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DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC INFORMATION

PUBLICATION OF RULES

RULES OF PROCEDURE OF THE TEMPORARY WHEAT DEVELOPMENT PROGRAM  
COMMITTEE

The Illinois Wheat Association has proposed a wheat development program pursuant to the Wheat Development Act (Act) [505 ILCS 145/1 *et seq.*]. A public hearing will be held by a Temporary Wheat Development Program Committee for the purpose of considering the proposed program and receiving public comment on November 12, 2024, starting at 1:00 p.m. in the auditorium of the John R. Block Building, 801 E. Sangamon Ave., Springfield, IL 62702.

Section 25 of the Act [505 ILCS 145/25] requires the Director to establish procedures for the qualifications of producers for wheat development programs, the participation of producers in hearings and referenda, and other procedures necessary in the development and adoption of a wheat development program. The Director has established the procedures set forth below upon recommendation of the Temporary Wheat Development Program Committee, excepting the following:

1. The Illinois Wheat Association shall not be required to deposit any funds to defray expenses in the Wheat Commodity Trust Fund pursuant to Section 35 of the Act, but rather shall be expected to directly pay some expenses, such as the court reporter fees, or to directly reimburse the Department for some expenses, such as mailing or printing costs, in the course of conducting any hearing or referendum.

**ARTICLE I**

**PURPOSE:**

This program is developed to:

- a) foster development of new markets for wheat and wheat products;
- b) provide research needed to improve the efficiency of the wheat production, marketing, and utilization of wheat;
- c) enhance more efficient and economical production of wheat;
- d) enable the wheat industry to adapt to changing market demands; and

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- e) foster communications and cooperation in all phases of the wheat industry-- producers, business, institutions, and agencies in order to provide an adequate and equitable level of economic returns.

To accomplish this objective, it is essential to provide procedures for the development of new and larger markets for wheat; to provide procedures to engage in research directed toward more efficient production and utilization of wheat; to provide procedures to support worldwide market development programs and cooperate with other states, organizations, and agencies and persons in market development, market information, and research programs; and to provide procedures to elect an initial producer board and its successors to operate this program.

**ARTICLE II**

AUTHORITY:

This development program for Illinois wheat and its procedures is established pursuant to the Illinois Wheat Development Act [505 ILCS 145].

**ARTICLE III**

PROGRAM EXTENT:

All producers of wheat in Illinois are qualified to participate, and all Illinois wheat sold to a first purchaser is subject to the program.

**ARTICLE IV**

DEFINITIONS:

Terms used in this wheat development program shall be defined in the Act and as follows unless context clearly requires otherwise:

- a) "Act" means the Illinois Wheat Development Act [505 ILCS 145].
- b) "Wheat" means and includes all kinds of varieties of wheat grown in this State and marketed and sold as wheat by the producer."<sup>1</sup>
- c) "Person" means a natural person, partnership, corporation, society, association, representative or other fiduciary.<sup>1</sup>
- d) "Producer" means a person who is actively engaged in the production of wheat and who receives income from the production of wheat, unless otherwise defined in wheat marketing program.<sup>1</sup>

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- e) "Assessment" means a monetary amount collectable per bushel as established by the Act.
- f) "Affected Producer" means any person defined as a producer in this program who is subject to the assessment.
- g) "First Purchaser" means any person who resells wheat purchased from a producer or offers for sale any product produced from wheat for any purpose.
- h) "Wheat Development" means to engage in research and educational programs directed toward improving production and utilization of wheat; providing methods and means for the maintenance of present markets; and developing new and larger domestic and foreign markets.
- i) "Wheat Development Program" means a program established under this Act which prescribes procedures for the development of markets for wheat and wheat products.
- j) "Wheat Development Board" means the board established under the Act to administer a wheat development program.
- k) "Director" means the Director of the Department of Agriculture of the State of Illinois.
- l) "Department" means the Department of Agriculture of the State of Illinois.
- m) "Bushel" means 60 pounds of wheat by weight.
- n) "District" means the geographical divisions of the State established pursuant to this wheat development program.
- o) "Sale" or "Sold" means a transaction wherein the property in or to wheat is transferred from the producer to a first purchaser for consideration.
- p) "Eligible Voter" means one who is defined, both as a person and as a producer in this program.

