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CHAPTER 1
ORGANIZATION AND PURPOSE

741—1.1(182) Iowa sheep and wool promotion board. The Iowa sheep and wool promotion board consists of 11 members: 9 producers, one elected from each of the official crop reporting districts formed by the United States Department of Agriculture, and the dean of the College of Agriculture of Iowa State University of Science and Technology or the dean's representative and the Iowa secretary of agriculture or the secretary's designee, who shall serve as ex officio nonvoting members. The board engages in market development for sheep and wool, and conducts research and education programs directed toward better and more efficient production, marketing, and utilization of sheep and wool and their products. To these ends, it administers the assessment on sheep and wool imposed in Iowa Code chapter 182.

741—1.2(182) Officers. The officers of the Iowa sheep and wool promotion board shall be as follows: chairperson, vice-chairperson, secretary, and treasurer. Each office shall be elected by a vote of the board. Terms of office shall commence July 1 of each year and end June 30 of the following year: provided, however, that an officer shall continue to serve until a successor is duly elected and qualified.

1.2(1) The chairperson shall set the date for meetings, preside at meetings, and sign documents approved by the board.

1.2(2) The vice-chairperson shall act in the chairperson's place when the chairperson is unable to act.

1.2(3) The secretary shall supervise the preparation of minutes of meetings and prepare the annual report.

1.2(4) The treasurer shall supervise receipts to and disbursements from the board's account, and shall supervise the financial records and financial reports of the board.

741—1.3(182) Executive committee. The officers stated above shall constitute the executive committee. The chairperson shall serve as chairperson of the executive committee. The executive committee shall:

1.3(1) To the extent permitted by law, supervise the general operation of the board.

1.3(2) Prepare agendas for board meetings.

1.3(3) Act as the audit committee by supervising the receipt and expenditure of funds.

741—1.4(182) Staff. The Iowa sheep and wool promotion board may employ assistants as necessary to aid in the completion of its duties.

741—1.5(182) Meetings. The Iowa sheep and wool promotion board shall meet at those times designated by the chairperson, but in no event less frequently than once every three months. All meetings shall be held at locations as are determined by the chair.

741—1.6(182) Quorum. Two-thirds of the members eligible to vote shall constitute a quorum. Two-thirds of the board is six members.

741—1.7(182) Actions taken. The votes of a majority of all members eligible to vote shall be required to take any agency action.

These rules are intended to implement Iowa Code chapters 182 and 17A.

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CHAPTER 2
RULES OF PRACTICE

741—2.1(182) Definitions. All words and terms defined in Iowa Code section 182.1 employed in these rules are given the definitions found in that section.

This rule is intended to implement Iowa Code section 182.1.

741—2.2(182) Public information. The public is invited to obtain information or make informal requests of the board by addressing these matters to the Iowa Sheep and Wool Promotion Board, Wallace State Office Building, Des Moines, Iowa 50319.

This rule is intended to implement Iowa Code section 17A.3.

741—2.3(182) Informal settlement of controversies. Every possible attempt will be made to handle all complaints and controversies, whether raised by the board, or by members of the public, in an informal manner.

2.3(1) In cases of a routine nature, the chairperson or assistants employed by the board shall attempt to settle the matter. In cases indicating a need for interpretation of board policy or legal interpretation, assistants employed by the board may defer action until after consultation with the chairperson or with legal counsel, or the chairperson may defer action until after consultation with legal counsel, or either may defer action until after discussion of the subject at a board meeting.

2.3(2) In cases not of a routine nature, or in cases in which the efforts of the assistants employed by the board or chairperson are unsuccessful, the board itself shall act to resolve the matter. In cases indicating a need for legal advice, the board may defer action until after consultation with legal counsel.

This rule is intended to implement Iowa Code section 17A.10.

741—2.4(182) Declaratory rulings. On petition by an interested party who is aggrieved or adversely affected by the question contained in the petition, the board 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 board.

2.4(1) Petition shall be titled "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.

2.4(2) The petition shall be filed by mailing it to the board at Wallace State Office Building, Des Moines, Iowa 50319.

2.4(3) The board will refuse to issue a declaratory ruling if the petition does not state with enough specificity the factual situation or the questions presented; if the issuance of the ruling would not be in the best interest of the public; or for any other reason it deems just and proper.

2.4(4) The board shall issue a ruling or dismiss the petition 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.

This rule is intended to implement Iowa Code section 17A.9.

741—2.5(182) Petition for adoption of rules. An interested person may file with the board a written request that the board adopt, amend, or repeal a rule. The petition shall be addressed to the Iowa Sheep and Wool Promotion Board, Wallace State Office Building, Des Moines, Iowa 50319, 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 board shall either deny the petition in writing on the merits stating its reasons for denial or initiate rule-making proceedings.

This rule is intended to implement Iowa Code section 17A.7.

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CHAPTER 3
ELECTION OF MEMBERS

741—3.1(182) Nominations.

3.1(1) Not later than 60 days prior to the end of each board member's term of office, the board shall publish notice to the electorate within each district, the nominations of the nominating committee of the Iowa sheep and wool promotion board, information on nomination by petition, and the time and place of election.

