

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 618

Introduced by Larson, 40.

Read first time January 21, 2015

Committee:

1 A BILL FOR AN ACT relating to agriculture; to amend sections 2-2301,
2 2-2304, 2-3601, 2-3611, 2-3612, 2-3615, 2-3627, 2-3629, 2-3634,
3 2-3635, 2-3735, 2-3745, 2-3746, and 2-3747, Reissue Revised Statutes
4 of Nebraska; to provide for redesignation of districts of members of
5 various commodities boards or commissions as prescribed; to provide
6 for changing the number of at-large members; to harmonize
7 provisions; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-2301, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 2-2301 Sections 2-2301 to 2-2321 and section 3 of this act shall be
4 known and may be cited as the Nebraska Wheat Resources Act.

5 Sec. 2. Section 2-2304, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 2-2304 Except as provided in section 3 of this act:

8 (1) The board shall be composed of seven members who shall (a) be
9 citizens of Nebraska, (b) be at least twenty-one years of age, (c) have
10 been actually engaged in growing wheat in this state for a period of at
11 least five years, and (d) derive a substantial portion of their income
12 from growing wheat. The Director of Agriculture and the vice chancellor
13 of the University of Nebraska Institute of Agriculture and Natural
14 Resources shall serve as nonvoting members of the board. With the
15 exception of the nonvoting members, the Governor shall appoint the
16 members to the board; and -

17 (2) The seven appointed members shall be appointed from the
18 following districts:

19 (a) District 1: The counties of Sioux, Scotts Bluff, Dawes, Box
20 Butte, Morrill, Sheridan, and Garden;

21 (b) District 2: The counties of Kimball, Banner, and Cheyenne;

22 (c) District 3: The counties of Perkins, Deuel, Keith, Arthur,
23 McPherson, Logan, Grant, Hooker, Thomas, and Cherry;

24 (d) District 4: The counties of Lincoln, Chase, Dundy, Hayes,
25 Hitchcock, and Frontier;

26 (e) District 5: The counties of Buffalo, Dawson, Phelps, Custer,
27 Gosper, Kearney, Red Willow, Furnas, Harlan, and Franklin;

28 (f) District 6: The counties of Adams, Webster, Nuckolls, Thayer,
29 Jefferson, Gage, Johnson, Nemaha, Pawnee, Richardson, Otoe, Cass,
30 Lancaster, Seward, York, Hamilton, Hall, Sherman, Howard, Merrick, Nance,
31 Polk, Butler, Saunders, Sarpy, Douglas, Washington, Dodge, Colfax,

1 Platte, Burt, Cuming, Stanton, Madison, Boone, Valley, Greeley, Antelope,
2 Pierce, Wayne, Thurston, Dakota, Dixon, Cedar, Knox, Wheeler, Garfield,
3 Loup, Blaine, Brown, Rock, Holt, Boyd, Keya Paha, Clay, Fillmore, and
4 Saline; and

5 (g) District 7: The at-large district.

6 Sec. 3. The board shall be responsible for the administration of
7 all subsequent appointments for membership on the board and may adopt
8 rules and regulations to carry out such responsibility. The composition
9 of the board as defined by section 2-2304 shall continue until such time
10 as the board determines that the districts and at-large membership as
11 defined by such section are incompatible with an equitable representation
12 of producers of wheat due to changing geographic distribution of wheat
13 production in the state, changing marketing patterns, or availability of
14 qualified individuals to serve as board members. The board may, from time
15 to time as appropriate, by rule and regulation, redesignate districts and
16 the number of at-large members to provide for an equitable representation
17 of producers of wheat.

18 Sec. 4. Section 2-3601, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 2-3601 Sections 2-3601 to 2-3635 and section 12 of this act shall be
21 known and may be cited as the Nebraska Corn Resources Act.

22 Sec. 5. Section 2-3611, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 2-3611 The board shall be composed of ~~nine~~ members who (1) are
25 citizens of Nebraska, (2) are at least twenty-one years of age, (3) have
26 been actually engaged in growing corn in this state for a period of at
27 least five years, and (4) derive a substantial portion of their income
28 from growing corn.