**ARTICLE V**

**WHEAT DEVELOPMENT BOARD:**

Section 1. Establishment and Membership

A wheat development board is hereby established with powers and duties as authorized pursuant to the Act and this program. The Board shall be comprised of 9 members elected from districts as provided in Section 2 of this Article. 6 members shall be elected, one from each district, and 3 additional members shall be elected from any district and be considered an at large director.

Section 2. Representative Districts

For the purpose of nomination and election of members to the Board, the territory of the State of Illinois shall be divided into 6 representative districts as follows:

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- District I: Adams, Boone, Brown, Bureau, Carroll, Cass, Christian, Cook, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Macon, Marshall, Mason, McDonough, McHenry, McLean, Menard, Mercer, Morgan, Ogle, Peoria, Piatt, Pike, Putnam, Rock Island, Sangamon, Schuyler, Scott, Stark, Stephenson, Tazewell, Warren, Whiteside, Will, Winnebago, Woodford counties
- District II: Bond, Calhoun, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, St. Clair Counties
- District III: Champaign, Clark, Coles, Crawford, Cumberland, Douglas, Edgar, Effingham, Fayette, Jasper, Lawrence, Marion, Moultrie, Richland, Shelby, Vermilion Counties
- District IV: Clinton, Jefferson, Washington Counties
- District V: Franklin, Jackson, Perry, Randolph Counties
- District VI: Alexander, Clay, Edwards, Gallatin, Hamilton, Hardin, Johnson, Massac, Pope, Pulaski, Saline, Union, Wabash, Wayne, White, Williamson Counties

Section 3. Board Membership Qualifications

Board members shall be residents of the State of Illinois, of legal voting age, and be subject to the program. Board members shall be affected producers of wheat in this state subject to the assessment and residing in the district in and for which they are nominated and elected. The qualifications of members as set forth herein must continue during their term of office or their office shall be declared vacant.

Section 4: Term of Office

The term of office of a board member shall be three years or until his/her successor is elected and qualified except for the initial board which shall be as provided in Section 5 of this Article.

A term of office shall terminate on July 31 of the year in which the board member's office expires. A board member can only serve three full consecutive three-year terms.

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Section 5. Initial Board

If this program is adopted by wheat producers, the Director shall initiate the procedures to elect the initial 9-member board as outlined in this wheat development program and the Act. The Director shall specify the day on which the election of the initial board will be held. The day on which this election is held, shall be no more than 210 days from the close of the referendum on adoption of this wheat development program. The temporary wheat development program committee will serve as the Wheat Development Board until the initial Wheat Development Board is elected and seated.

The term of office for each initial board member shall be for 1, 2, or 3 years as determined by the initial board. When the initial term of office expires in a district, an election shall be held as provided in this program and the Act to fill the vacancy.

Section 6. Nominations

- a) Procedure for nominating candidates for election to the initial board: Any affected producer may become a candidate from his district and have his name placed on the ballot if he files a petition with the Director containing the signatures of 50 or 5 percent, whichever is less, of those eligible voters in his district qualified to vote on the referendum. The petitions to become a candidate for board members must be filed with the Director by a time and date specified by the Director. Notification to all affected producers of an election shall be published in the official state newspaper and made available to newspapers of general circulation and other news media throughout the state. Petitions for becoming a candidate shall be available at the appropriate local Cooperative Extension Service unit or local ag office serving each county and upon request from the Director. Position of candidates' names on the ballot to become a board member shall be determined by lot by drawing by the Director. Candidates shall be notified of the time and place where such drawing shall occur. Voting shall be held at geographically located polling places throughout the district.
- b) Subsequent Years. Procedure for Nominating Candidates to the Board in Subsequent Years: Each district having a vacancy to the board by an expiring term shall hold an election to fill such vacancy. The election shall be held during July of the year in which the vacancy exists. Any affected producer meeting the requirements of Section 3 may become a candidate from his district and have his name placed on the ballot for which a vacancy exists if he files a petition with the Director containing the signatures of 50 or 5 percent, whichever is less, of eligible voters from his district.

