

EGG COUNCIL, IOWA[301]

Notice of Intended Action

**Proposing rule making related to nomination petitions and technical updates
and providing an opportunity for public comment**

The Iowa Egg Council hereby proposes to amend Chapter 1, “Organization and Purpose,” Chapter 2, “Rules of Practice,” Chapter 3, “Election of Members,” Chapter 4, “Assessment on Eggs,” and Chapter 5, “Public Records and Fair Information Practices,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 184.10(3).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 184.

Purpose and Summary

The proposed amendments reduce the number of producers required to sign a nomination petition for nominees to the Council’s board from 20 to 3. The Council’s address is updated and a number of technical changes are made.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

The administrative rules for the Council do not contain a waiver provision.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Council no later than 4:30 p.m. on February 5, 2019. Comments should be directed to:

Kevin Stiles
Iowa Egg Council
8515 Douglas Avenue, Suite 9
Urbandale, Iowa 50322
Email: kevins@iowapoultry.com

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Strike "196A" wherever it appears in the parenthetical implementation statutes of rules **301—1.1(196A)** to **301—1.5(196A)** and insert "184" in lieu thereof.

ITEM 2. Amend rule 301—1.1(196A), introductory paragraph, as follows:

301—1.1(196A) Iowa egg council composition. The Iowa egg council consists of seven members. Each council member must be a natural person who is a producer or an officer, equity owner, or employee of a producer. Two persons shall represent large producers, two persons shall represent medium producers, and three persons shall represent small producers. These members are elected according to 301—Chapter 3. The council is responsible for promoting market development for eggs, advancing public relations for the egg industry, and administering the assessment on eggs produced in Iowa imposed in Iowa Code chapter ~~196A~~ 184.

ITEM 3. Amend rule **301—1.5(196A)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 17A.3 and ~~1995 Iowa Acts, House File 179~~ chapter 184.

ITEM 4. Strike "196A" wherever it appears in the parenthetical implementation statutes of **301—Chapter 2** and insert "184" in lieu thereof.

ITEM 5. Amend rules 301—2.1(196A) and 301—2.2(196A) as follows:

301—2.1(196A) Definitions. All words and terms defined in Iowa Code section ~~196A.1~~ 184.1 employed in these rules are given the definitions found in that chapter. The following words and terms used in these rules shall have the meaning hereafter ascribed to them:

"*Eligible voter*" means every producer who owns, or contracts for the care of, 30,000 or more layer-type chickens raised in this state.

This rule is intended to implement Iowa Code section ~~196A.12~~ 184.10.

301—2.2(196A) 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 executive director of the Iowa Egg Council, ~~535 East Lincoln Way, Ames, Iowa 50010~~ 8515 Douglas Avenue, Suite 9, Urbandale, Iowa 50322.

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

ITEM 6. Amend subrule 2.4(2) as follows:

2.4(2) The petition shall be filed at the office of the council at ~~535 East Lincoln Way, Ames, Iowa 50010~~ 8515 Douglas Avenue, Suite 9, Urbandale, Iowa 50322.

ITEM 7. Amend rule 301—2.5(196A), introductory paragraph, as follows:

301—2.5(196A) 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 Egg Council, ~~535 East Lincoln Way, Ames, Iowa 50010~~ 8515 Douglas Avenue, Suite 9, Urbandale, Iowa 50322, and shall include:

ITEM 8. Strike “196A” wherever it appears in the parenthetical implementation statutes of **301—Chapter 3** and insert “184” in lieu thereof.

ITEM 9. Amend subrule 3.1(6) as follows:

3.1(6) All eligible nominees nominated by valid petition signed by ~~20~~ three producers shall be included on the ballot and shall be eligible for election to the council.

ITEM 10. Amend rule **301—3.1(196A)**, implementation sentence, as follows:

This rule is intended to implement ~~1995 Iowa Acts, House File 179, section 9~~ Iowa Code section 184.8.

ITEM 11. Amend subrule 3.2(2) as follows:

3.2(2) In addition to the mailed notice provided for above, the council shall cause to be published ~~in a newspaper of general circulation in the state of Iowa, on the Iowa egg council website and in the producer newsletter~~ a notice of election and form of ballot ~~as the same appear in Exhibit 5, set out at the end of these rules and made a part hereof by reference.~~ This published notice shall appear not less than 10 nor more than 20 days prior to the date of election, not counting the election day itself.

