

DEPARTMENT OF ECONOMIC  
DEVELOPMENT

TITLE 87, DEPARTMENT OF ECONOMIC  
DEVELOPMENT

EFFECTIVE 12-18-2005

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## **TITLE 87 - NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT**

### **Chapter 1 - Agricultural Opportunities and Value-Added Partnerships Act Regulations**

**001 Statement of Purpose.** The purpose of these regulations is to aid in the administration of the Agricultural Opportunities and Value-Added Partnerships Act as contained in LB 90, 99th Legislature, 1st Session, Sections 4 to 15 (attached).

**002 Administration.** The Act and these regulations shall be administered by the Nebraska Department of Economic Development, with assistance from the Nebraska Department of Agriculture.

**003 Definitions.** In addition to the terms listed below, the definitions of terms found in the Agricultural Opportunities and Value-Added Partnerships Act shall apply to such terms when found in these regulations and in grant application materials:

003.01 ACT means the Agricultural Opportunities and Value-Added Partnerships Act as contained in LB 90, 99th Legislature, 1st Session.

003.02 APPLICANT means any entity that has submitted an application for consideration to receive grant funds pursuant to the Act.

003.03 DEPARTMENT means the Nebraska Department of Economic Development.

003.04 IN-KIND CONTRIBUTION means the value of goods, services, or labor used in direct support of the project.

003.05 MATCH means money or in-kind contributions or a combination of both.

003.06 PROGRAM YEAR shall coincide with the State of Nebraska fiscal year.

003.07 PROJECT means any agricultural or value-added agricultural product activity in the areas specified in Section 10 of the Act designed to promote the purposes specified in Section 7 of the Act.

003.08 PROPOSAL means any project that is submitted for consideration for grant funds by an applicant pursuant to the Act.

003.09 RECIPIENT means any applicant who has been selected to receive grant funds pursuant to the Act.

003.10 SUSTAINABILITY means the ability of the project to operate independently of supporting grant funds from any source beyond the time period of any grant received pursuant to this Act..

### **4 Eligible Applicants.**

004.01 These include non-profit and for-profit entities listed in Section 9 of the Act, including farming and ranching operations collaborating with other eligible entities.

004.02 Applicants must be able to document that a match of at least 25% of the funds granted is matched from sources other than state or federal governmental sources; and must satisfy the other requirements of Section 11 to participate in the grant program.

004.03 Applicants must be located within Nebraska; have Nebraska-based ownership or, in instances where ownership is not part of the organizational structure of the applicant entity, be Nebraska-based entities or organizations; and have a valid tax identification number or social security number.

## **005 Restrictions**

005.01 Grant funds shall not be used for any activity primarily designed to contribute to a single business, enterprise or individual, nor used to subsidize an existing farming or ranching operation.

005.02 Grant funds must be used exclusively for the purposes listed in each proposal and solely for the benefit of the project described in the proposal.

005.03 Grants shall be made in amounts up to, but not exceeding, \$75,000.

005.04 Grant funds shall not be used for administrative costs of the project

005.05 No more than one grant may be used simultaneously in support of a project, nor may a recipient receive more than one grant in any calendar year for the same project.

005.06 Grants shall be awarded for one year starting from dates specified in the grant agreement but not starting prior to the date of grant execution by the Department and the Recipient. Grant extensions may be made at the discretion of the Department. The total of such extensions shall be no more than three years for any single grant. Funding for grant projects may be renewed at the discretion of the Department on an annual basis for an additional three years. Requests for renewal will compete with submitted applications for the upcoming grant period.

## **006 Failure to Comply**

006.01 The Department will determine if the recipient has failed to comply with the requirements of the grant program, misused grant funding, failed to fulfill requirements of the grant, or fraudulently obtained or used grant funds.

006.02 Any recipient found to have failed to comply with the grant program shall be required to repay a portion or all of the grant funds awarded and

the Department may use appropriate legal steps to enforce such repayment.

006.03 Any project found not to be in compliance with the grant program will make the recipient ineligible to receive future grant funding under the program.

### **007 Application Guidelines, Evaluation and Funding**

007.01 The Department will prepare and make public, application guidelines and forms, plus information about funding cycles and the grant selection process, including evaluation criteria. Final funding decisions will rest with the Director of the Department.

007.02 The Department will require an agreement with all recipients outlining the terms of funding and project development, implementation and reporting. Recipients unable to enter into such an agreement will not receive funding.

### **008 Reporting Requirements**

8.1 Recipients will be required to report on funded projects to include, but not limited to, impact of the grant project and performance based on measured goals and outcomes.

### **AGRICULTURAL OPPORTUNITIES AND VALUE-ADDED PARTNERSHIPS ACT**

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