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Petitions to become a candidate for board member must be filed with the Director by May 15 of the year in which the election is to be held in that District. Notification to all affected producers in the district where a vacancy exists shall be published once in the official state newspaper and made available to newspapers of general circulation in that district and to all other news media in that district. Notification shall be given no earlier than March 1 nor later than March 15 in the district where vacancy on the board will occur. Petition for becoming a candidate shall be available at the appropriate local County Extension Service unit or local county agriculture office in the district where a vacancy exists and upon request from the Director. Position of the candidates' names on the ballot shall be determined by lot by a drawing by the Director. Candidates shall be notified of the time and place where such drawing shall occur. Voting shall be held at geographically located polling places throughout the district.

Section 7. Elections

a) Election of Initial Board

Each eligible voter shall be entitled to one vote and shall be entitled to vote for one candidate to be such producer's district representative on the wheat development board. The candidate from each district receiving the greatest number of votes in the election shall be the district's representative on the board. In case of a tie, the winner will be determined by drawing. The elected board member will take office immediately after certification of election results. Each eligible voter shall vote at the appropriate local FSA office, County Extension Service unit or other ag related location serving the county in which such eligible voter resides.

b) Election of Board in Subsequent Years.

The election of board members in districts where a vacancy occurs due to an expiring term shall be conducted by the wheat development board. Nominations shall be as set forth in Section 6 (b) of this Article V. The elected board member shall take office on August 1 of the year in which such board member is elected.

c) Election of Officers

The Wheat Development Board shall elect from its members a Chairman, Secretary, Treasurer, and such other positions as may be provided for in the Wheat Development Program.

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Section 8. Election Ballot

The election ballot used in each district will contain only the name(s) of the candidate(s) for its district, with space provided for a write-in candidate.

Section 9. Powers and Duties of the Board

The board shall have the following powers and duties:

- a) to develop and direct the wheat development program;
- b) to prepare and approve a budget consistent with estimated receipts and the scope of the wheat development program;
- c) to formulate and execute assessment procedures, rates, and methods of collection;
- d) to procure and evaluate data and information necessary for the proper administration and operation of the wheat development program;
- e) to employ personnel and contract for services that are necessary for the proper operation of the wheat development program;
- f) to authorize the expenditure of funds and the contracting of expenditures to conduct proper activities of the wheat development program;
- g) to bond the treasurer and other persons necessary to insure adequate protection of funds; and
- h) to perform other duties that are necessary to the proper operation of the wheat development program.

Section 10. Limitation of Liability of Board Members and Employees

Obligations incurred by the board and any other liabilities or claims against the board shall be enforced only against the assets of the board in the same manner as if it were a corporation and no liabilities for the debts or actions of the board shall exist against either the State of Illinois or any subdivision thereof or against any board established pursuant to the Act or the assets thereof or against any member, officer, employee, or agent of the board in his individual capacity. The members of the board, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts either of commission or omission, as principal, agent, person, or employee except for their own individual acts which result in a violation of any law. No such person or employee shall be held responsible individually for the act or omission of any member of the board. The liability of the members of the board shall be several and not joint and no members shall be liable for the default of any other member.

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Section 11. Board Vacancies

Vacancies occurring on the board for reasons other than the expiration of a board member's term shall be filled by the remaining members of the board with an appointee who is a qualified producer residing in the district in which the vacancy occurs. The appointee shall serve as the district's representative for the remainder of such unexpired term.

Section 12. Board Compensation

All voting members of the wheat development board are entitled to actual and necessary travel and incidental expenses while attending meetings of the board or while engaged in the performance of official responsibilities as determined by the board and provided for in the wheat development program. Board members are not entitled to any salary or per diem.

**ARTICLE VI**

REFERENDUMS AND ELECTIONS:

Section 1. Voting, Referendum Publicity

The initial program referendum shall provide for the question of adoption of the program with a place to vote "yes" or "no." "In a referendum under this Act, voting shall be by ballot cast by eligible voters in a manner as determined by the Director, that will make it easy to vote throughout the state."

A wheat development program or an amendment to a wheat development program is approved when a majority of the statewide total of those voting in the referendum vote in favor of such program or amendment to a program.

Reasonable publicity and notification of the referendum date and voting locations shall be provided in trade publications, the public press and the official state newspaper, at least two weeks prior to the referendum date.

Section 2. Qualification to Vote

Any person who is defined as a producer in this program shall be entitled to one vote. Such eligible voter shall be required to sign a statement or affidavit declaring that such person is an eligible voter in the program.