ITEM 12. Amend rule **301—3.2(196A)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section ~~196A.12 and 1995 Iowa Acts, House File 179, section 9~~ 184.8.

ITEM 13. Strike “196A” wherever it appears in the parenthetical implementation statutes of **301—Chapter 4** and insert “184” in lieu thereof.

ITEM 14. Amend rule **301—4.1(196A)** as follows:

301—4.1(196A) Rate of assessment. The assessment on egg sales authorized by Iowa Code section ~~196A.15 as amended by 1995 Iowa Acts, House File 179, 184.3~~ and established by referendum as specified in Iowa Code section ~~196A.4 184.2~~ is set by the council at not more than five cents for each 30 dozen eggs (one case) sold by a producer.

This rule is intended to implement Iowa Code section ~~196A.15 as amended by 1995 Iowa Acts, House File 179~~ 184.3.

ITEM 15. Amend subrule 4.2(3) as follows:

4.2(3) Except as provided above, egg processors who have purchased eggs from producers during any calendar quarter must remit to the Iowa egg council all assessments collected during that quarter not later than 30 days after each calendar quarter. All other persons who collect the assessment but who are not referred to in Iowa Code section ~~196A.15 as amended by 1995 Iowa Acts, House File 179, 184.3~~ must also forward to the council the amount assessed, not later than 30 days after each calendar quarter.

ITEM 16. Amend subrule 4.2(6), introductory paragraph, as follows:

4.2(6) An assessment is considered “remitted” within the meaning of Iowa Code section ~~196A.17 184.13~~:

ITEM 17. Amend rule **301—4.2(196A)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section ~~196A.15 as amended by 1995 Iowa Acts, House File 179, and section 196A.17~~ 184.3.

ITEM 18. Amend rule **301—4.3(196A)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section ~~196A.15 as amended by 1995 Iowa Acts, House File 179~~ 184.3.

ITEM 19. Amend **301—Chapter 4**, Exhibit 1, as follows:

EXHIBIT 1. NOTICE OF ELECTION OF IOWA EGG COUNCIL

TO: All Iowa Egg Producers

This is to notify all Iowa egg producers eligible to vote for representatives to the Iowa Egg Council, pursuant to Iowa Code chapter ~~196A~~ 184, that the election for members of the Council will be held on the ____ day of _____, _____. The following vacancies will be filled in this election: one Egg Producer Representative for large producers, one Egg Producer Representative for medium producers, one Egg Producer Representative for small producers.

The following nominations have been made by the Iowa Egg Council Nominating Committee. Egg Producer Representative for large egg producers: Egg Producer Jones and Egg Producer Smith. Egg Producer Representative for medium egg producers: Egg Producer Smith and Egg Producer Jones. Egg Producer Representative for small egg producers: Egg Producer Jones and Egg Producer Smith.

The Iowa Egg Council will ~~mail~~ send ballots to each eligible voter appearing on the council records by the ____ day of _____, _____. Additional ballots can be furnished upon request from the Iowa Egg Council, ~~P.O. Box 408, Ames, Iowa 50010-0408.~~

In order to be counted, ballots must be ~~mailed to~~ received by the Iowa Egg Council at ~~P.O. Box 408, Ames, Iowa 50010-0408,~~ with a postmark no later than the ____ day of _____, _____. Ballots may be delivered to ~~535 East Lincoln Way, Ames, Iowa 50010-0408,~~ no later than 5 p.m. on the ____ day of _____, _____.

Executive Director
Iowa Egg Council
~~535 East Lincoln Way~~
~~Ames, Iowa 50010~~

ITEM 20. Amend ~~301~~—**Chapter 4**, Exhibit 2, as follows:
EXHIBIT 2. NOMINATING PETITION

Date Submitted

Name and Address of Nominee

Number of layer-type chickens raised in Iowa

The undersigned, being egg producers in the state of Iowa, hereby nominate the above named person to be an Iowa Egg Council Egg Producer Candidate representing medium egg production. We certify that the nominee is willing to serve if elected.

	Name	Address
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____
16.	_____	_____
17.	_____	_____
18.	_____	_____
19.	_____	_____
20.	_____	_____

INSTRUCTIONS FOR PETITIONERS

All blank items must be legibly completed.

Show nominee's name as it is to be shown on the ballot.

