

NEBRASKA ADMINISTRATIVE CODE

TITLE 37 - NEBRASKA ADMINISTRATIVE CODE - CHAPTER 1

NEBRASKA CORN DEVELOPMENT, UTILIZATION,  
AND MARKETING BOARD RULES

December 19, 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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LAST DATE AMENDED: November 14, 1997

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 Officers. Officers of the board shall be: chairperson, vice-chairperson, and secretary/treasurer. Officers shall be elected annually at the first regular meeting after either July 1st or whenever a vacancy occurs.

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.

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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:

001.03A The name and address of the grower,

001.03B The name and address of the first purchaser,

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

001.03D The amount of fee paid,

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

001.03F Any other relevant information,

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

001.04 Refund of Fee Paid on Mortgaged Corn.

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

001.04A1 The date the loan was finalized,

001.04A2 The number of bushels of corn secured,

001.04A3 The name and address of the mortgagee,

001.04A4 The name and address of the grower,

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

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

001.05 Hearings.

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.

001.05B 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.

001.05C 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.

001.05D 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 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 Candidacy Petitions.

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 given of board openings. Such notice shall advise prospective candidates of:

002.01A1 The board openings;

002.01A2 Where petitions may be obtained;  
and

002.01A3 The deadline for submitting petitions.

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

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.

002.01C1 Petitions must be in the form prescribed by 37 NAC 1003.

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.

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

002.01C4 Petitions must be accurate and fully executed.

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

002.02 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

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Governor on or before the termination date of the terms of the particular board members.

003 Form.

**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 \_\_\_\_\_, 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 \_\_\_\_\_, 20

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

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**PETITIONERS**

<b>NAME</b> (Please print)	<b>COUNTY OF RESIDENCE</b>	<b>SIGNATURE</b>	<b>DATE</b>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
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004 Annotation. Neb. Rev. Stat. Sections 2-3601 to 2-3635.