

NEBRASKA ADMINISTRATIVE CODE

TITLE 37 - NEBRASKA ADMINISTRATIVE CODE - CHAPTER 1

NEBRASKA CORN DEVELOPMENT, UTILIZATION,
AND MARKETING BOARD RULES

October 30, 2014

NEBRASKA ADMINISTRATIVE CODE

TITLE 37 NEBRASKA CORN DEVELOPMENT, UTILIZATION, AND
MARKETING BOARD

CHAPTER 1 CORN DEVELOPMENT, UTILIZATION, AND MARKETING BOARD
RULES

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TITLE 37 NEBRASKA CORN DEVELOPMENT, UTILIZATION, AND
 MARKETING BOARD

CHAPTER 1 CORN DEVELOPMENT, UTILIZATION, AND MARKETING BOARD
 RULES

001 Administration of the Board

001.01 ~~The officers~~ Officers of the board shall be: chairperson, vice-chairperson, and secretary/~~and~~-treasurer. Officers shall be elected annually at the first regular meeting after either July 1st or whenever a vacancy occurs. ~~The treasurer shall be annually bonded in an amount determined at such meeting by the board to ensure adequate protection of funds.~~

001.02 Quorum. No action may be taken by the board unless a quorum is present. A quorum shall consist of five members. Five affirmative votes shall be necessary to adopt any commodity program, to adopt any budget, to adopt, amend or repeal any rule and regulation of the board, to change the assessment rate, and to authorize the expenditure of funds and contracting of expenditures from the Nebraska Corn Development, Utilization, and Marketing Fund. On any other motion before the board, the concurrence of a majority of those present shall be sufficient.

~~001.03~~ ~~Board Members.~~ The board shall meet at the call of the chairperson in accordance with ~~Neb. Rev. Stat. Section 2-3621 (Cum. Supp. 1980).~~ The chairperson shall cause due notice to be transmitted to each member not less than ten days prior to the meeting. Members shall simultaneously be provided with copies of a tentative agenda and any other relevant material. Notice and conduct of all meetings, and minutes therefore, shall be in accordance with the Nebraska Open Meetings Law, ~~Neb. Rev. Stat. Sections 84-1401 to 84-1414 (Reissue 1976).~~ The board shall conduct its business in accordance with ~~Robert's Rules of Order, Revised,~~ insofar as they are consistent with this rule.

~~001.04~~ ~~Public Participation.~~ The chairperson may at his or her discretion allow persons attending meetings, other than board members, to speak to the extent that the chairperson determines such participation will not materially impede the progress of the meeting. Any person violating this subsection shall be declared out of order.

~~001.05~~ ~~Assessment Rate.~~

~~001.05A~~ The assessment rate may be changed by the board as provided by ~~Neb. Rev. Stat. Section 2-3627 (Cum. Supp. 1980).~~ Before any action thereon may be taken, the board shall conduct a public hearing for such purpose pursuant to 37 NAC 1-001.11. Formal action shall then be taken at the first regular or special meeting following the close of the hearing, which meeting may be held in conjunction with the hearing. Whenever the rate is changed, the board shall cause reasonable advance notice to be given to each first purchaser of current record with the board.

~~001.05B~~ Effective July 1, 1988, the assessment rate shall be 25/100 of a cent per bushel.

~~001.06~~ ~~001.03~~ Refunds for Overpayment of Fees.
Any purchaser who wishes to receive a refund for overpayment of fees must submit a written application for the same to the Board or any agency collecting on the Board's behalf no later than 60 days after the date of the alleged overpayment. Said application shall state the following information:

~~001.06A~~ ~~001.03A~~ The name and address of the grower,

~~001.06B~~ ~~001.03B~~ The name and address of the first purchaser,

~~001.06C~~ ~~001.03C~~ The date of the payment of the overpaid fee,

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~~001.06D~~ ~~001.03D~~ The amount of fee paid,

~~001.06E~~ ~~001.03E~~ The actual number of bushels of corn subject to the fee,

~~001.06F~~ ~~001.03F~~ Any other relevant information,

~~001.06G~~ ~~001.03G~~ Signature of person requesting the refund, and proof of the assessment must be attached thereto.

~~001.07~~ ~~001.04~~ Refund of Fee Paid on Mortgaged Corn.

