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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 shall be cited in full as IDAPA 51.01.01, "Idaho Beef Council Rules," Title 01, Chapter 01. These rules provide for a coordinated program of beef promotion and research funded by a one dollar (\$1) assessment on each head of cattle marketed in the state of Idaho. (7-1-93)

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 shall 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 Executive Director 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 Executive Director of the Idaho Beef Council. (7-1-93)

004. -- 006. (RESERVED).

007. OFFICE ADDRESS -- OFFICE HOURS.

The Idaho Beef Council is located at 2118 Airport Way, 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. -- 009. (RESERVED).

010. DEFINITIONS.

As used in these rules, unless the context requires otherwise: (7-1-93)

01. Assessment. An amount of money levied upon the sale of each head of cattle. This amount shall be one dollar (\$1) in conformity with the National Beef Promotion and Research Order. (7-1-93)

02. Checkoff. The one dollar (\$1) assessment collected by the Brand Inspector, upon the sale of each head of cattle, which is remitted to the Idaho Beef Council in accordance with the National Beef Promotion and Research Order. (7-1-93)

03. Collection Fee. The amount of money paid to the State Brand Inspector for reasonable and necessary expenses incurred in collecting the one dollar (\$1) per head assessment. (7-1-93)

04. Idaho Credit. That portion of the one dollar (\$1) that shall be administered by the Idaho Beef Council. That portion shall be fifty cents (\$.50). The remaining portion shall be remitted to the Cattlemen's Beef Promotion and Research Board in accordance with the National Beef Promotion and Research Order. (7-1-93)

011. -- 099. (RESERVED).

100. INCOME.

01. National Beef Promotion and Research Order. The Idaho Beef Council will operate under the rules and regulations of the National Beef Promotion and Research Order issued July 18, 1986, from the U.S. Department of Agriculture, as long as that order is in effect. The regulations governing assessments and exemptions will be as stated in that order. In Idaho that order will be interpreted as follows: (7-1-93)

02. Assessments. (7-1-93)

a. In conformity with the National Beef Promotion and Research Order, each producer shall pay an assessment of one dollar (\$1) per head of cattle at the time the cattle are sold. The assessment shall be collected by the State Brand Inspector or his agent. Assessments collected will be remitted to the Idaho Beef Council, a qualified state council, together with a remittance report. (7-1-93)

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. Importers of cattle, beef, and beef products into the United States shall pay an assessment to the Cattlemen's Beef Promotion and Research Board through the U.S. Customs Service. (Federal Register, July 18, 1986, 7 CFR 1260.172) (7-1-93)

e. 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)

f. 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. Checkoff dollars collected 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. (7-1-93)

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. Of the one dollar (\$1) national assessment, the Idaho Beef Council will receive fifty cents (\$.50) credit per head of cattle assessed. The remaining fifty cents (\$.50) will be forwarded to the Cattlemen's Beef Promotion and Research Board. (Federal Register, July 18, 1986, 7 CFR 1260). (7-1-93)

03. National Beef Promotion Program. A total of at least twenty percent (20%) of the Idaho credit

shall be paid by the Idaho Beef Council to a national beef promotion program for use in promotion, research and educational activities. (4-6-05)

201. -- 299. (RESERVED).

300. PERSONNEL.

There will be a full time administrator. The administrator's title will be "Executive Director." There will be a full time secretary, hired by the Executive Director. (7-1-93)

301. -- 399. (RESERVED).

400. LOGO.

As often as possible some form of the logo will be used on publications of the Beef Council. (4-6-05)

401. -- 499. (RESERVED).