3.1(2) In addition to resident producers nominated by the nominating committee, additional resident producer candidates for membership on the Iowa sheep and wool promotion board may be nominated by written petition of 25 producers residing in the district in question.

3.1(3) Nomination petitions shall contain the following:

- a. Nominee's full name and address.
- b. Statement designating the crop reporting district for which this nomination is made.
- c. Statement of nominee's status as a producer residing in the district in question.
- d. Signatures of 25 producers residing in that district.
- e. Address of each resident producer signing petition.
- f. Statement that all signatories are producers residing in the district.

3.1(4) The period for nomination by petition shall commence 60 days prior to the election date and end 30 days prior to the election date, not counting the day of election itself.

3.1(5) Nomination petitions must be mailed to the board at Wallace State Office Building, Des Moines, Iowa 50319, postmarked on or before the thirtieth day preceding the election, not counting the day of election itself.

3.1(6) All eligible nominees nominated by valid petition signed by 25 resident producers shall be included on the ballot and shall be eligible for election to the board.

3.1(7) All nomination petitions shall be reviewed by the board for propriety.

This rule is intended to implement Iowa Code section 182.9.

741—3.2(182) Election procedure.

3.2(1) Notice of an election shall be given as follows: One notice shall be published in a newspaper of general circulation in the appropriate district. The second notice shall be given in a manner determined to be reasonable by the board. Both notices shall not be given less than five days prior to the election day and shall contain information as to the time and place of voting and other information the board deems necessary.

3.2(2) The board shall have the authority to determine the eligibility of all persons voting in the election.

3.2(3) Each resident producer shall be permitted to vote only for one resident producer nominee.

3.2(4) All nominees for the board shall be listed alphabetically on the ballot.

3.2(5) All ballots shall be counted by the election committee within seven days after the election day and certified to the board.

3.2(6) The election committee shall consist of board members not up for reelection.

3.2(7) The nominee receiving the largest number of votes shall be the winner. In case of a tie, the tie will be broken by the election committee by drawing lots.

This rule is intended to implement Iowa Code sections 182.7 and 182.9.

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CHAPTER 4
ASSESSMENT ON SHEEP AND WOOL SALES

741—4.1(182) Rate of assessment. The assessment on sheep and wool sales authorized by Iowa Code section 182.14, and established by referendum as specified in section 182.3, is established at the rate of two cents for each pound of wool produced and sold by a producer and ten cents per head on sheep sold for slaughter by a producer.

This rule is intended to implement Iowa Code section 182.14.

741—4.2(182) Sheep transactions assessed. The assessment on sheep shall be imposed on all sheep sold for slaughter, regardless of market weight. Sales of sheep for feeding, breeding, and other nonslaughter purposes shall be exempt from assessment.

All sales of animals weighing 100 pounds or more shall be deemed as sold for slaughter and the assessment shall be imposed. If a group of animals is sold by group weight, all of the animals shall be deemed sold for slaughter if the total weight of the group divided by the number of animals in the group is 100 pounds or more.

This rule is intended to implement Iowa Code chapter 182.

741—4.3(182) Collection of assessment. All persons required to pay the assessment under Iowa Code chapter 182 must remit to the board all assessments collected along with a transmittal form no later than 30 days following each calendar quarter during which the assessment is collected. Remittals shall be mailed to the board in care of Firststar Bank, P.O. Box 906, Des Moines, Iowa 50304.

4.3(1) Transmittal forms are available at the treasurer's office without charge and shall accompany assessments remitted to the board.

4.3(2) Reserved.

This rule is intended to implement Iowa Code section 182.16.

741—4.4(182) Refunds. Refunds shall be paid by the board to any person from whom the assessment is collected, upon timely written application to the board as prescribed in Iowa Code section 182.17.

4.4(1) Refund application forms are available at the board office without charge and shall be used to accompany any request for refund of assessments remitted.

4.4(2) Reserved.

This rule is intended to implement Iowa Code section 182.17.

741—4.5(182) Applicable dates. A document is deemed to be filed; an assessment is considered "remitted" within the meaning of Iowa Code section 182.16 and a refund application is considered "made" within the meaning of section 182.17:

1. If mailed, on the date it is postmarked by the United States mail in an envelope addressed to the Iowa sheep and wool promotion board at the board office.

2. If not mailed, on the date it is received at the board's office.

This rule is intended to implement Iowa Code sections 182.16 and 182.17.

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CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The Iowa sheep and wool promotion board 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 printed in the first Volume of the Iowa Administrative Code.

741—5.1(17A,22) Definitions. As used in this chapter:

“Agency” in these rules means the Iowa sheep and wool promotion board.

741—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 Sheep and Wool Promotion Board, Wallace State Office Building, Des Moines, Iowa 50319”.

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”.

741—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 sheep and wool promotion board”.

741—5.9(17A,22) Public records; confidential records. All records in the possession of the board other than confidential records are public records. The board shall deem to be confidential those categories of records enumerated in Iowa Code section 22.7 which are in its possession.

741—5.10(17A,22) Personally identifiable information. Agency records include the following personally identifiable information: excise tax 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 182 and is stored in the office files of the board office. Personally identifiable information contained in these records except for refund requests shall be confidential. However, 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.

741—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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