

CHAPTER 2
RULES OF PRACTICE

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

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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