

EGG COUNCIL, IOWA[301]

Rules transferred from agency number [345] to [301] to conform with the reorganization numbering scheme in general, IAC Supp. 10/8/86.

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CHAPTER 1
ORGANIZATION AND PURPOSE

301—1.1(184) 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 184.

This rule is intended to implement Iowa Code section 17A.3.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—1.2(184) Officers. The officers of the Iowa egg council shall be as follows: chairperson, vice-chairperson, and secretary/treasurer. Each officer shall be elected by vote of the council for a term of one year and may be reelected by vote of the council to serve one subsequent term in the same office.

1.2(1) The chairperson shall set the date for meetings, preside at meetings, and sign vouchers and other documents approved by the council.

1.2(2) The vice-chairperson shall act in the chairperson's place when the chairperson is unable to act.

1.2(3) The secretary/treasurer shall supervise the preparation of minutes of meetings, financial records and financial reports of the Iowa egg fund.

This rule is intended to implement Iowa Code section 17A.3.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—1.3(184) Staff. The Iowa egg council may employ an executive director, a consumer specialist, and such other staff persons as it deems necessary to aid in the completion of its duties.

This rule is intended to implement Iowa Code section 17A.3.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—1.4(184) Meetings. The Iowa egg council shall meet at those times designated by the chairperson at least once every three months and at other times the council determines are necessary. All meetings shall be held at such locations as are determined by the council.

This rule is intended to implement Iowa Code section 17A.3.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—1.5(184) Quorum. A majority of voting members of the council present during a meeting shall constitute a quorum. A majority of the members present during a meeting is necessary to carry out the duties and exercise the powers of the council as provided in this chapter, unless the council requires a greater number.

This rule is intended to implement Iowa Code section 17A.3 and chapter 184.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

[Filed 3/1/78, Notice 11/2/77—published 3/22/78, effective 4/26/78]

[Filed emergency 4/20/95—published 5/10/95, effective 4/21/95]

[Filed ARC 4886C (Notice ARC 4783C, IAB 12/4/19), IAB 1/29/20, effective 3/4/20]

CHAPTER 2
RULES OF PRACTICE

301—2.1(184) Definitions. All words and terms defined in Iowa Code section 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 184.10.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—2.2(184) 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, 8515 Douglas Avenue, Suite 9, Urbandale, Iowa 50322.

This rule is intended to implement Iowa Code section 17A.3.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—2.3(184) 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.

2.3(1) In cases of a routine nature, the executive director or chairperson shall attempt to settle the matter. In cases indicating a need for interpretation of council policy or legal interpretation, the executive director may defer action until after consultation with the chairperson or with legal counsel, or the chairperson may defer action until after consultation with legal counsel, or either may defer action until after discussion of the subject at a council meeting.

2.3(2) In cases not of a routine nature, or in cases in which the efforts of the executive director or chairperson are unsuccessful, the council itself shall act to resolve the matter. In cases indicating a need for legal advice, the council may defer action until after consultation with legal counsel.

This rule is intended to implement Iowa Code section 17A.10.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—2.4(184) 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.

2.4(1) Petitions shall be titled “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.

2.4(2) The petition shall be filed at the office of the council at 8515 Douglas Avenue, Suite 9, Urbandale, Iowa 50322.

2.4(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.

2.4(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.

This rule is intended to implement Iowa Code section 17A.9.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—2.5(184) 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, 8515 Douglas Avenue, Suite 9, Urbandale, Iowa 50322, 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 reason for denial, or initiate rule-making proceedings.

This rule is intended to implement Iowa Code section 17A.7.

[ARC 4886C, IAB 1/29/20, effective 3/4/20]

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[Filed ARC 4886C (Notice ARC 4783C, IAB 12/4/19), IAB 1/29/20, effective 3/4/20]

CHAPTER 3
ELECTION OF MEMBERS

301—3.1(184) Nominations.

3.1(1) Not later than five months prior to election, council members will determine classifications for small, medium, and large production. Iowa egg council assessment records for four consecutive and recent quarters will be used to determine number of layer-type chickens for each producer. Producers and numbers of layer-type chickens will be listed from small to large numbers. The council will review the list and equitably determine classifications of small, medium, and large producers. Classifications will be approved by the council.

3.1(2) Not later than 60 days prior to the end of each council member's term of office, the council shall cause to be published a notice to the electorate about vacancies on the council and the nominations of the nominating committee of the Iowa egg council. Such notice shall be on a form and shall contain information required to be contained in Exhibit 1, set out at the end of these rules and made a part hereof by reference. In addition, the council shall mail to each eligible voter appearing on council records a copy of said written notice at the address of such voter as contained in the records of the council.

3.1(3) Each notice shall contain a form for petition for nomination of producer candidates which shall conform to Exhibit 2, set out at the end of these rules and made a part hereof by reference.

3.1(4) The period for nomination by petition shall commence 60 days prior to the election date and end 30 days prior to the election date, not counting the day of election itself.

3.1(5) Nominating petitions shall be filed with the council at its address as indicated on the notice of nominations no later than 4 p.m. on the thirtieth day preceding the election, not counting the day of election itself.

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

3.1(7) All nominating petitions shall be reviewed by the council for propriety, and the ballot shall be prepared to include all procedures properly nominated.

This rule is intended to implement Iowa Code section 184.8.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—3.2(184) Election procedure.

3.2(1) Not less than 12 nor more than 18 days prior to the election day, not counting the election day itself, the council shall cause to be mailed to each eligible voter appearing on the council records, a notice of election and one ballot on the forms marked Exhibits 3 and 4 respectively, set out at the end of these rules and made a part hereof by reference.

