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IDAPA 51 – IDAHO BEEF COUNCIL

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**IDAPA 51
TITLE 01
CHAPTER 01**

IDAPA 51 – IDAHO BEEF COUNCIL

51.01.01 – IDAHO BEEF COUNCIL RULES

000. LEGAL AUTHORITY.

The Idaho Beef Council is authorized under Section 25-2906(9), Idaho Code, to adopt rules concerning the administration of the Beef Promotion Act. (7-1-93)

001. TITLE AND SCOPE.

These rules are titled IDAPA 51.01.01, "Idaho Beef Council Rules," IDAPA 51, Title 01, Chapter 01. These rules provide for a coordinated federal and state program of beef promotion and research funded by a one dollar and fifty cents (\$1.50) assessment on each head of cattle marketed in the state of Idaho. (3-29-10)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency has written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. These documents are available for public inspection and copying at cost in the office of the Idaho Beef Council. (7-1-93)

003. ADMINISTRATIVE APPEALS.

All contested cases will be governed by the procedures set forth by the National Beef Promotion and Research Order, 7 CFR 1260, issued by the United States Department of Agriculture. All written communications and documents that are intended to be part of an official record for a decision in a contested case must be filed with the Chief Executive Officer of the Idaho Beef Council. All such documents are considered filed when the original and one (1) copy of each document is received by the Chief Executive Officer of the Idaho Beef Council. (7-1-93)

004. INCORPORATION BY REFERENCE.

The Idaho Beef Council operates under the rules and regulations of the National Beef Promotion and Research Order, 7 CFR 1260 (Federal Register July 18, 1986). (3-29-10)

005. -- 006. (RESERVED)

007. OFFICE ADDRESS – OFFICE HOURS.

The Idaho Beef Council is located at 1951 W. Frederic Lane, Boise, Idaho, 83705, telephone (208) 376-6004, FAX (208) 376-6002. The Idaho Beef Council office is open from 8 a.m. to 5 p.m., Monday through Friday. (4-6-05)

008. -- 099. (RESERVED)

100. FUNDING.

01. Assessments. (7-1-93)

a. Each producer shall pay an assessment of one dollar and fifty cents (\$1.50) per head of cattle at the time the cattle are sold. This assessment consists of: (3-29-10)

i. One dollar (\$1) required by the National Beef Promotion and Research Order, and (3-29-10)

ii. Fifty cents (\$.50) authorized by Section 25-2907(1), Idaho Code. (3-29-10)

b. Producers selling or marketing cattle in interstate commerce will pay only one (1) assessment per individual sale of cattle. When cattle leave Idaho for the purpose of sale or slaughter, the assessment will be made at the time of brand inspection. When cattle leave Idaho for feeding or pasture where no change of ownership occurs, the promotion assessment will not be made. (7-1-93)

c. When cattle enter Idaho for sale or slaughter, the assessment will be made only if the assessment has not been paid when the cattle left their state of origin. These cattle will be assessed by the Idaho Brand Inspector, but they will be considered cattle from their state of origin. All assessments will be remitted to the Idaho Beef Council, with these cattle indicated by their state of origin. The Idaho Beef Council will pay to the originating state the assessments due them in a timely manner after payment has been received from the State Brand Inspector.

(7-1-93)

d. The assessment implemented by this rule does not apply to the seller of cattle if the seller certifies that the seller's only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee or other service fee; or if the seller certifies that he acquired ownership of cattle to facilitate the transfer of ownership of such cattle to a third party, establishes that such cattle are being resold not later than ten (10) days from the date on which the person acquired ownership and certifies that the assessment was collected from the seller when the person acquired ownership. A completed certificate of "non-producer status" must be given to the brand inspector or his agent at the time of inspection. If no certificate is produced the assessment will be levied.

(7-1-93)

02. Collection. The State Brand Inspector shall collect the assessment in addition to and at the same time and manner as the fee charged for state brand inspection. The assessment will be submitted each month to the Beef Council, less collection fee. In addition, the State Brand Inspector will submit monthly, a written accounting of total number of head marketed, number of cattle assessed and not assessed (along with copies of the appropriate non-producer exemption forms), total collections, and state of origin documentation.

(3-29-10)

03. Refunds. (3-29-10)

a. Any person from whom an assessment is collected has the right to request a refund of not more than fifty cents (\$.50) per head (Section 25-2907, Idaho Code). Refund requests must be mailed to the Idaho Beef Council within ninety (90) calendar days of payment of the assessment. The refund request must include the:

(3-29-10)

- i. Name and address of the producer; (3-29-10)
- ii. Name and address of the entity collecting the assessment (brand inspector or livestock market); (3-29-10)
- iii. Number of head on which a refund is requested; (3-29-10)
- iv. Total amount of refund requested; (3-29-10)
- v. Date of assessment; (3-29-10)
- vi. Producer's signature; and (3-29-10)
- vii. Proof of payment of the assessment (such as the brand inspection slip). (3-29-10)

b. The Idaho Beef Council will process the requested refunds on a calendar quarterly basis. Any refund request that is received by the Idaho Beef Council less than fifteen (15) days from the end of the calendar quarter shall be paid at the end of the next quarter.

(3-29-10)

101. -- 199. (RESERVED)

200. DISBURSEMENTS.

01. Collection Fee, Brand Inspector. The Idaho Beef Council shall reimburse the State Brand Inspector for the reasonable and necessary expenses incurred in the collection of the assessment in an amount determined by the Beef Council and the State Brand Inspector, not to exceed five percent (5%) of gross collections.

(7-1-93)

02. National Beef Promotion and Research Board. The Idaho Beef Council shall forward fifty cents

(\$.50) credit per head of cattle assessed to the Cattlemen's Beef Promotion and Research Board. (3-29-10)

03. Idaho Beef Council. Assessment funds remaining after payment of collection fee and disbursement to the National Beef Promotion and Research Board shall be retained by the Idaho Beef Council and used to fund its activities and operations. (3-29-10)

201. -- 299. (RESERVED)

300. PERSONNEL.
There will be a full time administrator whose title will be "Chief Executive Officer." Additional staff will be hired based upon Idaho Beef Council program needs and budget. (7-1-93)

301. -- 999. (RESERVED)

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