

**BEEF INDUSTRY COUNCIL, IOWA[101]**

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

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CHAPTER 1  
ORGANIZATION AND OPERATION

**101—1.1(181) Iowa beef industry council composition and purpose.** The Iowa beef industry council is the “executive committee” referred to in Iowa Code section 181.6(3). It consists of eight members, two of whom serve ex officio and five of whom are elected and one who is 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 excise tax on beef cattle and veal calf sales imposed in Iowa Code chapter 181.

This rule is intended to implement 1986 Iowa Acts, House File 2379, section 3.

**101—1.2(181) Officers.** The officers of the Iowa beef industry council shall be as follows: Chair, vice chair, secretary, and treasurer. 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.

**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.** Two-thirds of the members eligible to vote shall constitute a quorum. Two-thirds of the council is six members.

**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) Transmittal 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.

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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, 123 Airport Road, Ames, Iowa 50010.

**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 123 Airport Road, 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.

**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, 123 Airport Road, 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.

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CHAPTER 3  
EXCISE TAX ON BEEF SALES

**101—3.1(181) Collection of tax.** All persons required to pay the excise tax under Iowa Code chapter 181 must remit to the council all excise taxes collected during any calendar month, no later than the last day of the month following that calendar month.

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

**101—3.3(181) Applicable dates.** A tax is considered “paid” or “remitted,” and a refund application is considered “filed”:

**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.

**101—3.4(181) Suspension of excise tax.** The assessment, levy, and collection of the excise tax under Iowa Code chapter 181 is suspended.

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

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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, 123 Airport Road, Ames, Iowa 50010.

**101—4.4(181) Absentee ballot.** Requests for absentee ballots may be made by producers by telephone, telegram, in person, or in writing to the Executive Director of the Iowa Beef Industry Council, 123 Airport Road, Ames, Iowa 50010.

**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, 123 Airport Road, Ames, Iowa 50010.

**4.4(2)** Reserved.

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 printed in the first volume of the Iowa Administrative Code.

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

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

**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, 123 Airport Road, 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”.

**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: 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 181 and is stored in the office files of the council office. Personally identifiable information contained in these records 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.

**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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