29 The Director of Agriculture, the vice chancellor of the University
30 of Nebraska Institute of Agriculture and Natural Resources, and the
31 president of the Nebraska Corn Growers Association shall be ex officio

1 members of the board but shall have no vote in board matters.

2 Sec. 6. Section 2-3612, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 2-3612 Except for ~~the position of the~~ at-large members member,
5 whenever a vacancy occurs on the board for any reason, the Governor shall
6 appoint an individual to fill such vacancy from the district in which the
7 vacancy exists. If the vacant position is that of an ~~the~~ at-large member,
8 the appointment to fill such vacancy shall be made at large by the board.

9 Sec. 7. Section 2-3615, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 2-3615 Except as provided in section 12 of this act, one ~~one~~ member
12 shall be appointed from each of the following districts:

13 (a) District 1. The counties of Butler, Saunders, Douglas, Sarpy,
14 Seward, Lancaster, Cass, Otoe, Saline, Jefferson, Gage, Johnson, Nemaha,
15 Pawnee, and Richardson;

16 (b) District 2. The counties of Adams, Clay, Fillmore, Franklin,
17 Webster, Nuckolls, and Thayer;

18 (c) District 3. The counties of Merrick, Polk, Hamilton, and York;

19 (d) District 4. The counties of Knox, Cedar, Dixon, Dakota, Pierce,
20 Wayne, Thurston, Madison, Stanton, Cuming, Burt, Colfax, Dodge, and
21 Washington;

22 (e) District 5. The counties of Sherman, Howard, Dawson, Buffalo,
23 and Hall;

24 (f) District 6. The counties of Hayes, Frontier, Gosper, Phelps,
25 Kearney, Hitchcock, Red Willow, Furnas, and Harlan;

26 (g) District 7. The counties of Boyd, Holt, Antelope, Garfield,
27 Wheeler, Boone, Platte, Valley, Greeley, and Nance; and

28 (h) District 8. The counties of Sioux, Dawes, Box Butte, Sheridan,
29 Scotts Bluff, Banner, Kimball, Morrill, Cheyenne, Garden, Deuel, Cherry,
30 Keya Paha, Brown, Rock, Grant, Hooker, Thomas, Blaine, Loup, Arthur,
31 McPherson, Logan, Custer, Keith, Lincoln, Perkins, Chase, and Dundy.

1 Sec. 8. Section 2-3627, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 2-3627 Until December 31, 1978, the fee levied pursuant to section
4 2-3623 shall not exceed one-tenth of one cent per bushel. Beginning
5 January 1, 1979, the board may, whenever it shall determine that the fees
6 provided by section 2-3623 are yielding more than is required to carry
7 out the intent and purposes of the Nebraska Corn Resources Act sections
8 ~~2-3601 to 2-3635~~, reduce such fees for such period as it shall deem
9 justified, but not less than one year. If the board, after reducing such
10 fees finds that sufficient revenue is not being produced by such reduced
11 fees, it may restore in full or in part such fees not to exceed four-
12 tenths of a cent per bushel.

13 Sec. 9. Section 2-3629, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 2-3629 The fee, provided for by section 2-3623, shall be deducted,
16 as provided by the Nebraska Corn Resources Act sections ~~2-3601 to 2-3635~~,
17 whether such corn is stored in this state or any other state.

18 Sec. 10. Section 2-3634, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 2-3634 The board shall not be authorized to set up research or
21 development units or agencies of its own, but shall limit its activity to
22 cooperation and contracts with the University of Nebraska Institute of
23 Agriculture and Natural Resources and other proper local, state, or
24 national organizations, public or private, in carrying out the purposes
25 of the Nebraska Corn Resources Act sections ~~2-3601 to 2-3635~~.

26 Sec. 11. Section 2-3635, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 2-3635 Any person violating any of the provisions of the Nebraska
29 Corn Resources Act sections ~~2-3601 to 2-3635~~ shall be guilty of a Class
30 III misdemeanor.

31 Sec. 12. The board shall be responsible for the administration of

1 all subsequent appointments for membership on the board and may adopt
2 rules and regulations to carry out such responsibility. The composition
3 of the board as defined by section 2-3615 shall continue until such time
4 as the board determines that the districts and at-large membership as
5 defined by such section are incompatible with an equitable representation
6 of producers of corn due to changing geographic distribution of corn
7 production in the state, changing marketing patterns, or availability of
8 qualified individuals to serve as board members. The board may, from time
9 to time as appropriate, by rule and regulation, redesignate districts and
10 the number of at-large members to provide for an equitable representation
11 of producers of corn.