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An eligible voter who meets the definition of a “producer” in more than one county or on more than one tract of land may only vote once in their own name. If more than one vote is cast, only one vote, cast in the county of residence, will be counted.

A person or business organization which meets the “producer” definition may designate some individual to vote on its behalf. In such cases, the following guidelines apply:

In cases of ASSOCIATIONS, BUSINESSES, COOPERATIVES, UNIVERSITIES, COLLEGES, FOUNDATIONS, or any other business entity, only an officer may cast one vote for this business organization.

**PARTNERSHIP, JOINT TENANCY:** If ownership of the commodity is held in the partnership name or in joint ownership, only one partner/owner may cast one vote. It is the responsibility of the partnership/joint ownership to decide who will vote.

**FIDUCIARY:** Only the legal representative of a trust, estate, conservatorship, guardianship, or other fiduciary relationship may cast one vote for the business held in trust.

**LANDLORD AND TENANT:** Each may cast one vote if each meets the “producer” definition.

**HUSBAND AND WIFE:** If the wheat is held in joint ownership by both husband and wife, only one spouse may cast one vote. If each meets the “producer” definition as a separate entity, then each may cast one vote.

Section 3. Absentee Ballot

The Director shall provide to any eligible voter an absentee ballot upon request beginning thirty (30) days prior to the referendum for approval of this initial program, for any subsequent referendums, or for any election of directors. Any eligible voter requesting an absentee ballot shall be required to file with the Director an affidavit swearing that such voter is eligible to vote on the initial referendum, any subsequent referendum, or in the election of board members. Such affidavit shall be available upon request from the Director. All absentee ballots and affidavits shall be returned to the Director at least two (2) working days prior to any referendum or election.

Section 4. Election Judges

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The Director shall appoint a local committee to serve as election judges and to count ballots and determine the results of the referendum and elections of district candidates.

Section 5. Teller Committee

The Director shall appoint a state teller committee composed of members of the agricultural community to count absentee ballots, canvass and certify results of referendums and elections of district candidates.

**ARTICLE VII**

**PROGRAM:**

Section 1. Market Development, Promotion, and Public Relations Programs

The board, subject to the provisions of this program and the Act, is authorized to contract with or make grants to any qualified organizations, agencies, or persons for any market development and promotion activities, education and public relations programs or market information services which will result in the opening of new markets for wheat and wheat products, or which will result in the expansion of existing markets. These activities may include, but not be necessarily limited to the following:

- a) Preparation and dissemination of marketing information to include supply information, demand information, quality characteristics, and other facts concerning wheat and wheat products.
- b) Work with U.S. agricultural attaches in removing restrictive foreign regulations which limit markets for wheat and wheat products.
- c) Participate in trade fairs, exhibitions, food shows, and other such activities for the purpose of developing markets.

Section 2. Research

The board, subject to the provisions of this program and the Act, is authorized to contract with or make grants to any qualified organizations, agencies, or persons for any needed production, utilization, distribution or handling research or survey studies related to wheat and their products which will result in improved efficiency and aid in maintaining present and any new and larger markets.

Such research and survey studies may include, but shall not be necessarily limited to the following:

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- a) Production research on such things as cultural practices, pest and insect control, weed and disease control, soil and fertility management, genetic research, plant pathology, micro biology, plant physiology, collection of new germ plasm, etc.
- b) Improving techniques and methods for planting and harvesting.
- c) Improving storage, handling, and milling/processing techniques.
- d) Investigating transportation problems involving movement of wheat to market.
- e) Utilization research such as developing new uses of wheat and wheat products.

Section 3. Educational Program

The board is authorized to contract with or make grants to any qualified organizations, agencies, or individuals for any educational materials and educational programs pertaining to wheat and wheat products.

The educational program established pursuant to authority shall emphasize the results of research, market development, and other programs sponsored, supported or otherwise implemented by or for the board.

**ARTICLE VIII**

**ASSESSMENTS:**

Assessment Levied

- a) All assessments made and levied pursuant to the provisions of the Act and the program shall be paid by the respective affected producers who shall be liable therefore as provided by Section 70 of the Act. Assessments shall be made and levied on all wheat grown outside Illinois but sold to a first purchaser in Illinois.
- b) Such assessments shall be 1.5¢ per bushel on wheat produced and sold by such affected producer. After the first five years of operation of the program, the wheat development board may request the Director to hold a referendum to adjust the assessment rate.