500. RESEARCH.

The Idaho Beef Council has chosen to conduct research by awarding financial grants to appropriate research institutions and organizations. The criteria and procedure for awarding of research grants will be as follows: (7-1-93)

01. Identification of Needs. The Idaho Beef Council will gather information from affiliate organizations and from representatives of other interested groups concerning beef related issues that could be addressed by research. The Idaho Beef Council will then prioritize the concerns identified. (7-1-93)

02. Communication of Needs. The Idaho Beef Council will submit highest priority concerns to appropriate research organizations and request response to the following: (7-1-93)

- a.** Does your organization have adequate resources to fully address these issues? (7-1-93)
- b.** What related research is currently being or has been done? Would more research be of benefit, or is an extension effort needed to disseminate existing information? (7-1-93)
- c.** Are other funds available for this project that the Idaho Beef Council could compliment or supplement? (7-1-93)

03. Proposals. Interested researchers will be invited to submit proposals to the Idaho Beef Council prior to April 1 of each year. The proposals shall include, but are not limited to: (7-1-93)

- a.** Statement of the problem and specific objective. (7-1-93)
- b.** Approach or method. (7-1-93)
- c.** Time schedule for research and dissemination of results. (7-1-93)
- d.** Researchers and staff involved. (7-1-93)
- e.** Time schedule of, person responsible for, and method of periodic status reports to the industry, Beef Council and others. (7-1-93)
- f.** Budget proposal outlining capital outlay, personnel, and materials. (7-1-93)
- g.** Statement of how the proposed research will be of economic benefit to the beef industry. (7-1-93)

04. Selection. Projects will be selected at the discretion of the Idaho Beef Council. Priority will be given to those projects that most closely meet national and state research priorities as determined in the process described. The Idaho Beef Council will fund as many projects as the research budget allows. Selection will also be based on whether projects: (7-1-93)

- a. Are performed in cooperation with colleges, universities, or organizations. (7-1-93)
- b. Use a multidisciplinary, integrated approach. (7-1-93)
- c. Include a specific plan and timetable for dissemination of information to the beef industry. (7-1-93)
- d. Have specific objectives that can be met in one (1) year. (Multi-year projects will be considered for funding on a year-to-year basis.) (7-1-93)
- e. And further information that the Council, at its discretion, deems necessary. (7-1-93)

05. Contract. The Idaho Beef Council will enter into a contract with the researcher and institution or organization conducting the research. The IBC will deposit research funds into a specific fund established solely for the funding of selected research projects. The contract will include payment schedule based on the time of the research and the IBC cash flow policy. No payment will be made until said contract is executed. (7-1-93)

a. The final payment for each research project will be made following the researcher's final report to the Council and the industry upon completion of the project (7-1-93)

b. The Idaho Beef Council, at its discretion, may approve an extension of specific research projects beyond one (1) year. (7-1-93)

501. -- 599. (RESERVED).

600. JOINT MARKETING.

The Idaho Beef Council may enter into joint marketing agreements with other industry organizations or commissions on a contractual basis. When the Idaho Beef Council has a cooperative marketing opportunity with branded or generic products that have compatible marketing objectives and strategies, each prospective tie-in partner and each joining project will be evaluated on its own merit by the Idaho Beef Council staff and Board of Directors. In general, the following criteria will be used to evaluate potential tie-in partners and products. (7-1-93)

01. Objectives. The potential cooperator must have objectives compatible with or similar to the IBC. (7-1-93)

02. Impact. A potential joint project should extend or increase the impact of IBC programs already funded, rather than diffusing resources. The IBC will avoid adding its financial resources to programs that are already funded or that are likely to be funded by another party. (7-1-93)

03. Integrated Strategies. The IBC's established marketing strategies and product positioning must be retained and integrated into the joint project. (7-1-93)

04. Visibility. The visibility of beef and the IBC in a joint project must be assured at an acceptable level. (7-1-93)

05. Credibility. Credibility of the tie-in and perceived image of that product (with consumers as well as the distribution and retail trade) must be considered in relation to healthfulness, price, quality, prestige, etc. (7-1-93)

06. Competitive Position. The competitive position of a potential tie-in product with beef should be considered. (7-1-93)

07. Compatibility. Compatibility of beef and the tie-in partner or product as perceived by IBC investors should always be considered. (7-1-93)

08. Timing. Ample lead time is necessary since planning, approval and execution of a joint project usually takes more time than individually funded projects. (7-1-93)

601. -- 999. (RESERVED).

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