case of the dealer positions, the U.S. pea and lentil trade association as the designated representative of the dealers and processors of Idaho, to submit to the governor not more than two (2) qualified names for each vacancy supported by the proper nominating petitions. The governor shall make the appointment or appointments to fill each vacancy. The appointment shall be for the remainder of the term for that position.

[22-3506, added 1965, ch. 106, sec. 6, p. 192; am. 2009, ch. 129, sec. 1, p. 408; am. 2011, ch. 54, sec. 2, p. 118.]

22-3507. COMPENSATION OF MEMBERS. Members of the commission shall be compensated as provided by section [59-509](#) (b), Idaho Code.

[22-3507, added 1965, ch. 106, sec. 7, p. 192; am. 1980, ch. 247, sec. 16, p. 594; am. 2009, ch. 128, sec. 1, p. 407.]

22-3508. CHAIRMAN AND ADMINISTRATOR OF COMMISSION. The commission shall elect a chairman and shall employ such administration as is necessary, including, but not limited to full-time or part-time administrator.

[22-3508, added 1965, ch. 106, sec. 8, p. 192.]

22-3509. MEETINGS OF COMMISSION -- QUORUM. The commission shall meet at least once every three (3) months regularly and at such other times as called by the chairman. The chairman may call special meetings of the commission at any time or place after having given five (5) days' written notice except by unanimous consent of all members of the commission. A majority of the commission members shall constitute a quorum for all business.

[22-3509, added 1965, ch. 106, sec. 9, p. 192.]

22-3510. DUTIES AND POWERS OF COMMISSION. (1) Consistent with the general purposes of this chapter, the commission shall establish the policies to be followed in the accomplishments of such purposes.

(2) In the administration of the act, the commission shall have the following duties, authorities and powers:

(a) To conduct a campaign of research, education and publicity.

(b) To find new markets for pea and lentil products.

(c) To give, publicize and promulgate reliable information showing the value of peas and lentils for any purpose for which they are found useful and profitable.

(d) To make public and encourage the widespread national and international use of the special kinds of pea and lentil products produced from all varieties of peas and lentils grown in Idaho.

(e) To investigate and participate in studies of the problems peculiar to the producers of peas and lentils in Idaho.

(f) To take such action as the commission deems necessary or advisable in order to stabilize and protect the pea and lentil industry of the state.

(g) To sue and be sued.

(h) To enter into such contracts as may be necessary or advisable.

(i) To appoint and employ all necessary officers, agents and other personnel, including experts in agriculture and the publicizing of the products thereof, and to prescribe their duties and fix their compensation.

(j) To make use of such advertising means and methods as the commission deems advisable and to enter into contracts and agreements for research and advertising within and without the state.

(k) To cooperate with any local, state or national organization or agency, whether voluntary or created by the law of any state or by national law, engaged in work or activities similar to the work and activities of the commission, and to enter into contracts and agreements with such organizations or agencies for carrying on a joint campaign of research, education and publicity and reciprocal enforcement.

(l) To lease, purchase or own the real or personal property deemed necessary in the administration of this chapter.

(m) To prosecute in the name of the state of Idaho any suit or action for collection of the assessment provided for in this chapter.

(n) To adopt, rescind, modify and amend all necessary and proper orders, resolutions and regulations for the procedure and exercise of its powers and the performance of its duties.

(o) To incur indebtedness and repay the same, and carry on all business activities.

(p) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited subject to lawful, sound procedures and methods of accounting at least annually and a copy of such audit shall be delivered within thirty (30) days after completion thereof to the governor, commissioner of agriculture, director of legislative services and the commission. The books, records and accounts shall be open to inspection by the state controller and public at all times.

(q) To make a full and complete report available to all Idaho pea and lentil producers annually, and once every five (5) years, commencing May 1, 1970, poll each grower as to the advisability of continuing the commission. If a majority of the growers representative of a majority of the pounds produced request a repeal of this act, the commission shall at the next session of the legislature request a repeal.

[22-3510, added 1965, ch. 106, sec. 10, p. 192; am. 1971, ch. 23, sec. 1, p. 54; am. 1994, ch. 180, sec. 27, p. 441; am. 2003, ch. 32, sec. 9, p. 122.]

22-3511. COMMISSION ACCEPTING GRANTS, DONATIONS AND GIFTS. The commission may accept grants, donations and gifts of funds from any source for expenditure for any purpose consistent with this act which may be specified as a condition of any grant, donation or gift. All funds received under the provisions of this act shall be paid to the Idaho pea and lentil commission and shall be deposited in a bank account in the name of the Idaho pea and lentil commission, and such moneys shall be kept in such Idaho pea and lentil commission account and made available for defraying the expenses of the commission in carrying out the provisions of this act.

[22-3511, added 1965, ch. 106, sec. 11, p. 192; am. 1971, ch. 23, sec. 2, p. 54.]

22-3512. BONDS OF ADMINISTRATOR, AGENTS OR EMPLOYEES. The administrator, or any agent or employee appointed by the commission shall be bonded to the state of Idaho in the time, form and manner prescribed by [chapter 8, title 59](#), Idaho Code. The cost of the bond is an administrative expense under this act.

[22-3512, added 1965, ch. 106, sec. 12, p. 192; am. 1971, ch. 136, sec. 9, p. 522.]

22-3513. ESTABLISHMENT OF ADMINISTRATOR'S OFFICE. For the convenience of the majority of those most likely to be affected in the administration of this act, the commission may establish and maintain an office for the administrator within the state of Idaho.