~~001.07A~~ ~~The Board shall refund to a grower any fee amount collected for corn that is mortgaged as security for a loan as provided by Neb. Rev. Stat. Section 2-3628 (Cum. Supp. 1980), upon notice and application made to the Board within six months of the date that the fee on such corn was collected.~~

~~001.07B~~ ~~001.04A~~ The application for refund shall have attached thereto proof of the fee amount collected and shall state:

~~001.07B1~~ ~~001.04A1~~ The date the loan was finalized,

~~001.07B2~~ ~~001.04A2~~ The number of bushels of corn secured,

~~001.07B3~~ ~~001.04A3~~ The name and address of the mortgagee,

~~001.07B4~~ ~~001.04A4~~ The name and address of the grower,

~~001.07B5~~ ~~001.04A5~~ The number of bushels to be released from the mortgage,

~~001.07B6~~ ~~001.04A6~~ The intention of the applicant to use the corn as feed.

~~001.08~~ ~~Quarterly Purchase Statement. The first purchaser shall file his or her statement of the number of bushels of corn purchased by him during each quarter on forms provided by the board.~~

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~~001.09~~ ~~Fiscal Year.~~ ~~The fiscal year shall be July 1 to, and including,~~
~~June 30, of the succeeding year.~~

~~001.10~~ ~~Budget.~~ ~~Prior to the end of each fiscal year, the board shall~~
~~establish and adopt a budget consistent with limited receipts and the~~
~~scope of the program for the subsequent fiscal year. Such budget shall~~
~~be adopted at a regular or special meeting and shall be available for~~
~~inspection by the public.~~

~~001.11~~ 001.05 Hearings.

~~001.11A~~ 001.05A General Provision. The board may conduct public hearings for any purpose consistent with its responsibilities, including but not limited to the adoption, amendment or repeal of rules and regulations and providing growers of corn the opportunity to offer ideas and suggestions relative to board policy.

~~001.11B~~ 001.05B Notice. Notice shall be given of all public hearings held by the board. The notice shall be published at least once either in a newspaper of general circulation in the area affected by the business of the hearing or in a newspaper of general circulation in the state, and the publication shall be made at least 30 days prior to the date of hearing. Such notice shall contain information as to the date, time, place and purpose of the hearing.

~~001.11C~~ 001.05C Procedure. The chairperson, vice-chairperson or a designated member shall serve as hearing officer. The hearing officer may appoint a hearing examiner to assist in the conduct of the hearing. The hearing officer or examiner shall, among other things, open the proceedings, enter into the record the notice of hearing, take appearances, receive exhibits, answer questions or call upon other persons present to answer questions, and close the proceedings. No person shall be required to be sworn in prior to presenting any evidence, which may consist of oral or written comments and any document. All persons presenting evidence shall state their name, address, and organization they represent, if any. All evidence is to be directed at the business of the hearing and may be excluded by the hearing officer or examiner if cumulative, repetitive, or irrelevant.

~~001.11D~~ 001.05D Record. A record shall be made of the hearing, with the evidence presented being a part thereof. It

may consist of written statements and any other documents, along with tape recordings ~~or~~ of oral evidence. The record may be held open for a designated period of time at the discretion of the hearing officer for submission of any evidence not available at the time of hearing.

002 Appointment to the Board.

~~002.01 General Provisions. All candidates for appointment to the board may place their names on a candidacy list for the respective district by filing a petition signed by at least fifty resident corn growers of such district with the existing board. Qualified individuals residing within their district shall be eligible for nomination as candidates from such district and only resident growers of such district may sign petitions for such candidates. Qualified candidates shall be those meeting the requirements of Neb. Rev. Stat. Section 2-3611 (Cum. Supp. 1980).~~

002.02 002.01 Candidacy Petitions.

~~002.02A 002.01A~~ Notice of Opening; Publication by Board. Not less than thirty days prior to the expiration of the term of board members, notice shall be placed by the board in at least one newspaper of general circulation in the districts from which such members have been appointed given of board openings. Such notice shall advise prospective candidates of:

~~002.02A1 002.01A1~~ The board openings;

~~002.02A2 002.01A2~~ Where petitions may be obtained; and

~~002.02A3 002.01A3~~ The deadline for submitting petitions.

~~002.02B 002.01B~~ Obtaining Petitions. Candidacy petitions may be obtained from the board office.

