LB242
2015

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 242

Introduced by Stinner, 48; Hughes, 44.
Read first time January 14, 2015
Committee: Agriculture

A BILL FOR AN ACT relating to the Dry Bean Resources Act; to amend sections 2-3755, 2-3762, and 2-3763, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; to change annual report requirements; to change a provision relating to collection and credit of funds; to eliminate a refund; to repeal the original sections; to outright repeal section 2-3760, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 2-3755, Reissue Revised Statutes of Nebraska, is amended to read:

2-3755 (1) Beginning August 1, 1987, there shall be paid to the commission a fee of six cents per hundredweight upon all dry beans grown in the state during 1987 and thereafter and sold through commercial channels. Beginning January 1, 1989, until July 31, 2015, the commission may, whenever it determines that the fees provided by this section are yielding more or less than is required to carry out the intent and purposes of the Dry Bean Resources Act, reduce or increase such fee for such period as it shall deem justifiable, but not less than one year and not to exceed ten cents per hundredweight.

(2) Beginning August 1, 2015, the fee imposed by this section shall be fifteen cents per hundredweight. Beginning January 1, 2017, the commission may, whenever it determines that the fees provided by this section are yielding more or less than is required to carry out the intent and purposes of the act, reduce or increase such fee for such period as it shall deem justifiable, but not less than one year and not to exceed twenty-four cents per hundredweight.

(3) Two-thirds of the fee levied under this section shall be paid by the grower at the time of sale or delivery and shall be collected by the first purchaser. The first purchaser shall pay the remaining one-third of the fee. No dry beans shall be subject to the fee more than once.

Sec. 2. Section 2-3762, Reissue Revised Statutes of Nebraska, is amended to read:

2-3762 The commission shall prepare and make available a report an annual report at least thirty days prior to January 1 of each year which shall set forth in detail the income received from the dry bean assessment for the previous year and shall include:

(1) The expenditure of all funds by the commission during the previous year for the administration of the Dry Bean Resources Act;

(2) The action taken by the commission on all contracts requiring
the expenditure of funds by the commission;

3 A description Copies of all such contracts;

4 Detailed explanation of all programs relating to the discovery, promotion, and development of bean products and industries for the utilization of dry beans, the direct expense associated with each program, and copies of such programs if in writing; and

5 The name and address of each member of the commission and a copy of all rules and regulations adopted and promulgated by the commission. The report and a copy of all contracts requiring expenditure of funds by the board shall be available to the public upon request. Notice of availability of such report shall be provided to the Director of Agriculture, Clerk of the Legislature, and a summary of such report shall be sent to each grower and first purchaser subject to the checkoff.

Sec. 3. Section 2-3763, Reissue Revised Statutes of Nebraska, is amended to read:

2-3763 The State Treasurer shall establish in the treasury of the State of Nebraska a fund to be known as the Dry Bean Development, Utilization, Promotion, and Education Fund, to which fund shall be credited funds collected by the commission pursuant to the Dry Bean Resources Act, including license fees, royalties, or any repayments relating to the fund. The fund shall be expended for the administration of such act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. Original sections 2-3755, 2-3762, and 2-3763, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 5. The following section is outright repealed: Section 2-3760, Reissue Revised Statutes of Nebraska.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.