The nominee must be:

Eligible to vote in the election.

A producer with layer-type chickens raised in Iowa within the classification (small, medium, or large) which represents the vacancy on the council.

Eligible to hold an office.

Willing to serve if elected.

The petition must be:

Signed by at least ~~20~~ three eligible Iowa Egg Council voters.

Delivered to the Iowa Egg Council office not later than _____.

ITEM 21. Amend **301—Chapter 4**, Exhibit 3, as follows:

EXHIBIT 3. ELECTION NOTIFICATION LETTER

Iowa Egg Council
~~535 East Lincoln Way~~ 8515 Douglas Avenue, Suite 9
~~Ames, Iowa 50010-0408~~ Urbandale, Iowa 50322

Date _____

Iowa Egg Producer:

The Iowa Egg Council election will be held on the ____ day of _____, _____. ~~That is the final date for mailing voted ballots to the Iowa Egg Council.~~

~~Your official ballot is on the back of this letter.~~ Please use it the ballot to vote for your choice of representative(s) to the Iowa Egg Council. The ballot lists the names of the candidates.

~~If you know of any eligible voters who did not receive ballots, please let them know that they can request ballots from the Iowa Egg Council office.~~

If you have any questions on eligibility to vote or to hold office, please contact the Iowa Egg Council office to obtain an answer.

~~To~~ Efforts will be made to ensure the secrecy of your vote, ~~the blank envelope containing your ballot will be thoroughly shuffled among the other ballot envelopes before opening.~~ The number of votes received by any candidate is available to you on request after the vote counting is completed.

The candidate receiving the highest number of votes will be elected to the Council vacancy.

REMEMBER _____, _____ IS
THE FINAL DATE TO MAIL OR DELIVER CAST YOUR VOTED BALLOT VOTE.

Iowa Egg Council elections are open to all eligible voters without regard to race, color, religion, sex, or national origin.

Executive Director
Iowa Egg Council

ITEM 22. Amend **301—Chapter 4**, Exhibit 4, as follows:
EXHIBIT 4. IOWA EGG COUNCIL ELECTION OFFICIAL BALLOT

INSTRUCTIONS FOR VOTING:

1. If you are a producer who owns, or contracts for the care of, thirty thousand or more layer-type chickens raised in Iowa, you are eligible to vote for members of the Iowa Egg Council.
2. Vote for one candidate for each vacancy. If you vote for more than one for each vacancy, your vote will not be counted.
3. Mark an "X" ~~in the box~~ by the name of the candidate you are voting for.
4. ~~Seal the marked ballot in the ballot envelope. DO NOT ENCLOSE ANY OTHER MATERIAL IN THE BALLOT ENVELOPE.~~ Follow the instructions provided.
5. ~~Seal ballot envelope in business reply envelope addressed to the Iowa Egg Council.~~
6. ~~Sign and date the certification on the back of the business reply envelope. The ballot will not be counted unless the certification is properly signed.~~
7. ~~Mail the ballot envelope containing your marked ballot sealed in the business reply envelope.~~
8. ~~THE BUSINESS REPLY ENVELOPE CONTAINING THE BALLOT ENVELOPE MUST BE POSTMARKED OR RETURNED TO THE IOWA EGG COUNCIL OFFICE BY _____, _____ IN ORDER TO COUNT.~~

Date _____

NAMES OF CANDIDATES

	When using more than one page, carry totals to top line of succeeding page.	TOTALS	30 Dozen cases \$

IEC—Revised 6/76—White copy to Iowa Egg Council, Pink copy to Processor

ITEM 25. Amend **301—Chapter 5**, introductory paragraph, as follows:

The Iowa egg 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~~ published at www.legis.iowa.gov/docs/publications/ACOD/767403.pdf on the General Assembly’s website.

ITEM 26. Amend subrule 5.3(1) as follows:

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 Egg Council, ~~535 East Lincoln Way, Ames, Iowa 50010~~ 8515 Douglas Avenue, Suite 9, Urbandale, Iowa 50322”.

ITEM 27. Amend rule 301—5.10(17A,22) as follows:

301—5.10(17A,22) Personally identifiable information. Agency records include the following personally identifiable information: excise tax remittance in 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 ~~496A~~ 184 and is stored in the office files of the council office. Personally identifiable information contained in these records shall be confidential.