[22-3513, added 1965, ch. 106, sec. 13, p. 192.]

22-3514. STATE NOT LIABLE FOR ACTS OR OMISSIONS OF COMMISSION OR OF ITS EMPLOYEES. The state of Idaho is not liable for the acts or omissions of the commission or any member thereof or any officer, agent or employee thereof.

[22-3514, added 1965, ch. 106, sec. 14, p. 192.]

22-3515. IMPOSITION OF ASSESSMENT. (1) From and after July 1, 1997, there is hereby levied and imposed an assessment of an amount not to be less than one percent (1%) nor to exceed two percent (2%) of the net receipts at the first point of sale, to be deducted by the first purchaser from the price paid to the grower on dry peas or lentils grown in Idaho, or chickpeas or garbanzos grown north of the Salmon River, sold after July 1, 1997, dockage free weight, and sold or contracted through commercial channels, and each and every crop grown thereafter. The assessment provided in this subsection shall be paid at such time or times as the commission may by rule prescribe.

(2) The assessment shall be levied and assessed to the grower at the time of delivery for sale and shall be deducted by the first purchaser from the price paid to the grower at the time of sale or in case of a lienholder who may possess such peas or lentils under his lien, the assessment shall be deducted by the lienholder from the proceeds of the claims secured by such lien at the time the peas or lentils are pledged or mortgaged. The assessment shall be deducted as provided in this section whether the peas or lentils are stored in this or any other state. The commission may, however, permit any federal corporation, such as the commodity credit corporation, to waive its

responsibility for the collection of the assessment, provided the amount of the assessment is one dollar (\$1.00) or less.

(3) It shall be within the discretion of the commission to establish the amount of the tax to be levied as provided in subsection (1) of this section. The decision whether to adjust the amount of the tax to be levied and the time for which the adjusted levy shall be in effect shall require the vote of a majority of the commission members.

(4) The assessment shall be levied on peas and lentils grown and delivered on seed or grower contracts. The assessment shall be levied and assessed to the grower at the time of settlement and shall be deducted by the seed company, corporation, cooperative, partnership, or person from the price paid to the grower at the time of settlement for fulfillment of conditions as set forth in grower contracts.

(5) The assessment shall not be levied on peas and lentils retained and used by the grower for his own seed and feed.

(6) The assessment constitutes a lien prior to all other liens and encumbrances upon such peas or lentils except liens which are declared prior by operation of a statute of this state.

[22-3515, added 1965, ch. 106, sec. 15, p. 192; am. 1971, ch. 23, sec. 3, p. 54; am. 1975, ch. 5, sec. 1, p. 9; am. 1981, ch. 1, sec. 1, p. 3; am. 1983, ch. 23, sec. 1, p. 62; am. 1985, ch. 62, sec. 1, p. 124; am. 1986, ch. 27, sec. 1, p. 79; am. 1997, ch. 154, sec. 2, p. 437; am. 2001, ch. 298, sec. 1, p. 1077.]

22-3516. DELIVERY OF INVOICE VOUCHERS TO GROWERS. (1) The purchaser, at the time of settlement, shall make and deliver a copy of each settlement voucher for each purchaser to the grower.

(2) The reports to the commission shall be on forms and in such numbers as prescribed and supplied by the commission and shall show at least:

(a) The name or names and address or addresses of the grower and seller.

(b) The name and address of purchaser.

(c) The number of pounds of peas and lentils sold, varieties of peas and/or lentils and the rate of assessment.

(d) The report shall be legibly written and shall have no corrections or erasures on the face thereof.

(3) Unlawful or willful alteration of an invoice shall constitute a misdemeanor.

[22-3516, added 1965, ch. 106, sec. 16, p. 192; am. 1971, ch. 23, sec. 4, p. 54.]

22-3517. PAYMENT OF ASSESSMENT -- DISPOSITION OF RECEIPTS. (1) The assessment imposed in this act shall be paid by the first purchaser to the commission. The commission shall receipt the purchaser thereof and promptly deposit the moneys in a bank account in the name of the Idaho pea and lentil commission. The commission may adopt, rescind, modify and amend regulations not inconsistent with this act, related to the payment and collection of the assessment provided for in the act.

(2) All moneys received under the provisions of this act shall be paid to the Idaho pea and lentil commission to be deposited into a bank account in the name of the Idaho pea and lentil commission and made available for defraying the expenses or repaying indebtedness of the commission in carrying out the provisions of this act.

(3) All salaries, costs and expenses incurred by the commission in performing its duties and the exercise of its powers under this act shall be paid out of such bank account of the Idaho pea and lentil commission.

(4) All moneys received by the commission from any source, except the amount of cash kept for each day's needs, shall be deposited as soon as possible 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 accounts and such banks or trust companies.

(5) No moneys shall be withdrawn from 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, and countersigned by such other member, officer or employee of the commission as the commission designates. A receipt, voucher or other written record, showing clearly the nature and items covered by the check or other order, shall be kept.

[22-3517, added 1965, ch. 106, sec. 17, p. 192; am. 1971, ch. 23, sec. 5, p. 54.]

22-3518. PENALTIES. Any person who shall violate or aid in the violation of any of the provisions of this act shall be guilty of a misdemeanor.

[22-3518, added 1965, ch. 106, sec. 18, p. 192; am. 1971, ch. 23, sec. 6, p. 54.]