

**Wyoming Bean Commission
Organizational Meeting
Wyoming Dept. of Agriculture, 2219 Carey Avenue, Cheyenne
December 7 & 8, 2015**

Minutes:

Monday, December 7, 2015

Members Present:

Jeffery Chapman (handler) of Goshen County
Pascual Aguilar (grower) of Big Horn County
Lynn Preator (handler) of Big Horn County
Beau Fulton (grower) of Park County
Wayne Hort (grower) of Goshen County
Jerrod Lind (grower) of Platte County
Hank Uhden (ex-officio member from the Wyoming Dept. of Agriculture)

Others Present:

Doug Miyamoto, Director, Wyoming Dept. of Agriculture
Stacia Berry, Deputy-Director, Wyoming Dept. of Agriculture
Julie Cook, Administration Manager, Wyoming Dept. of Agriculture
Dale Heggem, Senior Inspection Specialist, Wyoming Dept. of Agriculture
Kim Gallegos, Accountant, Wyoming Dept. of Agriculture
Keith Kennedy, Crop Research Foundation of Wyoming

Transaction of Business:

Meeting was called to order at 8:55 am by Ex-Officio Member Hank Uhden.
Members introduced themselves.

Hank Uhden opened nominations for the position of Commission Chairman.
Lynn Preator nominated Beau Fulton, Second by Wayne Hort.
Vote All in Favor - Passed.

Chairman Fulton opened nominations for the position of Commission Vice-Chairman.
Jarrod Lind nominated Jeffrey Chapman, Second by Wayne Hort.
Vote All in Favor - Passed.

Chairman Fulton requested Approval of Agenda. Wayne Hort moved to approve the agenda, Second by Jeffrey Chapman. Discussion - Lynn Preator requested to add 'U.S. Dry Bean Council, and Dry Bean Consortium'. Items accepted and placed onto agenda. Vote all in Favor - Passed.

Approval of Minutes. Being no previous minutes, agenda item was noted and no action taken.

Statute Overview, Commission responsibilities. Hank Uhden reviewed enacting statutes W.S. § 11-50-101 through 108 with the Commission. Review included all sections of the law focusing on the Commission Duties. Short discussions included: 1) statute interaction with the Crop Research Foundation of Wyoming; 2) Assessments and Refunds; 3) Bonding requirements and amount required.

At 9:40 Commission recessed for break, reconvened at 9:55 am.

Establish policies for procedural board duties, Rules of Order. The Commission was briefed on recommendations for procedural conduct of business. Commission concurred that Roberts Rules of Order are adopted for transaction of Commission business. A simple majority Quorum of members present is adopted for action items requiring a vote; Policies, Regulations, Statutes were covered on how they interact with each other legally; Executive Sessions were discussed, noting Commission may enter executive session for items of business regarding Personnel or Confidential Business Information, no votes to take place in executive session, votes must be conducted when convened in public; Conference calls to conduct business were discussed.

Policy Item: Roberts Rules of Order are adopted for the formal transaction of business.

Policy Item: A simple majority Quorum of members present is adopted for action items requiring a vote.

Policy Item: Commission established policy that the Commission will not take action or vote on items unless one Commission Handler member is present on the call.

Board & Commissions Training. Hank Uhden briefed the board on the Governor's Boards and Commissions training located at: <http://governor.wyo.gov/boards-and-commissions/wyoming-board-training>. Julie Cook and Kim Gallegos covered the State of Wyoming Travel Procedures and Reimbursements & Forms (Travel voucher, Wolfs payment system).

Formal Rule Making Procedures Overview. Hank Uhden briefed the Commission of the State of Wyoming procedures for the formal rule-making process and timelines. Discussion included gathering of public & industry input into the draft regulations.

Review Rules Draft. Hank Uhden reviewed the draft Commission regulations by each section.

Lunch. At 11:55 am, Commission recessed. Reconvened at 12:55 pm.

Review Rules Draft. Hank Uhden continued the review of the draft regulations. Through the review process a number of changes were discussed, and the draft was amended upon Commission consensus.

Fiscal Procedures. Board Discussion of Remittance and Refunds Procedures. Hank Uhden briefed the Commission on the forms drafted for handlers remitting assessments to the Commission; and for growers to request refunds. Two scenarios were presented on how growers can be reimbursed when requesting a refund: 1) Separate Commission bank account with an established amount balance to remain in the account, and checks written and signed by

commission members and the department at that time; -and- 2) Payment to the Grower through the State of Wyoming Wolfs payment system requiring growers to complete vendor forms, and payment either by state issued check or Electronic Funds Transfer (EFT) directly into a growers bank account.

Julie Cook was requested to address those two scenarios before the commission. Julie Cook briefed the Commission in detail on how each of those processes work within the state government system, and the pros / cons of each process. The Commission members asked a number of questions: how the current process works with the Wyoming Wheat Commission; who would sign the checks under scenario 1) above; what information is public or can be made public.

