



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Agriculture

<input type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR _____ ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____ ; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input checked="" type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Dry Pea and Lentil Commission, chapter 16-536 WAC

Hearing location(s):
 Whitman County Health Coalition Public Services Building
 310 N Main Street
 Colfax, WA 99111

Date: September 15, 2015 Time: 9:00 a.m.

Submit written comments to:
 Name: Teresa Norman
 Address: P. O. Box 42560
 Olympia, WA 98504-2560
 e-mail tnorman@agr.wa.gov
 fax (360) 902-2092 by (date) 5:00 p.m., September 15, 2015

Assistance for persons with disabilities: Contact
WSDA Receptionist (360) 902-1976 by September 7, 2015
 TTY 1-800-833-6388 or 711

Date of intended adoption: November 30, 2015
 (Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed changes include:

- Adding dried faba beans and lupine as commodities covered by the marketing order and subjecting commercial growers to the terms of the marketing order, including assessments.
- Renaming the commission to the "Pulse Crops Commission" to better describe the group of commodities covered by the marketing order.
- Removing the citizenship requirement as part of the requirements for board membership.
- Increasing the assessment rate on a time-limited basis from 1% to 2% of the net receipts at the first point of sale. The increase would be in effect for a period of three years starting January 1, 2016. After three years, the assessment rate would return to 1% of the net receipts at the first point of sale.

Reasons supporting proposal:

(1) The commission board is proposing to add dried faba beans and lupine to the marketing order for three reasons. First, they are cool season grain legumes that show promise as marketable crops for WA producers. Second, there is need to develop better adapted varieties for the US growing regions and the crops are already included with dry peas and lentils in the commissions in MT and ND. Finally, the producers likely to raise these two crops are the same producers growing dry peas, lentils and chickpeas in WA therefore the crops fit under administration scheme of the WA Dry Pea & Lentil Commission. (2) The rule amendments would also remove the citizen requirement for membership on the board as contrary to state and federal case law under equal protection principles. (3) And finally, these amendments will implement the petition received from the Dry Pea & Lentil Commission in accordance with RCW 15.65.050. The board is proposing to increase the assessment rate on a time-limited basis to raise additional funds to support an opportunity created by the UN designation of 2016 as the International Year of Pulses (dry peas, lentils, chickpeas and beans) and join with US, Canada, Australia, and many other nations to promote pulse crops in a worldwide marketing campaign. In addition, the commission is proposing to join with the US industry to fund a long term research legacy in an endowed chair at Washington State University and Montana State University. To participate in these opportunities, the commission is proposing to raise the assessment rate for three years and designate the additional funds to these efforts.

Statutory authority for adoption: RCW 15.65.047 and .050;
 Chapter 34.05 RCW

Statute being implemented: chapter 15.65 RCW

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: July 01, 2015
TIME: 7:44 AM
WSR 15-14-117

DATE
 July 1, 2015

NAME (type or print)
 Derek I. Sandison

SIGNATURE

TITLE
 Director

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

The proposed rules will not be adopted unless they are approved by referendum of affected producers pursuant to RCW 15.65.

Name of proponent: (person or organization) Washington Dry Pea and Lentil Commission

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Teresa Norman	P.O. Box 42560, Olympia, WA 98504	(360) 902-2043
Implementation.... Tim McGreevy	2780 W. Pullman Road, Moscow, ID 83843	(208) 882-3023
Enforcement..... Tim McGreevy	2780 W. Pullman Road, Moscow, ID 83843	(208) 882-3023

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

In accordance with RCW 15.65.570, the adoption of the final amendments to chapter 16-536 WAC will be determined by referendum vote of affected producers.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: The Department of Agriculture and the Washington Dry Pea and Lentil Commission are not named agencies in RCW 34.05.328(5)(a)(i).