



Certification Page Regular and Emergency Rules

| <u>1. General Information</u> | | |
|--|---|--|
| a. Agency/Board Name <i>See attached list for references</i> Wyoming Department of Agriculture | | |
| b. Agency/Board Address 2219 Carey Avenue | c. Agency/Board City Cheyenne | d. Agency/Board Zip Code 82002 |
| e. Name of Contact Person Chris Wichmann | f. Contact Telephone Number 307-777-6576 | |
| g. Contact Email Address chris.wichmann@wyo.gov | h. Adoption Date: 02-27-2013 | |
| i. Program(s) <i>See attached list for references</i> General Agency Board or Commission Rules | | |
| <u>2. Rule Type and Information</u> | | |
| a. These rules are: <input type="checkbox"/> Emergency Rules <i>(After completing all of Section 2, proceed to Section 5 below)</i> <input checked="" type="checkbox"/> Regular Rules | | |
| b. Choose all that apply: <input checked="" type="checkbox"/> New Rules* <input type="checkbox"/> Amended Rules <input type="checkbox"/> Repealed Rules | | |
| <i>* "New" rules means the first set of regular rules to be promulgated by the Agency after the Legislature adopted a new statutory provision or significantly amended an existing statute.</i> | | |
| If "New," provide the Enrolled Act number and year enacted: Enrolled ACT 56, Senate 2012 | | |
| c. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed <i>(if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification)</i> | | |
| Chapter Number: Chapter 20 | Short Title: Agriculture Producer Grant Program | |
| Chapter Number: | Short Title: | |
| Chapter Number: | Short Title: | |
| Chapter Number: | Short Title: | |
| Chapter Number: | Short Title: | |
| d. <input checked="" type="checkbox"/> The Statement of Reasons is attached to this certification. | | |
| e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing: | | |
| <u>3. State Government Notice of Intended Rulemaking</u> | | |
| a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State: 01/09/2013 | | |
| b. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Legislative Service Office: 01/09/2013 | | |
| c. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Attorney General: 01/09/2013 | | |

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. Yes No N/A

b. A public hearing was held on the proposed rules. Yes No

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|-----------|-------|-------|-------|-----------|
| If "Yes:" | Date: | Time: | City: | Location: |
| | | | | |

5. Final Filing of Rules


a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office** for the Governor's signature: 02/27/2013

b. Date on which final rules were sent to the **Legislative Service Office**: 02/27/2013

c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State**: 02/27/2013

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

| | |
|------------------------------------|--|
| Signature of Authorized Individual |  |
| Printed Name of Signatory | Jason Fearneyhough |
| Signatory Title | Director, Wyoming Department of Agriculture |
| Date of Signature | 2/27/13 |

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

| | |
|----------------------|--|
| Governor's Signature | |
| Date of Signature | |

Distribution List:

- Attorney General**
1. Statement of Reasons;
 2. Original Certification Page;
 3. Summary of Comments (regular rules);
 4. Hard copy of rules: clean and strike/underscore; and
 5. Memo to Governor documenting emergency (emergency rules).

- LSO**
1. Statement of Reasons;
 2. Copy of Certification Page;
 3. Summary of Comments (regular rules);
 4. Hard copy of rules: clean and strike/underscore;
 5. Electronic copy of rules: clean and strike/underscore; and
 6. Memo to Governor documenting emergency (emergency rules).

- SOS**
1. PDF of clean copy of rules; and
 2. Hard copy of Certification Page as delivered by the AG.



The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

Statement of Principal Reason

The Wyoming Department of Agriculture proposes to adopt rules for the Agriculture Producer Research Grant Program (APRGP) as directed by Enrolled Act 56. Enrolled Act 56 was enacted on July 1, 2012 and created W.S. 11-2-208. The rules provide for criteria for eligibility, method of application, methods for application review, Agency and Board approval process, and govern the distribution of funds.