The Commission deliberated on both scenarios and discussed amongst themselves the pros and cons for each. No decision was reached on which direction the Commission wanted to proceed. Formal action on this item was postponed for vote until reconvening Tuesday morning.

Break. At 2:30 pm, Commission recessed. 2:45 pm Commission reconvened.

Rules Draft: (copy attached to these minutes). Hank Uhden presented an edited draft of the regulations to the Commission. The Commission reviewed the new draft, noting three edits and by consensus moved the regulations forward for Attorney General Review.

Fiscal Procedures. Board Discussion of Remittance and Refunds Procedures. The Commission further reviewed the forms used for submitting assessments and requesting refunds. Both forms were amended through Commission discussion. Motion to approve the forms as amended made by Wayne Hort, second by Jerrod Lind. Motion passed.

U.S. Dry Bean Council. [added agenda item]. Lynn Preator provided an overview of the U.S. Dry Bean Council; who the council is; dues structure; members thereto (growers / dealers / corporate members). No action taken.

Dry Bean Consortium. [added agenda item]. Lynn Preator provided an overview of the proposed Dry Bean Consortium between Idaho, Colorado, and Wyoming. The Consortium in concept will be comprised of University research units, Bean Commissions, and State government. The goal is to utilize combined resources from each state to conduct research on dry beans, develop new varieties, and provide a seed base for growers relevant to their geographical farming operations. Consortium is developing a grant request through University of Wyoming / Colorado State University / Idaho State University. The grant request is for federal funding available through a nationwide grant administered by the Utah Dept. of Agriculture (These federal funds under the guidelines must be administered by a state dept. of agriculture). Consortium meetings are open to the public, recommendation was made that Wyoming Bean Commission consider attending to represent industry. Keith Kennedy made the request for the Commission to consider nominating and seating two Wyoming Bean

Commission members to the Crop Research Foundation of Wyoming, and those two members then further represent the industry on the Consortium. No Action taken.

Board Comment. None

Public Comment. None

Meeting was recessed for the day at 4:00 pm.

Tuesday, December 8

Members Present:

Jeffery Chapman (handler) of Goshen County
Pascual Aguilar (grower) of Big Horn County
Lynn Preator (handler) of Big Horn County
Beau Fulton (grower) of Park County
Wayne Hort (grower) of Goshen County
Jerrod Lind (grower) of Platte County
Hank Uhden (ex-officio member from the Wyoming Dept. of Agriculture)

Others Present:

Dale Heggem, Senior Inspection Specialist, Wyoming Dept. of Agriculture
Ted Craig, Specialty Crop Grant Program, Wyoming Dept. of Agriculture
Keith Kennedy, Crop Research Foundation of Wyoming

Transaction of Business:

Call to Order. Chairman Fulton called the meeting to order at 8:30 am.

Questions from previous day? None

Continue discussion on fiscal procedures. Board Discussion of Remittance and Refunds Procedures. Review & Adopt Remittance and Refund Forms. Chairman Fulton opened the discussion regarding how the Commission wished to issue refunds when requested. Discussion included a review of the previous day's discussion regarding check procedures, which Commission members or have all members as signatories, or utilize the State of Wyoming Wolfs payment system. Pros and Cons of each scenario were further discussed, noting that whichever method the Commission chose to adopt, it could be reviewed at a later date and changed if needed. Motion made by Lynn Preator to utilize the State of Wyoming Wolfs payment system for issuing refunds, Second by Jeff Chapman, Motion passed.

Policy Item: Before refunds are issued through the Wolfs payment system, all Commission members will receive from the Department a spreadsheet listing who is requesting refund and refund amount. Commission will agree to issue refund payments based on two (2) commission member's approval.

Handler Audits & Verification of payment of assessments. Commission members were briefed on how the Department currently conducts audits of grain warehouses and verification of assessments collected for the Wyoming Wheat Commission. Noted in discussion was the recent closure of Yellowstone Bean Company and reconciliation of that facility. Dale Heggem outlined on how he conducts audits and what type of audits routinely conducted. Two types of audits are conducted: 10% random audit of warehouse tickets & receipts -or- 100% audit. He said that he would conduct an audit per direction of the Commission. The Commission further discussed what type of audit would be best suited for their purposes. The Commission agreed that a 10% audit falls within the routine inspection activities of the Department, and it models after the audit procedures of the Wyoming Wheat Commission, therefore the Department is directed to conduct a 10% audit, unless if otherwise directed or circumstances warrant a 100% audit. Motion was made by Wayne Hort for the Commission to contract with the Wyoming Department of Agriculture to conduct Handler Audits & Verification of payment of assessments, amount not to exceed \$500.00, with Chairman Beau Fulton as signatory to that contract. Second by Lynn Preator. Further discussion by the Commission included that they understand that the Department would initiate a 100% audit if the circumstances require it, and that the Department would request additional monies to cover expenses in the event of unique or out of the ordinary situations such as those requiring a more in-depth, extra travel / time, or out-of-state audit. Motion passed.

