

BEEF CATTLE PRODUCERS ASSOCIATION, IOWA[101]

[Prior to 10/8/86, Beef Industry Council, Iowa[145]]

[Prior to 5/24/17, Beef Industry Council, Iowa[101]]

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CHAPTER 1
ORGANIZATION AND OPERATION

101—1.1(181) Composition and purpose. The Iowa beef cattle producers association is doing business as the Iowa beef industry council. The Iowa beef industry council provides oversight to the “executive committee” referred to in Iowa Code section 181.3. The executive committee consists of ten members, two of whom serve ex officio and five of whom are elected and three who are appointed by the respective parties listed in that section. The council engages in market development for beef cattle and veal calves and their products, advances public relations for the beef cattle and veal calf industry, and administers the state assessment on beef cattle and veal calf sales imposed in Iowa Code chapter 181.

This rule is intended to implement Iowa Code chapter 181.
[ARC 3082C, IAB 5/24/17, effective 6/28/17]

101—1.2(181) Officers. The officers of the Iowa beef industry council shall be as follows: Chair, vice chair, secretary, treasurer and at large. Each officer shall be elected by a vote of the council. A term of office is one year.

1.2(1) The chair shall set the date for meetings, preside at meetings, and sign vouchers and other documents as approved by the council.

1.2(2) The vice chair shall act in the chair’s place when the chair is unable to act.

1.2(3) The secretary shall supervise the preparation of minutes of meetings.

1.2(4) The treasurer shall supervise the financial records and financial reports of the cattle and veal calf fund.

[ARC 3082C, IAB 5/24/17, effective 6/28/17]

101—1.3(181) Staff. The Iowa beef industry council may employ an executive director and such other persons as it deems necessary to aid in the completion of its duties.

101—1.4(181) Meetings. The Iowa beef industry council shall meet at those times designated by the chair. All meetings shall be held at such locations as are determined by the chair.

101—1.5(181) Quorum. A majority of the members eligible to vote shall constitute a quorum.
[ARC 3082C, IAB 5/24/17, effective 6/28/17]

101—1.6(181) Actions taken. The votes of a majority of all members eligible to vote shall be required to take any agency action, whether or not all members eligible to vote are present at the meeting in question.

101—1.7(181) Forms. The following forms are available at the council office without charge:

1.7(1) *Monthly remittance form.* This form is used to accompany the receipt of checkoff moneys to the council.

1.7(2) *Refund application form.* This form must accompany any request for refund of checkoff moneys remitted.

[ARC 3082C, IAB 5/24/17, effective 6/28/17]

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CHAPTER 2
RULES OF PRACTICE

101—2.1(181) Public information. The public is invited to obtain information or make informal requests of the council by addressing these matters, either orally or in writing, to the Iowa Beef Industry Council, P.O. Box 451, Ames, Iowa 50010; or at 2055 Ironwood Court, Ames, Iowa 50014.

[ARC 3082C, IAB 5/24/17, effective 6/28/17]

101—2.2(181) Informal settlement of controversies. Every possible attempt will be made to handle all complaints and controversies, whether raised by the council or by members of the public, in an informal manner.

2.2(1) In cases of a routine nature, the executive director or chair shall attempt to settle the matter.

2.2(2) In cases not of a routine nature, or in cases in which the efforts of the executive director or chair are unsuccessful, the council itself shall act to resolve the matter.

101—2.3(181) Declaratory rulings. On petition by an interested party who is aggrieved or adversely affected by the question contained in the petition, the council may issue a declaratory ruling with respect to the interpretation or applicability of any statutory provision, rule, or other written statement of the law or policy, decision, or order of the council.

2.3(1) Petition shall be entitled “PETITION FOR DECLARATORY RULING” and shall include the name and address of all petitioners. The body of the petition must state the precise factual situation involved, the exact question to which an answer is desired, and the exact words, passages, sentences, or paragraphs which are the subject of inquiry.

2.3(2) The petition shall be filed at the office of the council at 2055 Ironwood Court, Ames, Iowa 50014; or by mail to P.O. Box 451, Ames, Iowa 50010.

2.3(3) The council will refuse to issue a declaratory ruling if the petition does not state with enough specificity the factual situation or the question presented; if the issuance of the ruling would not be in the best interests of the public; or for any other reason it deems just and proper.

2.3(4) The council shall issue a ruling or dismiss the petition within 60 days of the filing of the petition except that when additional information is requested, the ruling shall be issued within 60 days following receipt of the requested information. If the requested information is not provided within 30 days of receipt of the request, the petitioner will be deemed to have withdrawn the petition.

[ARC 3082C, IAB 5/24/17, effective 6/28/17]

101—2.4(181) Petition for adoption of rules. An interested person may file with the council a written request that the council adopt, amend, or repeal a rule. The petition shall be addressed to the Iowa Beef Industry Council, P.O. Box 451, Ames, Iowa 50010, and shall include:

1. The names of those requesting the change.
2. The proposed rule or present rule as it would read following the desired amendment.
3. The reason for the proposed rule or amendment.
4. The statutory authority for the proposed rule or amendment.

Within 60 days following receipt of the petition, the council shall either deny the petition in writing on the merits, stating its reasons for denial, or initiate rule-making proceedings.

[ARC 3082C, IAB 5/24/17, effective 6/28/17]

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[Filed ARC 3082C (Notice ARC 2999C, IAB 3/29/17), IAB 5/24/17, effective 6/28/17]

CHAPTER 3
STATE ASSESSMENT ON BEEF SALES

101—3.1(181) Collection of assessment. All persons required to pay the state assessment under Iowa Code chapter 181 must remit to the council all assessments collected during any calendar month by the fifteenth of the month following the end of the prior reporting period in which the cattle were sold pursuant to Iowa Code section 181.11(1).