The intent of APRGP is to foster applied agriculture research through the Wyoming Department of Agriculture that focuses on practical results that can be implemented by Wyoming producers to enhance agriculture production in the state.

These Rules are designated as Agriculture Producer Research Grant Program Rules, Chapter 20.

Equal Opportunity in Employment and Services

BOARD MEMBERS

Jana Ginter, *District 1* • Jim Hodder, *District 2* • Shaun Sims, *District 3* • John Moore, *District 4* • Alison Lass, *District 5*
Bryan Brost, *District 6* • Jim Price, Jr., *District 7*

YOUTH BOARD MEMBERS

Patrick Zimmerer, *Southeast* • Dalin Winters, *Northwest* • John Hansen, *Southwest* • Bridget Williams, *Northeast*



Wyoming
DEPARTMENT OF *Agriculture*

Matthew H. Mead, *Governor*
Jason Fearneyhough, *Director*
2219 Carey Ave. • Cheyenne, WY 82002
Phone: (307) 777-7321 • Fax: (307) 777-6593
Web: agriculture.wy.gov • Email: wda1@wyo.gov

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Summary of Comment Period

For

Agriculture Producer Research Grant Program (Enrolled Act 56)

There were no public comments received during the public comment period ending February 26, 2013.

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**Wyoming Department of Agriculture
Regulations Governing the
Agriculture Producer Research Grant Program Funds**

CHAPTER 20

Section 1. **Authority.** Pursuant to authority vested in the Wyoming Department of Agriculture (WDA) by W.S. §11-2-208 the following regulations are hereby promulgated and adopted.

Section 2. **Purpose.**

(a) To foster applied agriculture research through the WDA that focuses on practical results that can be implemented by Wyoming producers to enhance agriculture production in Wyoming.

(b) To provide for a method of application review and approval and to govern the distribution of available funds for approved projects.

Section 3. **Definitions.**

(a) "APRGP" means the Agriculture Producer Research Grant Program enacted by W.S. §11-2-208.

(b) "Agriculture Producer Research" means a study using practical agricultural science/methodologies which is designed to address issues affecting agricultural producers.

(c) "Audit" means an unbiased examination and evaluation of the appropriate educational institution or qualified entity data collected, records, financial accounts, and financial statements associated with the APRGP to verify their accuracy.

(d) "Budget" means an itemized summary of estimated or intended income and expenditures for a given period.

(e) “Contractor” means an institution, educational institution, organization, business or individual that possess the necessary expertise to conduct applied agriculture research projects.

(f) “Director” means the Director of the Wyoming Department of Agriculture

(g) “Educational Institution” means any institution devoted to education and/or research with the ability to provide and administer scientific research projects.

(h) “Match” means cash and/or in-kind contributions. Contributions must have value and must be applicable to the period to which the matching requirement applies and must be necessary for the project. Examples of in-kind contributions include: labor, materials, and professional services. In-kind contributions must be verifiable from the records of the applicant. These records must show how the value placed on in-kind contributions was derived. Labor services will be reported using rates consistent with those ordinarily paid by the applicant or other employers for similar work in the same labor market. Donated supplies and equipment will be valued at market value at the time of donation. Loaned equipment will be valued at the fair rental rate of the equipment at the time of donation.

(i) “Partner” means each party participating on a particular project.

(j) “Program Application” means the application form and associated documents required for inclusion in the APRGP. The form will be prescribed and document templates distributed by the WDA.

(k) “Project” means an approved individual Applied Agricultural Research Program application, plan and budget ready for implementation.

(l) “Producer” means an individual who produces an agriculture commodity. A Producer may be a project Partner.

(m) “Qualified Entity” means institution, educational institution, organization, business or individual possessing the necessary expertise to conduct applied agriculture research projects. Qualified entities may be required to submit resumes or qualifications.

(n) “Research Advisor” means an individual or entity with professional expertise in the field of interest, hired to provide detailed information and advice to producers. Research

advisors may be (but not limited to) cooperative extension, educators, specialists, agricultural consultants or agricultural professionals assisting producers at the local level.