Upon final signature of the Contract, the Commission requested that Dale Heggem plan to visit every handler facility of Wyoming beans before June 30, 2016.

Discussion returned to the closure of Yellowstone Bean Company (YBC) and if grower assessments had been paid as the law took effect 2 months prior to the final closing of the books on the facility. No grower assessments were made by YBC. Chairman Fulton agreed to draft a letter on behalf of the Commission to YBC requesting payment of the grower assessments based on the known remaining accounts after July 1, 2015.

Chairman Fulton agreed to develop Commission letterhead for this purpose. Discussion included who is authorized to use / mail commission correspondence on commission letterhead.

Policy Item: Formal correspondence by any Commission member on behalf of the Commission using Commission letterhead shall be approved by the Commission members before it is sent.

Future research needs - Industry Feedback. The Commission discussed the following items under this agenda topic. 1) Variety trials and the needs to look to get started with field trials the first year; 2) Dry Bean Consortium; 3) Ted Craig provided an overview of the specialty crop program, funding availability, application process, performance period, expectation of when

funding would be made available; 4) U.S. Dry Bean Council: January 26-27, 2016, Washington, D.C. Lynn Preator is attending for the Rocky Mountain Bean Dealers. Lynn also will check with the council to see if they would sponsor one or two Commission members to attend; 5) Variety trials & research protocols, small and large plot, end user quality; 6) Recommendation for all the Wyoming Bean Commission Members to attend the Crop Research Foundation of Wyoming meeting starting at 1:00 pm at that same day. Jeffrey Chapman moved that Lynn Preator and Jerrod Lind be appointed to the Crop Research Foundation of Wyoming board of directors. Motion passed.

Board Comment. Jeffrey Chapman requested Hank Uhden to draft a press release regarding the actions and discussions that took place during the first meeting of the Commission.

Next meeting date / place / time.

- January 14, 2016
- Casper, WY
- Tentative: UW Extension, 2011 Fairgrounds Road
- 9 am - 12 Noon

Tentative Agenda Topics for the January 14th meeting:

- Draft Commission Budget
- Specialty Crop Grants - Ted Craig
- University of Wyoming / Variety Trials - Bret Hess
- Final review of assessment and refund forms
- Review / approval of letter to Yellowstone Bean Company
- Update on rule-making process / Attorney General's rule review & comments
- Formal adoption of Commission policies
- Public Communications / Newsletter / Social Media

Public Comment. None.

Meeting was adjourned at 10:55 am.

Attachments:

- Agenda
- Draft Commission Regulations

**Wyoming Bean Commission
Organizational Meeting
Wyoming Dept. of Agriculture, 2219 Carey Avenue, Cheyenne
December 7 & 8, 2015**

Agenda

Monday, December 7

- 8:30 am Call to Order, Introductions
- 8:40 am Election of Commission Chairman & Vice Chairman
- Approval of Agenda
 - [*Approval of Minutes - none*]
- 8:45 am Statute Overview, Commission responsibilities
- 9:15 am Break
- 9:30 am Establish policies for procedural board duties, Rules of Order
- 10:00 am Board & Commissions Training
- <http://governor.wyo.gov/boards-and-commissions/wyoming-board-training>
- Travel Procedures
 - Reimbursement & Forms (Travel voucher, Wolfs)
- 10:30 am Formal Rule Making Procedures Overview
- Review Rules Draft
- 12:00 Noon Lunch (catered)
- 1:15 pm Review Rules Draft
- 3:00 pm Break
- 3:15 pm Fiscal Procedures
- Board Discussion of Remittance and Refunds Procedures
- 4:00 pm Board Comment
- 4:15 pm Public Comment
- 4:30 pm Adjourn for the Day

Tuesday, December 8

- 8:30 am Call to Order
- 8:30 am Questions from previous day ?
- 8:45 am Continue discussion on fiscal procedures
- Board Discussion of Remittance and Refunds Procedures
 - Review & Adopt Remittance and Refund Forms
- 9:30 am Break
- 9:45 am Handler Audits & Verification of payments of assessments
- 10:00 am Future research needs - Industry Feedback
- 11:15 am Board Comment
- Next meeting date / place / time
- 11:30 am Public Comment
- 12:00 Noon Adjourn

CHAPTER 1

WYOMING BEAN COMMISSION REGULATIONS

Section 1. Authority. Pursuant to authority vested in the Department of Agriculture by W.S. 11-50-101 through 11-50-108 the following regulations are hereby promulgated and adopted.