~~002.02C 002.01C~~ Petition Requirements. Only candidacy petitions with the Nebraska Corn Resources Act and the board shall reject any petition not meeting those requirements, after notifying the candidate of such action.

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~~002.02C1~~ 002.01C1 Petitions must be in the form prescribed by 37 NAC 1-~~002.05~~ 003.

~~002.02C2~~ 002.01C2 Petitions must be received by the board not later than one week prior to the expiration date of the terms of the particular board members.

~~002.02C3~~ 002.01C3 Petitions must be signed by at least fifty resident corn growers of the district in which the candidate resides.

~~002.02C4~~ 002.01C4 Petitions must be accurate and fully executed.

~~002.02C5~~ 002.01C5 No petition submitted by any candidate for appointment to a prior board shall be used to fulfill the requirements of this subsection.

~~002.03~~ 002.02 Candidacy List. The board shall prepare a candidacy list for submission to the Governor. Such list shall include the names of all candidates who have filed candidacy petitions with the board, which petitions have been found by the board to meet the requirements of the Nebraska Corn Resources Act and this rule. The board shall submit the candidacy list to the Governor on or before the termination date of the terms of the particular board members.

~~002.04~~ Effective Date. This rule shall become effective five days after it has been filed with the Revisor of Regulations as provided by the Administrative Procedures Act.

~~008~~ 003 Form. See following pages.

~~009~~ Annotation. Neb. Rev. Stat. Sections 2-3601 to 2-3635 (Cum. Supp. 1980) and Sections 84-1408 to 84-4114 (Reissue 1976).

Candidacy Petition

For Appointment To

The Nebraska Corn Development, Utilization, and Marketing Board

I, _____, a resident grower of corn in _____
County, Nebraska, hereby seek to have my name placed on the candidacy list
for District No. _____, as a candidate for appointment to the Nebraska Corn
Development, Utilization, and Marketing Board.

I meet all of the qualifications for appointment to said board in that I am a citizen of
Nebraska, I am at least twenty-one (21) years of age, I have been actually engaged
in growing corn in Nebraska for a period of at least five (5) years, and I derive a
substantial portion of my income from growing corn.

The Petitioners whose signatures are affixed hereto are resident corn growers
within the aforementioned district. After having been fully advised that the effect of
their signatures is to approve of my appointment to the aforementioned board, said
petitioners signed this candidacy petition freely and voluntarily.

Dated at _____, Nebraska, this _____ day of _____, 19 20 .

Signature of Candidate

Mailing Address of Candidate

Phone Number of Candidate

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State of Nebraska)
) ss. Affidavit of Candidate
County of _____)

I, _____, being duly sworn, depose and say that the information contained in this candidacy petition is true and accurate to the best of my knowledge.

Signature of Candidate

Subscribed and sworn to before me this ____ day of _____, 19 20

Notary Public

My commission expires: _____

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PETITIONERS

NAME (Please print)	COUNTY OF RESIDENCE	SIGNATURE	DATE
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
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~~District Numbers~~

~~District #1 — Counties of Butler, Saunders, Douglas, Sarpy, Seward, Lancaster, Cass, Otoe, Saline, Jefferson, Gage, Johnson, Nemaha, Pawnee, and Richardson~~

~~District #2 — Counties of Adams, Clay, Fillmore, Franklin, Webster, Nuckolls, and Thayer~~

~~District #3 — Counties of Morricks, Polk, Hamilton, and York~~

~~District #4 — Counties of Knox, Cedar, Dixon, Dakota, Pierce, Wayne, Thurston, Madison, Stanton, Cuming, Burt, Colfax, Dodge, and Washington~~

~~District #5 — Counties of Sherman, Howard, Dawson, Buffalo and Hall~~

~~District #6 — Counties of Hayes, Frontier, Gosper, Phelps, Kearney, Hitchcock, Red Willow, Furnas, and Harlan~~

~~District #7 — Counties of Boyd, Holt, Antelope, Garfield, Wheeler, Boone, Platte, Valley, Greeley, and Nance~~

~~District #8 — Counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Banner, Kimball, Morrill, Cheyenne, Garden, Deuel, Cherry, Keya Paha, Brown, Rock, Grant, Hooker, Thomas, Blaine, Loup, Arthur, McPherson, Logan, Custer, Keith, Lincoln, Perkins, Chase, and Dundy.~~

004 Annotation. Neb. Rev. Stat. Sections 2-3601 to 2-3635.