

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(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.

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

301—1.2(196A) 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.

1.2(4) Rescinded IAB 5/10/95, effective 4/21/95.

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

301—1.3(196A) 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.

301—1.4(196A) 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.

301—1.5(196A) 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 1995 Iowa Acts, House File 179.

301—1.6(196A) Actions taken. Rescinded IAB 5/10/95, effective 4/21/95.

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CHAPTER 2
RULES OF PRACTICE

301—2.1(196A) Definitions. All words and terms defined in Iowa Code section 196A.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.

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.

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

301—2.3(196A) 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.

301—2.4(196A) 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 535 East Lincoln Way, Ames, Iowa 50010.

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.

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, 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.

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

CHAPTER 3
ELECTION OF MEMBERS

301—3.1(196A) 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 20 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 1995 Iowa Acts, House File 179, section 9.

301—3.2(196A) 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 in a newspaper of general circulation in the state of Iowa, 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.

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 196A.12 and 1995 Iowa Acts, House File 179, section 9.

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

CHAPTER 4
ASSESSMENT ON EGGS

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, and established by referendum as specified in Iowa Code section 196A.4 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.

301—4.2(196A) 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 196A.15 as amended by 1995 Iowa Acts, House File 179, 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 6, 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 196A.17:

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.

4.2(7) Rescinded IAB 5/10/95, effective 4/21/95.

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

301—4.3(196A) Refunds. The assessment shall not be refundable.

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

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

NOTE: See following pages for Exhibits 1 to 6.

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, 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 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 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

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 eligible Iowa Egg Council voters.

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

EXHIBIT 3. ELECTION NOTIFICATION LETTER

Iowa Egg Council
535 East Lincoln Way
Ames, Iowa 50010-0408

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 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 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 YOUR VOTED BALLOT.

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" 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.**
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

Egg Producer Representative for large egg production. (Vote for one candidate.)

() Egg Producer Jones, Anywhere, Iowa.

() Egg Producer Smith, Anywhere, Iowa.

Egg Producer Representative for medium egg production. (Vote for one candidate.)

() Egg Producer Smith, Anywhere, Iowa.

() Egg Producer Jones, Anywhere, Iowa.

Egg Producer Representative for small egg production. (Vote for one candidate.)

() Egg Producer Jones, Anywhere, Iowa.

() Egg Producer Smith, Anywhere, Iowa.

EXHIBIT 5. NEWSPAPER NOTICE FOR IOWA EGG COUNCIL ELECTION

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 the provisions of Iowa Code chapter 196A, that the election for members of the Council will be held on the 30th day of June 1995. Ballots for eligible voters may be obtained between now and the 30th day of June 1995 from the Iowa Egg Council, P.O. Box 408, 535 East Lincoln Way, Ames, IA 50010-0408.

In order to be counted, ballots must be delivered to the Iowa Egg Council at P.O. Box 408, Ames, IA 50010-0408, or 535 East Lincoln Way, Ames, IA 50010-0408, not later than 5 p.m. on the 30th day of June 1995.

EXHIBIT #6
ASSESSMENT RECORD AND REMITTANCE REPORT

Page ____ of ____ Pages

MAIL TO: Iowa Egg Council
535 East Lincoln Way
Ames, Iowa 50010-0408

_____ 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 3¢ 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 printed in the first volume of the Iowa Administrative Code.

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, 535 East Lincoln Way, Ames, Iowa 50010”.

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”.

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 196A and is stored in the office files of the council office. Personally identifiable information contained in these records shall be confidential.

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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