12 Sec. 13. Section 2-3735, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 2-3735 Sections 2-3735 to 2-3765 and section 17 of this act shall be
15 known and may be cited as the Dry Bean Resources Act.

16 Sec. 14. Section 2-3745, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 2-3745 The ~~There is hereby created~~ the Dry Bean Commission is
19 created. Except as provided in section 17 of this act, the commission
20 ~~which~~ shall be composed of nine members, two of whom shall be selected by
21 the commission and seven of whom shall be appointed by the Governor.
22 Commission members shall be appointed on a nonpartisan basis. Six members
23 shall be growers who (1) are citizens of Nebraska, (2) are at least
24 twenty-one years of age, (3) have actually been engaged in growing dry
25 beans in this state for at least three years, and (4) derive a
26 substantial portion of their income from growing dry beans. Three members
27 shall be dry bean processors who have been in business in Nebraska for at
28 least three years, and the Director of the University of Nebraska
29 Panhandle Research and Extension Center shall be an ex officio member but
30 shall have no vote in commission matters.

31 Sec. 15. Section 2-3746, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 2-3746 Except as provided in section 17 of this act:

3 (1) The Governor shall appoint one grower member from each of the
4 following four districts:

5 (a) District 1 which shall consist of the counties of Sioux, Dawes,
6 Sheridan, and Box Butte;

7 (b) District 2 which shall consist of the county of Scotts Bluff;

8 (c) District 3 which shall consist of the counties of Banner,
9 Morrill, Kimball, Cheyenne, Garden, and Deuel; and

10 (d) District 4 which shall consist of the remaining counties in
11 which dry bean production occurs in the state; -

12 (2) The commission shall appoint two grower members to the
13 commission, one of whom resides within district 1 or 2 who shall
14 represent districts 1 and 2 and one of whom resides within district 3 or
15 4 who shall represent districts 3 and 4. Members serving as
16 representatives of such districts on May 18, 2011, shall continue as
17 members of the commission until the end of their terms and until their
18 successors are appointed and qualified and, except as provided in section
19 2-3748, shall be eligible for reappointment; and -

20 (3) The three processor members of the commission shall be appointed
21 by the Governor. Insofar as possible, the geographic locations of such
22 appointed members shall be representative of the Nebraska dry bean
23 industry. Any processor may place his or her name on a candidacy list for
24 appointment by written notice to the commission.

25 Sec. 16. Section 2-3747, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 2-3747 Except as provided in section 17 of this act, Any grower may
28 place his or her name on a candidacy list for appointment as a grower
29 member of the commission by filing a petition signed by at least ten
30 resident bean growers (1) from the district in which he or she resides
31 for an appointment under subdivision ~~subsection~~ (1) of section 2-3746 or

1 (2) from the district in which he or she resides or the other district to
2 be represented for an appointment under subdivision subsection (2) of
3 section 2-3746. The petition shall be filed with the commission. The
4 Governor and the commission shall make appointments from the candidacy
5 list unless there are no names on the list.

6 Sec. 17. The commission shall be responsible for the administration
7 of all subsequent appointments for membership on the commission and may
8 adopt rules and regulations to carry out such responsibility. The
9 composition of the commission as defined by section 2-3746 shall continue
10 until such time as the commission determines that the districts and at-
11 large membership as defined by such section are incompatible with an
12 equitable representation of producers of dry beans due to changing
13 geographic distribution of dry bean production in the state, changing
14 marketing patterns, or availability of qualified individuals to serve as
15 commission members. The commission may, from time to time as appropriate,
16 by rule and regulation, redesignate districts and the number of at-large
17 members to provide for an equitable representation of producers of dry
18 beans.

19 Sec. 18. Original sections 2-2301, 2-2304, 2-3601, 2-3611, 2-3612,
20 2-3615, 2-3627, 2-3629, 2-3634, 2-3635, 2-3735, 2-3745, 2-3746, and
21 2-3747, Reissue Revised Statutes of Nebraska, are repealed.