[ARC 3082C, IAB 5/24/17, effective 6/28/17]

101—3.2(181) Refunds. Refunds shall be paid by the council to any person from whom the state assessment is collected, upon timely application to the council as prescribed in Iowa Code section 181.12.

[ARC 3082C, IAB 5/24/17, effective 6/28/17]

101—3.3(181) Applicable dates. A refund application is considered “filed” when made within 90 days after the assessment’s collection:

3.3(1) If mailed, on the date it is postmarked by the United States mail in an envelope addressed to the Iowa Beef Industry Council at the council office.

3.3(2) If not mailed, on the date it is received at the council office.

[ARC 3082C, IAB 5/24/17, effective 6/28/17]

101—3.4(181) Reinstatement of state assessment. The state assessment collected pursuant to Iowa Code chapter 181 is reinstated effective March 1, 2017. All state assessment remittances shall be paid by the fifteenth of the month following the end of the prior reporting period in which the cattle were sold pursuant to Iowa Code section 181.11(1).

This rule is intended to implement Iowa Code section 181.7A.

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[Filed ARC 3082C (Notice ARC 2999C, IAB 3/29/17), IAB 5/24/17, effective 6/28/17]

CHAPTER 4
ELECTION OF MEMBERS

101—4.1(181) Nominations by petition. In addition to producers nominated by the nominating committee, additional producer candidates for membership on Iowa beef industry council may be nominated by written petition of 50 producers.

101—4.2(181) Contents of petition. Nomination petitions shall contain the following:

1. Nominee's full name and address.
2. Statement of nominee's producer status.
3. Signature of 50 producers on petition.
4. Address of all producers signing petition.
5. Statement that all signatories are producers.

101—4.3(181) Place of filing. Nomination petitions shall be filed with the Iowa Beef Industry Council, P.O. Box 451, Ames, Iowa 50010.
[ARC 3082C, IAB 5/24/17, effective 6/28/17]

101—4.4(181) Absentee ballot. Requests for absentee ballots may be made by producers by telephone, in person, or in writing to the Executive Director of the Iowa Beef Industry Council, P.O. Box 451, Ames, Iowa 50010; or at 2055 Ironwood Court, Ames, Iowa 50014.

4.4(1) Absentee ballots shall be returned to the executive director of the Iowa beef industry council, and if returned by mail, shall be mailed with proper postage to the Executive Director of the Iowa Beef Industry Council, P.O. Box 451, Ames, Iowa 50010.

4.4(2) Reserved.

[ARC 3082C, IAB 5/24/17, effective 6/28/17]

These rules are intended to implement Iowa Code section 181.6A.

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CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The Iowa beef industry council hereby adopts, with the following exceptions and amendments, rules of the Governor's Task Force on Uniform Rules of Agency Procedure relating to public records and fair information practices which are published at <https://www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf> on the General Assembly's Web site. [ARC 3082C, IAB 5/24/17, effective 6/28/17]

101—5.1(17A,22) Definitions. As used in this chapter:

“Agency” in these rules means the Iowa beef industry council.

“Cattle” means any live domesticated bovine animal regardless of age.

“Producer” means any person who owns or acquires ownership of cattle in this state. However, a person shall not be considered a producer if any of the following apply:

1. The person's only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee, or other service fee.

2. The person acquired ownership of cattle to facilitate the transfer of ownership of such cattle from the seller to a third party; resold such cattle no later than ten days from the date on which the person acquired ownership; and certified as required by the rules adopted by the executive committee.

“Purchase” occurs when a purchaser enters into a verbal or written agreement with a producer to accept delivery of cattle from the producer.

“Purchaser” means a person who purchases cattle from a producer.

[ARC 3082C, IAB 5/24/17, effective 6/28/17]

101—5.3(17A,22) Requests for access to records.

5.3(1) Location of record. In lieu of the words “(insert agency head)”, insert “executive director”. In lieu of the words “(insert agency name and address)”, insert “Iowa Beef Industry Council, P.O. Box 451, Ames, Iowa 50010”.

5.3(2) Office hours. In lieu of the words “(insert customary hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)”, insert “8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays, and legal holidays”.

5.3(7) Fees.

c. Supervisory fee. In lieu of “(specify time period)”, insert “one hour”.

[ARC 3082C, IAB 5/24/17, effective 6/28/17]

101—5.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. In lieu of the words “(designate office)”, insert “Iowa beef industry council”.

101—5.9(17A,22) Public records; confidential records. All records in the possession of the council other than confidential records are public records. The council shall deem to be confidential those categories of records enumerated in Iowa Code section 22.7 which are in its possession.

101—5.10(17A,22) Personally identifiable information. Agency records include the following personally identifiable information: state assessment remittances identifying individual producers and the amounts remitted, refund requests from producers, and personal information in confidential personnel records. This information is collected pursuant to the authority of Iowa Code chapter 181 and is stored in the office files of the council office. All information contained in the monthly remittance forms, private treaty forms, and refund requests submitted to the agency shall be confidential to the extent provided in Iowa Code section 22.7. Appropriate totals, summaries, aggregations, and other staff analyses of information contained in these files, when presented in a form not containing personally identifiable information, shall be public information.

[ARC 3082C, IAB 5/24/17, effective 6/28/17]

101—5.11(17A,22) Data processing. No data processing system collates or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

These rules are intended to implement Iowa Code section 22.11.

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