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- c) Such assessment shall be collected from the affected producers by the first purchaser of wheat and such first purchaser shall deduct the full amount of assessment from total monies due the producer and shall account for, report on, and remit to the board all monies collected, except as otherwise provided in this section. Such monies collected shall be remitted quarterly and shall be made by the 15<sup>th</sup> of the month following the end of each quarter. Such quarters shall end March 31, June 30, September 30, and December 31 of the year in which assessment is due. If remittance of assessment by first purchaser is made by the 15<sup>th</sup> of the month following the end of the quarter, such first purchaser making remittance shall be entitled to retain two percent (2%) of such remittance due.
- d) Any producer who shall sell, ship, or otherwise dispose of wheat to a first purchaser or other person outside the jurisdiction of this wheat development program shall forthwith remit to the board the full amount of assessment due.
- e) The board shall establish regulations and procedures to insure the collection of such assessments as shall be due and payable under this program.
- f) The board shall give reasonable notice to all producers, processors and handlers of all changes in regulations and procedures and any amendments thereto for the collection of the assessment.

**ARTICLE IX**

RIGHT OF REFUND:

Refund Provisions

- a) Any affected producer may request that each assessment paid by him be refunded.
- b) A refund shall be payable upon request by submission of a refund form and proof of deduction. Refund payable only when application has been made within 60 days after the deduction or within 60 days after first purchaser has made remittance. Applications forms for refund shall be given by the board to each first purchaser when requested and the first purchaser shall make the applications available to any producers.
- c) The board shall establish procedures to insure the refunds of such assessment as are requested.

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- d) “Interest shall be allowed and paid at the rate of 6% per annum upon the total amount of the assessment imposed by this Act, except that if any assessment is refunded within 90 days after an application for refund has been made within the required 60 days after deduction or within 90 days after the first purchaser of wheat remits the assessments withheld and deducted to the wheat development board, whichever is later, no interest shall be allowed on such assessment. An application for refund by a producer shall provide proof of assessment deducted.”

**ARTICLE X**

FUNDS:

Section 1

The board shall deposit all monies collected pursuant to this program in an account as established in Article V of this program. Expenses and disbursements incurred and made pursuant to the Act and this program shall be made by voucher, draft or check bearing the signature of a person or persons designated by majority vote of the board.

Section 2

Monies collected by the board pursuant to the Act and this program as assessments shall be used by the board for the purpose of paying for the costs or expenses arising in connection with carrying out the purpose and provisions of the Act and this program.

**ARTICLE XI**

INFORMATION REPORTS:

All persons subject to this program and the Act shall make and render such reports and furnish such information to the Director and board as may be necessary or required to effectuate the purposes thereof. Information obtained by any person pursuant to this Article shall be confidential and shall not be disclosed to any other person, save a person with the right to obtain the same or any attorney employed by the board to give legal advice thereon or by court order.

**ARTICLE XII**

PROCEDURES:

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Section 1

Following approval of the wheat development program, the Director shall file the program with the Secretary of State as provided in Section 30 of the Illinois Wheat Development Act.

Section 2

All procedures promulgated pursuant to the Act shall be available upon request to those persons affected by this program and the Act.

**ARTICLE XIII**

APPEALS:

Section 1

Any person subject to this program may appeal to the board to review any administrative decision. The board shall establish by regulation the contested case procedure in accordance with the Administrative Procedure Act [ \_\_\_\_\_ ].

Section 2

Pending the disposition of any appeal set forth in Section 1 of this Article, the party shall abide by the decision unless the board shall rule otherwise. The board shall, if the facts stated show reasonable grounds, revise any order or decision upon which an appeal is taken.

**ARTICLE XIV**

DEROGATION:

Nothing contained herein is or shall be construed to be in derogation or in modification or the rights of the Director or of the State to exercise any powers granted by the Act or otherwise, and in accordance with such powers to act in the premises whenever such action is deemed advisable.

**ARTICLE XV**

COOPERATION WITH OTHER AGENCIES:

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The board, with the assistance of the Director and subject to the provisions of the Act, is authorized to cooperate with agencies of the United States Government, the State of Illinois, and other states as deemed by the board and the Director to be desirable and useful in effectuating the purposes of this program and Act.