3.2(2) In addition to the mailed notice provided for above, the council shall cause to be published on the Iowa egg council website and in the producer newsletter a notice of election and form of ballot. 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.

3.2(3) The council shall furnish a ballot to any person who requests one, even though the eligibility of such person to vote has not been determined. The outside of each envelope provided to such persons shall be marked to show that eligibility to vote has not been determined, and such information as will enable the council to determine that person's eligibility to vote shall be included with the ballot.

3.2(4) The council shall have the authority to determine the eligibility of all persons voting in the election.

3.2(5) Each producer shall be permitted to vote only for one producer-nominee to fill each vacancy on the council.

3.2(6) All nominees for office shall be listed alphabetically, within each category, on the ballot.

3.2(7) Ballots may be returned to the place specified in the notice of election in envelopes provided by the council for that purpose or may be deposited in ballot boxes provided for that purpose in such locations as may be specified by the council.

3.2(8) All ballots shall, upon receipt, be placed in a ballot box provided for that purpose and shall remain unopened until the date prescribed for counting of said ballots. All ballot boxes shall be closed at 5 p.m. on the day of election. Only those ballots actually received by 5 p.m. on the day of election, either in person or in the mail, shall be counted.

3.2(9) All ballots shall be counted by the election committee within seven days after the election date and certified to the council.

3.2(10) The election committee shall consist of board members not up for reelection.

3.2(11) In case of a tie, the tie will be broken by the election committee by drawing lots.

This rule is intended to implement Iowa Code section 184.8.

[ARC 4886C, IAB 1/29/20, effective 3/4/20]

[Filed 3/1/78, Notice 11/2/77—published 3/22/78, effective 4/26/78]

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[Filed ARC 4886C (Notice ARC 4783C, IAB 12/4/19), IAB 1/29/20, effective 3/4/20]

CHAPTER 4
ASSESSMENT ON EGGS

301—4.1(184) Rate of assessment. The assessment on egg sales authorized by Iowa Code section 184.3 and established by referendum as specified in Iowa Code section 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 184.3.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—4.2(184) Collection of assessment.

4.2(1) The assessment is to be imposed on eggs produced in Iowa, including shell eggs or eggs broken for further processing, but does not include fertile eggs that are incubated, hatched, or used for vaccines.

4.2(2) The assessment is not to be imposed on the sale of hatching eggs which are actually used by the purchaser for hatching. However, the assessment shall be imposed on the sale of hatching eggs which are actually intended for human consumption.

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 184.3 must also forward to the council the amount assessed, not later than 30 days after each calendar quarter.

4.2(4) Each remittance must be accompanied by the information required by the assessment and remittance form provided by the council, which has been marked Exhibit 5, set out at the end of these rules and made a part hereof by reference.

4.2(5) If the producer is also the processor, the producer shall remit the assessment directly, using the same forms and procedures as in cases involving both producer and processor.

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

a. If mailed, on the date it is postmarked by the United States mail in an envelope addressed to the Iowa egg council at the council office.

b. If not mailed, on the date it is received at the council’s office.

This rule is intended to implement Iowa Code section 184.3.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—4.3(184) Refunds. The assessment shall not be refundable.

This rule is intended to implement Iowa Code section 184.3.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

[Filed 3/1/78, Notice 11/2/77—published 3/22/78, effective 4/26/78]

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[Filed ARC 4886C (Notice ARC 4783C, IAB 12/4/19), IAB 1/29/20, effective 3/4/20]

NOTE: See following pages for Exhibits 1 to 5.

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 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 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.

In order to be counted, ballots must be received by the Iowa Egg Council no later than 5 p.m. on the ____ day of _____, _____.

Executive Director
Iowa Egg Council

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.	_____	_____

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 three eligible Iowa Egg Council voters.

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

EXHIBIT 3. ELECTION NOTIFICATION LETTER

Iowa Egg Council
8515 Douglas Avenue, Suite 9
Urbandale, Iowa 50322

Date _____

Iowa Egg Producer:

The Iowa Egg Council election will be held on the ____ day of _____, ____.

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

Efforts will be made to ensure the secrecy of your vote. 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 CAST YOUR 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

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" by the name of the candidate you are voting for.
4. Follow the instructions provided.

**EXHIBIT 5.
ASSESSMENT RECORD AND REMITTANCE REPORT**

Page ____ of ____ Pages

MAIL OR SEND TO: Iowa Egg Council
8515 Douglas Avenue, Suite 9
Urbandale, Iowa 50322

_____ Date of this report _____
(Handler or processor name)

_____ Report for period _____
(Route or Street & No.) Beginning Ending

_____ Employer identification
(City) (State) (ZIP Code) or social security number _____

Date of Purchase	Owner (and flock number if applicable)					No. of 30 doz. cases of eggs packed, handled, processed or purchased	Total Deduction 2½¢ per 30 dozen cases	
	Name	Route	City	State	ZIP			
	Total from Previous Page							
	When using more than one page, carry totals to top line of succeeding page.					TOTALS	30 Dozen cases	\$

CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

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 published at www.legis.iowa.gov/docs/publications/ACOD/767403.pdf on the General Assembly's website.

[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—5.1(17A,22) Definitions. As used in this chapter:

“Agency” in these rules means the Iowa egg council.

301—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 Egg Council, 8515 Douglas Avenue, Suite 9, Urbandale, Iowa 50322”.

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”.

[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—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 egg council”.

301—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.

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 184 and is stored in the office files of the council office. Personally identifiable information contained in these records shall be confidential.

[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—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.

[Filed emergency 9/16/88—published 10/5/88, effective 9/16/88]

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