

NEBRASKA ADMINISTRATIVE CODE

TITLE 31 - NEBRASKA ADMINISTRATIVE CODE CHAPTER 1
NEBRASKA DEPARTMENT OF AGRICULTURE
CHAPTER 1 - POULTRY AND EGG MARKETING REGULATIONS

May 2007 Amendment

NEBRASKA ADMINISTRATIVE CODE

TITLE 31 - NEBRASKA DEPARTMENT OF AGRICULTURE

CHAPTER 1 - POULTRY AND EGG MARKETING REGULATIONS

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TITLE 31 - DEPARTMENT OF AGRICULTURE, DIVISION OF POULTRY AND
AND EGG DEVELOPMENT

Chapter 1 - POULTRY AND EGG MARKETING REGULATIONS

001 Division Manager. As authorized by the Act, the Director may appoint the head of the Division of Poultry and Egg Development, Utilization, and Marketing. State personnel has designated the position be classified as Agriculture Program Manager and covered by the Classified System Personnel Rules and Regulations. It shall be the responsibility of the Manager to conduct the affairs of the Division in the manner prescribed by the Director of Agriculture, with the advice of the Nebraska Poultry and Egg Development, Utilization, and Marketing Committee. Such duties and responsibilities shall include, but not be limited to the following:

001.01 General administration of the provisions of the Act,

001.02 Coordination of activities between the Department of Agriculture and the committee, and

001.03 Assisting the committee in its functions.

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002 Fees.

002.01 Fees shall be as follows:

002.01A Three cents (3¢) per case of eggs.

002.01B Two cents (2¢) per tom turkey.

002.01C One and one-half cents (1½¢) per hen turkey.

003 Recordkeeping and Filing.

003.01 Maintenance. First purchasers of eggs or turkeys and importers of eggs shall maintain records of all such purchases. Such records shall be maintained for a period of at least two (2) years and shall be open for inspection during normal business hours. Maintenance of customary settlement forms, computer records, or check stubs shall be deemed sufficient to meet the requirements of this provision, provided such records contain the below required information. The records shall show the following:

003.01A The name and address of the producer,

003.01B The date of purchase,

003.01C The quantity of eggs, tom turkeys, or hen turkeys sold, and

003.01D The amount of fees collected on each purchase.

003.02 Filing. First purchasers of eggs and turkeys and importers of eggs shall be provided with forms for filing which, when filed, shall show the quantity of eggs and turkeys purchased or imported during the applicable filing period, which periods are as follows:

003.02A First purchasers of eggs shall monthly file a statement of the quantity of eggs purchased during the preceding month. Such statement shall be on file by the fifteenth day of the month, and shall be accompanied by the fees collected during the period of time covered.

003.02B Importers of commercial eggs produced outside of this state shall quarterly file a statement of the quantity of graded eggs imported into Nebraska and sold in this state to retailers, wholesalers, distributors, or food purveyors during the preceding

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quarter. Such statement shall be filed by the fifteenth day of the months of January, April, July, and October for the previous calendar quarter, and shall be accompanied by the fees collected during the period of time covered.

003.02C First purchasers of turkeys shall monthly file a statement of the number of tom turkeys and hen turkeys purchased during the preceding month. Such statement shall be on file by the fifteenth day of the month following purchases and shall be accompanied by the fees collected during the period of time covered.

003.02D Filings of statements and fees shall be made to:

Nebraska Department of Agriculture
P.O. Box 94668
Lincoln, Nebraska 68509-4668

004 Exemptions. First purchasers of eggs whose annual average weekly volume of purchases is less than twenty-five thirty-dozen cases per week are hereby exempt from the requirements of the Act regarding the collection of fees. Such purchasers shall, however, maintain records as required by the provisions of 31 NAC 003.01.

005 Refunds.

005.01 Application. Producers desiring refunds shall make written application to the Department at the address shown at 31 NAC 003.02D, above. Applications shall be received within sixty days of the date of assessment. To be effective, a refund request shall contain the following:

005.01A A written demonstration of a desire to have all or part of a fee paid, refunded, and

005.01B Proof that a fee has been deducted by a first purchaser, in the form of a copy of a settlement form or check stub, clearly indicating the nature, purpose and amount of fee deducted, and the date deducted.

006 Effective Date. This rule shall be effective five days after it has been filed with the Secretary of State as provided by the Administrative Procedure Act.

007 Annotation. Neb. Rev. Stat. §§2-3401 to 2-3416 (Reissue 1997).