- a) Coordination and cooperation in promotion, advertising, educational programs, informational programs, marketing and transportation research, and any of the several areas of authority authorized by the program and the Act.
- b) Coordination of purposes with other boards, commissions, or any other marketing group in the State or other states, areas, or foreign countries so long as such cooperation is in the best interest of the wheat producers in Illinois.

**ARTICLE XVI**

EFFECTIVE TIME:

This wheat development program shall become effective upon its adoption. The assessment will not be levied until August 1, 2025, and shall continue in effect for five (5) years and shall automatically be extended from year to year unless a referendum for continued approval is requested by written petition of no less than 5% of affected producers from across the states as published in the Illinois Agricultural Statistics Annual Farm Census being published by the Illinois Agricultural Statistics Service. Such referendums are to be held in accordance with Sections 30 and 40 of the Act.

**ARTICLE XVII**

SEVERABILITY:

If any provision of the wheat development program or the Act shall be declared invalid, or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this wheat development program or the Act or the applicability thereof to any person, circumstances or thing shall not be affected.

**ARTICLE XVIII**

ENFORCEMENT:

Section 1

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Persons who collect wheat development program assessment funds pursuant to Section 70 of the Act shall remit those funds to the wheat development board which shall deposit the funds in an account to be used as authorized by this wheat development program.

A due and payable assessment required under the provisions of this wheat development program created under the Act constitutes a personal debt of the person so assessed or who otherwise owes the assessment. The assessment is due and payable to the wheat development board not more frequently than quarterly or when stipulated in this wheat development program and called for by the wheat development board. In the event any person fails to remit the full amount of the assessment or other sum within 30 days after the due date, the person owing the assessment shall be given an opportunity to present his case as provided for in Section 95 of the Act. When established that the assessment is correct, the wheat development board may add to the unpaid assessment or sum a penalty amount not exceeding 10% of the amount due plus all the cost of enforcing the collection of the assessment or amount due. If a person fails to remit any properly due assessment or sum, the wheat development board may bring a civil action for collection against the person in the circuit court of any county, together with the additional specified 10% penalty assessment, cost of enforcing the collection of the assessment, and court costs. The action shall be tried and judgment rendered as in any other cause of action for debts due and payable. All assessments are due and payable to the wheat development board.

Section 2

No person shall knowingly fail or refuse to comply with any requirement of the Act where obligated to comply by this duly approved wheat development program. The wheat development board may institute any action necessary to enforce compliance with any provision of the Act or any wheat development program adopted pursuant to the Act. In addition to any other remedy provided by law, the wheat development board may petition for injunctive relief without being required to allege or prove the absence of any adequate remedy at law. Such action shall be brought in the Circuit Court of any county.

Before the wheat development board may institute any proceedings under the Act, the alleged violator shall first be given an opportunity to present his views to the wheat development board as to why proceedings should not be instituted.

**ARTICLE XIX**

**REQUESTING SUBSEQUENT WHEAT DEVELOPMENT REFERENDUMS:**

Following receipt of a petition to amend the existing wheat development program, the Director shall hold a public hearing for the purpose of informing wheat producers of the proposed

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changes to a program and to solicit public comments on the proposed changes. The Director shall publish notice of the public hearing in the official State newspaper and issue a press release to newspapers of general circulation and to other news media at least two weeks prior to the date of the hearing. During the public hearing, small changes can be made to the proposal by the committee. Absent a significant unforeseen circumstance or changes to more than 50% of the material terms of the proposal after a public hearing, the Committee will not hold a second hearing on a potentially revised proposal. Following the public hearing, the findings of the hearing shall be sent to all parties of record appearing at the hearing. During the hearing, testimonials can be read on behalf of the proposal and put on record. Individuals do not need to be present when reading testimonials.

If the proposed amendment is approved by the Wheat Development Board following the public hearing, the Director shall hold a referendum within 90 days from receipt of the Board's approval in accordance with the provisions of Article III of this Appendix.

Prior to the consideration of any proposed amendment to an existing wheat development program, the Director shall require the sponsors therefore to deposit funds for expenses of preparing, holding hearings, and conducting the referendum. Such funds shall be in the amount as set forth in Section 35 of the Act, and the funds shall be held and distributed in accordance with the provisions of Section 35 of the Act.

