

TITLE 18 - NEBRASKA GRAIN SORGHUM DEVELOPMENT, UTILIZATION AND MARKETING BOARD

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TITLE 18 -NEBRASKA GRAIN SORGHUM DEVELOPMENT, UTILIZATION AND MARKETING BOARD

Chapter 1 - GRAIN SORGHUM DEVELOPMENT, UTILIZATION AND MARKETING BOARD RULES

001 Administration of the Board.

001.01 Officers.

The 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 17th or whenever a vacancy occurs. The secretary-treasurer shall be bonded under the blanket surety bond required by Neb. Rev.Stat. §11-201 (Cum. Supp. 1994).

001.02 Term of Office.

The term of office for members of the board shall be for three years beginning July 17, except that the term of the members of the board first taking office on July 17, 1981, shall be as follows:

<u>001.02A</u>	Districts 1 and 6	3 years
<u>001.02B</u>	Districts 2 and 3	2 years
<u>001.02C</u>	Districts 4 and 5	1 year
<u>001.02D</u>	At Large Member	2 years

001.03 Quorum.

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

001.04 Board Meetings.

The board shall meet at the call of the chairperson in accordance with Neb. Rev. Stat. §2-4010 (Supp. 1991). The chairperson shall cause due notice to be transmitted to each member not less than ten days prior to the meeting. The board shall be provided with copies of a tentative agenda and any other relevant material in advance of the meeting. Notice and conduct of all meetings, and minutes thereof, shall be in accordance with the Nebraska Open Meetings Law, Neb. Rev. Stat. §§84-1401 to 84-1414 (Reissue 1994). The board shall conduct its business in accordance with Robert's Rules of Order, Revised, insofar as they are consistent with this rule.

001.05 Public Participation.

The chairperson may at his or her discretion allow persons who are not board members to speak to the extent that the chairperson determines such participation will not materially impede the progress of the meeting. Ideas and suggestions from grain sorghum growers are welcome. Written input may be sent to the board at:

Nebraska Grain Sorghum Development, Utilization & Marketing Board
P.O. Box 94982
Lincoln, NE 68509

001.06 Assessment Rate.

001.06A The assessment rate may be changed by the board as provided by Neb. Rev. Stat. §2-4012 (Supp. 1991). Before any action thereon may be taken, the board shall conduct a public hearing for such purpose pursuant to 18 NAC 1-001.12. 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.

001.06B Effective October 1, 1990, the assessment rate shall be one cent per hundredweight.

001.07 Reimbursement for Overpayment of Fees.

Any purchaser or grower who wishes to receive reimbursement for overpayment of fees must submit a written application for the same to the board. Said application shall state the following information:

001.07A The name and address of the grower,

001.07B The name and address of the first purchaser,

001.07C The date of the payment of the overpaid fee,

001.07D The amount of fee paid,

001.07E The actual hundredweight of grain sorghum subject to the fee,

001.07F Any other relevant information,

001.07G Signature of person requesting the reimbursement, and proof of the assessment must be attached thereto.

001.08 Refund of Fee Paid on Mortgaged Grain Sorghum.

001.08A The board shall refund to a grower any fee amount collected on grain sorghum that is placed in a federal government loan program and later redeemed and used for feed as provided by Neb. Rev. Stat. § 2-4013 (Supp. 1991).

001.08B The application for refund must be filed within the life of the loan, plus thirty days after the date the fee was collected and shall state:

001.08B1 The date the loan was finalized,

001.08B2 The hundredweight of grain sorghum secured,

001.08B3 The name and address of the mortgagee,

001.08B4 The name and address of the grower,

001.08B5 The hundredweight to be released from the mortgage,

001.08B6 A statement that the grain sorghum will be used by the grower as feed.

001.09 Quarterly Purchase Statements.

The first purchaser shall file his or her statement of the hundredweight of grain sorghum purchased during each quarter on forms provided by the board.

001.10 Fiscal Year.

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

001.11 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.

001.12 Hearings.

001.12A General Provision. The board may conduct public hearings for any purpose consistent with its responsibilities.

001.12B Notice. Notice shall be given of all public hearings held by the board. 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.

001.12C 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 documents. 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.

001.12D 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 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 grain sorghum growers of such district with the existing board. Qualified candidates shall be those meeting the requirements of Neb. Rev. Stat. §2-4004 (Supp. 1991).

002.02 Candidacy Petitions.

002.02A Notice of Opening: Publication by Board. Not less than sixty 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. Such notice shall advise prospective candidates of:

002.02A1 The board openings;

002.02A2 Where petitions may be obtained; and

002.02A3 The deadline for submitting petitions.

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

002.02C Petition Requirements. Only candidacy petitions meeting the following requirements shall be deemed to be in compliance with the Nebraska Grain Sorghum Resources Act and the board shall reject any petition not meeting those requirements. Candidates whose petitions are rejected shall be notified of such action.

002.02C1 Petitions must be in the form prescribed by 18 NAC 1-004.

002.02C2 Petitions must be received by the board not later than six weeks prior to the expiration date of the terms of the particular board members.

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

002.02C4 Petitions must be accurate and fully executed.

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

002.03 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 Grain Sorghum Resources Act and this rule. The board shall submit the candidacy list to the Governor not less than three weeks before the termination date of the terms of the particular board members.

002.04 Candidates for At-Large Member.

Individuals wishing to be considered for nomination for member-at-large may submit a statement of interest to the board. The board reserves the right to make additional nominations from the floor when the at-large member is being selected.

003 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.

004 Form.

See following pages.

005 Annotation.

Neb. Rev. Stat. §§2-4001 to 2-4020 (Supp. 1991) and §§84-1408 to 84-1414 (Reissue 1994).

CANDIDACY PETITION

For Appointment To

THE NEBRASKA GRAIN SORGHUM DEVELOPMENT,
UTILIZATION AND MARKETING BOARD

I, _____, a resident grower of grain sorghum 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 Grain Sorghum 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 grain sorghum in Nebraska for a period of at least five (5) years, and I derive a substantial portion of my income from growing grain sorghum.

The Petitioners whose signatures are affixed hereto are resident grain sorghum 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 ____.

Signature of Candidate

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 ____.

Notary Public

My Commi:

PETITIONERS

COUNTY OF

NAME

RESIDENCE

SIGNATURE

DATE

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PETITIONERS

NAME	COUNTY OF RESIDENCE	SIGNATURE	DATE
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PETITIONERS

NAME	COUNTY OF RESIDENCE	SIGNATURE	DATE
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- 51.
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- 60.

DISTRICT NUMBERS

District #1 - The counties of Gage, Johnson, Nemaha, Pawnee and Richardson;

District #2 - The counties of Lancaster, Cass and Otoe;

District #3 - The counties of Nuckolls, Thayer, Jefferson and Saline;

District #4 - The counties of Clay, Fillmore, Hamilton, York and Seward;

District #5 - The counties of Buffalo, Hall, Merrick, Polk, Butler, Saunders, Sarpy, Douglas, Platte, Colfax, Dodge, Washington, Burt, Cuming, Stanton, Madison, Boone, Nance, Howard, Greeley, Sherman, Valley, Custer, Blaine, Loup, Garfield, Wheeler, Antelope, Pierce, Wayne, Thurston, Dakota, Dixon, Cedar, Knox, Holt, Boyd, Rock, Brown and Keya Paha; and

District #6 - The counties of Dawson, Dundy, Hitchcock, Red Willow, Furnas, Harlan, Franklin, Webster, Adams, Kearney, Phelps, Gosper, Frontier, Hayes, Chase, Perkins, Keith, Lincoln, Art