- (o) “WDA” means the Wyoming Department of Agriculture.

Section 4. **Applicability of Rules.**

(a) These rules only apply when an application is received from the Wyoming agricultural industry or an educational institution or qualified entity for participation in the APRGP.

Section 5. **Application.** To qualify for inclusion in the APRGP an educational institution or qualified entity shall submit a grant application to the WDA on a form provided by the WDA.

(a) An application submitted to the WDA will only be considered for funding under the APRGP if the following criteria are addressed in the application:

- (i) A justification of relevance demonstrating how the project will benefit or impact agricultural production.

- (ii) A review of existing literature and research projects to ensure the project has not been completed previously and justification for the project being considered.

- (iii) Contractor will be a qualified entity.

- (iv) If producer(s) are active partners in the project, then a signed Partnership Agreement Form is required.

- (v) A plan of outreach to disseminate the research results to the widest possible audience of affected Wyoming agricultural producers.

- (b) Applications must include a budget and adequate budget justification:

(i) A budget. Standardized forms will be provided by WDA. A minimum match is not required for grant funding, however, those providing a minimum match of 20% will have preference over those that do not during the internal review process.

(ii) Written justification of all costs and expenses for grant and in-kind monies.

(iii) No administrative or overhead cost should be included in budget

c) Written agreements from all committed partners shall be included with the application. The agreement shall include information on each partner's contribution to the project and their commitment to participate if the project is approved for inclusion in the APRGP.

(d) If a Research Advisor(s) is utilized, the application must provide a resume or written description of the research advisor's qualifications to conduct APRGP projects.

(e) An application including a request for grant funding may only be submitted during the period of a Request for Funding Proposal (RFP) as determined by the WDA and will be reviewed after the close of the RFP.

(f) A preference will be given to educational institutions located within the state.

Section 6. **WDA APRGP Application Review and Approval.** All applications and grant requests shall be reviewed by the WDA to ensure applications meet valid APRGP project criteria. A Project Review Team will be established to score and rank each potential project. The Project Review team will provide recommendations to the Director who shall make recommendations to the Board of Agriculture. The Board of Agriculture shall have final authority for the approval of applications and grant requests.

Section 7. **Project Review Team.** A Project Review team will be established and consist of two (2) livestock representatives, two (2) crop representatives, one (1) research representative. WDA staff will facilitate the Project Review team and summarize Project Review Team's findings and recommendations to the Director.

Section 8. **Financial / Data Records.**

(a) Monitoring of Project progress may occur anytime while the educational institutions or qualified entities are under an agreement with the WDA to perform applied agricultural research, and audits may take place during the Project and up to five (5) years after Project completion.

(b) Educational institutions or qualified entities shall maintain and retain accurate records on a completed Project for five (5) years, starting from the date of the educational institution or qualified entity's final report is approved by the WDA.

Section 9. **Reporting.** The educational institutions or qualified entities shall submit annual progress reports and a final report to the WDA, 2219 Carey Avenue, Cheyenne, WY 82002 in accordance with the terms and conditions of the Project agreement/contract.

Section 10. **Loss of Eligibility.** Any participating educational institutions or qualified entities who do not comply with all provisions of these rules shall not be eligible for further project inclusion or additional grant funding until they have documented correction of all compliance deficiencies to the satisfaction of the WDA. Educational institutions or qualified entities that demonstrate correction of all deficiencies may submit an application for project inclusion and/or funding consideration.

Section 11. **Authority to Determine Project Inclusion and Funding Amounts.** In all cases, the WDA retains the authority to determine inclusion and allocate funding to appropriate educational institutions or qualified entities in the amount determined by the WDA to carry out the intent of W.S. § 11-2-208.

Section 12. **Savings Clause.** If any provision of this regulation is held to be illegal or unconstitutional, such a ruling shall not affect the other provisions of this regulation which can be given effect without that provision; and, to this end, the provisions of this regulation are severable.