**ARTICLE XX**

REFERENDUMS:

Section 1 – Voting

The Director shall hold referendums in accordance with the provisions of Sections 30, 40, and 100 of the Act.

All referendums shall be conducted by one of the following methods as determined by the Director:

- a) by a ballot cast at the local Farm Service Agency (FSA) office serving the area in which such eligible voter resides, unless an alternate location is designated by the Director because of inaccessible facilities or where no FSA office exists in the area; or
- b) by ballot mailed to producers. A period of 20 days from the date of mailing of the ballot shall be allowed for the return of such ballots. Ballots shall be returned to the Director by mail or by personal delivery by the voting producer at such address as

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may be designated by the Director. Under this voting method, all ballot processing will be administered by a Teller Committee appointed by the Director and composed of members of the agricultural community.

When requested in writing, the Director shall provide a ballot to any producer whose name does not appear on the official mailing list of producers or who for any reason did not receive a ballot.

The USDA Farm Service Agency's most current list of producers shall be the official mailing list used for such referendums.

An amendment to a wheat development program is approved when a majority of those voting in the referendum vote in favor of such a program.

The Director shall control all ballots and producer affidavits, except when the ballots and affidavits are in the hands of the election judges/teller committee.

Section 2 - Referendum Publicity

Notification of referendum date shall be published by IDOA once in the official State newspaper and made available to trade publications and the public press at least two weeks prior to the referendum date.

Section 3- Election Judges

If voting is done pursuant to Section 1(a), the Director shall appoint 2 persons to serve as election judges at each polling place. Election judges shall determine the eligibility of the person to vote in the referendum, maintain voting integrity, preserve the confidentiality of all referendum ballots, count ballots and determine the results of the referendum for that location, report total voting results to the Department, and return both marked and blank ballots, producer affidavits, and any other referendum information to the Department after the referendum, either personally or by certified mail.

**ARTICLE XXI**

QUALIFICATION TO VOTE:

Any person who is defined as a producer in the wheat development program shall be entitled to one vote. Such eligible voter shall sign a statement or affidavit declaring that such person is an eligible voter in the program.

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An eligible voter who meets the definition of a “producer” in more than one county or on more than one tract of land may only vote once in their own name. If more than one vote is cast, only one vote, cast in the county of residence, will be counted.

A person or business organization which meets the “producer” definition may designate some individual to vote on its behalf. In such cases, the following guidelines apply:

In cases of associations, businesses, cooperatives, universities, colleges, foundations, or any other business entity, only an officer may cast one vote for this business organization.

Partnership or joint tenancy: If the ownership of the commodity is held in the partnership name or in joint ownership, only one partner/owner may cast one vote. It is the responsibility of the partnership/joint ownership to decide who will vote.

Fiduciary: Only the court-appointed legal representative of a trust, estate, conservatorship, guardianship, or other fiduciary relationship may cast one vote for the business held in trust.

Landlord and tenant: Each may cast one vote if each meets the “producer” definition.

Husband and wife: If the corn is held in joint ownership by both husband and wife, only one spouse may cast one vote. If each spouse meets the “producer” definition as a separate entity, then each may cast one vote.

**ARTICLE XXII**

TELLER COMMITTEE TO CERTIFY RESULTS:

Within two weeks after the referendum date, the Director shall appoint a teller committee to count ballots that have been received from the election judges, to canvass and to certify results of the referendum.

**ARTICLE XXIII**

ABSENTEE BALLOTS:

Under Section 1(a) of Article III:

The Director shall provide to any eligible voter who resides outside of the State of Illinois or who expects to be absent from the county or residence on the day of the referendum an

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absentee ballot upon request in writing to the Director. Absentee ballots are available beginning 30 days prior to the referendum date.

Any eligible voter requesting an absentee ballot shall file with the Director an affidavit swearing that such eligible voter is eligible to vote in the referendum. Such affidavit shall be available from the Director.

All absentee ballots and affidavits shall be returned to the Director at least two working days prior to the referendum date.

Postcards for requesting absentee ballots shall be available at each designated polling place, County Farm Bureau and/or from the Division of Marketing of the Department. Each person requesting an absentee ballot must sign the card and state the address.

The Director shall receive, date stamp, determine the voter eligibility, and preserve the confidentiality of all absentee ballots.