Section 2. Purpose of rules. These rules pertain to the dry edible bean assessment, collection, refund, operational procedures, and fee setting schedule for the Wyoming Bean Commission. These rules also contain auditing requirements and other obligations put forth by the Wyoming Bean Commission and the Wyoming Department of Agriculture as the administrator for the Commission.

Section 3. Definitions.

(a) Reserved.

Section 4. Assessment.

(a) Wyoming dry edible beans are assessed in the amount of 0.51% of the settlement amount, with two-thirds of the assessment paid by the grower, and one-third by the handler.

(b) There shall be no delineation as to crop year for the assessment of Wyoming dry edible beans as provided for in accordance with W.S. § 11-50-106 (h).

(c) Forms for remitting the assessment shall be provided by the Bean Commission.

Section 5. Collection.

(a) The collection of the dry edible bean assessment shall be recorded on forms acceptable to the Bean Commission.

(i) The handler shall present a receipt to the grower at the time of sale. A settlement sheet that has a line item delineating only the grower's Wyoming dry edible bean assessment shall be deemed a receipt.

(b) Handlers shall remit all collected assessments by the 15th of the month next succeeding the quarter in which settlement was made for the dry edible beans. Any and all monies collected shall be remitted to the Bean Commission. No assessment may be retained by the handler for longer than one hundred ten (110) days.

(i) Remittance forms shall be sent to the Bean Commission, courtesy of the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY 82002, even if no remittance is due.

Section 6. Refunds.

(a) A person who has paid the prescribed assessment is entitled to a prompt refund of the contribution.

(i) A grower may request in writing a Bean Commission Refund at the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY 82002. Refund forms must be submitted not less than thirty (30) nor more than ninety (90) days from the date of sale. No assessment paid by a handler shall be refundable unless the underlying grower has requested a refund for that same assessment.

(ii) A handler may request in writing a Bean Commission Refund at the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY 82002. The Commission will notify each handler of the gross amount of refund paid to their growers for the previous quarter by mail, no later than 31 days following the end of each quarter. Handlers then have until the end of that quarter to request a refund of fifty percent (50%) of the amount refunded the previous quarter to their growers.

(b) No grower refund application will be accepted after the ninety (90) days have elapsed. Ninety (90) days shall be deemed to have elapsed at 12:00 midnight on the ninetieth (90th) day. A valid postmark shall be used to determine the date of submission of the refund application.

(c) Payment of a refund will be made promptly after the contribution has been received from the handler which collected the initial assessment.

(d) Only forms provided by the Bean Commission will be accepted.

(e) The Bean Commission may refuse payment of doubtful claims. Claimants must provide all information deemed necessary by the Bean Commission or the Department of Agriculture before payment will be made.

(f) A person may request a hearing on a denied refund claim before the Bean Commission.

(i) Contested cases will be heard only at regularly scheduled meetings of the Bean Commission. The procedure for a contested case shall be outlined in W.S. 16-3-107.

Section 7. Election of Bean Commission Members

(a) Nominations for Bean Commission members shall be solicited in January of odd-numbered years from bean growers and handlers who have paid the dry bean assessment the previous two years, with nominations due by February 1 of the same year.

(b) Nominees deemed eligible to serve shall be offered as candidates on ballots sent to bean growers and handlers who have contributed to the dry bean assessment the previous two years. Those ballots shall be sent to the commission, courtesy of the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY 82002, no later than March 1 of odd-numbered years, and shall be due no later than April 1 of the same year.

(c) Candidates with the most votes shall be elected to the Bean Commission. In the event of a tie, the position will be decided by a random drawing.

(d) Elected Bean Commission members shall assume office July 1 of odd-numbered years.

(e) All terms of elected commission members shall be four (4) years with the term ending on June 30 of the respective year.

Section 8. Election of Bean Commission Officers

(a) Bean Commission offices shall consist of chairman and vice chairman. No chairman shall succeed himself more than once.

(b) Bean Commission officers shall be elected annually at the first Bean Commission meeting after July 1 from current Bean Commission members.

Section 9. Enforcement.

(a) The Bean Commission shall take appropriate action when these regulations are not followed, in accordance with the following:

(i) A certified letter stating the complaint of alleged infractions must be sent to the person in question, providing for a timeline of response to said allegations.

(ii) If the alleged infractions are corrected to the satisfaction of all parties, then said complaint shall be dismissed.

(iii) If further action is necessary, then all enforcement actions must be conducted in accordance with the Wyoming Administrative Procedures Act.

Section 10. Audits.

(a) The Bean Commission may conduct an audit of any person who buys, sells, ships, or distributes dry beans grown in Wyoming which he has purchased or acquired from a grower or which he is shipping on behalf of a grower.

(i) The audit shall be to determine that the facility is properly collecting and remitting the dry bean assessment as required.