

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SPECIAL SESSION

LEGISLATIVE BILL 11

Introduced by Dubas, 34; Council, 11; Dierks, 40; Giese, 17; Hansen, 42; Karpisek, 32; Louden, 49; Mello, 5; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Wallman, 30.

Read first time November 05, 2009

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 2-1808,
2 2-2317, 2-3413, 2-3633, 2-3763, 2-3960, and 2-4018,
3 Reissue Revised Statutes of Nebraska, and section 53-304,
4 Revised Statutes Cumulative Supplement, 2008; to state
5 intent regarding the importance of agricultural products
6 to the state; to prohibit the lapse of certain funds;
7 to repeal the original sections; and to declare an
8 emergency.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Legislature finds that agriculture is
2 the most important industry in the State of Nebraska and the
3 marketing of agricultural products is of utmost importance to
4 the economy of the state. The Legislature encourages producers
5 of agricultural products to develop, finance, carry out, and
6 participate in programs of research, education, market development,
7 and promotion. The Legislature further finds that because these
8 programs are largely funded through fees assessed upon the
9 producers of agricultural products, it is in the best interest
10 of the state to restrict the use of these funds for their intended
11 purposes.

12 Sec. 2. Section 2-1808, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 2-1808 The State Treasurer is hereby directed to
15 establish and set up in the treasury of the State of Nebraska
16 a fund to be known as the Nebraska Potato Development Fund, to
17 which fund shall be credited, for the uses and purposes of the
18 Nebraska Potato Development Act and its enforcement, all taxes,
19 penalties and fees collected by the Department of Agriculture.
20 After appropriation, the Director of Administrative Services,
21 upon receipt of proper vouchers approved by the director of the
22 department, shall issue his or her warrants on such funds and
23 the State Treasurer shall pay the same out of the money credited
24 to the fund. No part of the funds deposited in the fund or of
25 federal funds or other funds solicited in conjunction with research

1 or demonstration programs shall lapse to the General Fund. Any
2 money in the ~~fund~~ Nebraska Potato Development Fund available for
3 investment shall be invested by the state investment officer
4 pursuant to the Nebraska Capital Expansion Act and the Nebraska
5 State Funds Investment Act.

6 Sec. 3. Section 2-2317, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 2-2317 The State Treasurer is hereby directed to
9 establish and set up in the treasury of the State of Nebraska a
10 fund to be known as the Nebraska Wheat Development, Utilization,
11 and Marketing Fund, to which fund shall be credited, for the
12 uses and purposes of the Nebraska Wheat Resources Act and its
13 enforcement, all taxes collected by the board pursuant to the
14 act. After appropriation, the Director of Administrative Services
15 shall, upon receipt of proper vouchers approved by an officer of
16 the board, issue his or her warrants on such fund and the State
17 Treasurer shall pay the same out of the money credited to such
18 fund. The board shall at each regular meeting review and approve
19 all expenditures made since its last regular meeting. No part of
20 the funds deposited in the fund or of federal funds or other funds
21 solicited in conjunction with research or demonstration programs
22 shall lapse to the General Fund. Any money in the ~~fund~~ Nebraska
23 Wheat Development, Utilization, and Marketing Fund available for
24 investment shall be invested by the state investment officer
25 pursuant to the Nebraska Capital Expansion Act and the Nebraska

1 State Funds Investment Act.

2 Sec. 4. Section 2-3413, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 2-3413 (1) The State Treasurer is hereby directed to
5 establish in the treasury of the State of Nebraska a fund to be
6 known as the Nebraska Poultry and Egg Development, Utilization, and
7 Marketing Fund, to which shall be credited all fees collected by
8 the department pursuant to the Nebraska Poultry and Egg Resources
9 Act. After appropriation, the Director of Administrative Services
10 shall, upon receipt of proper vouchers approved by the director,
11 issue warrants on such fund including refund payments authorized
12 by section 2-3409 and the State Treasurer shall pay the warrants
13 out of the money credited to such fund. No part of the funds
14 deposited in the fund or of federal funds or other funds solicited
15 in conjunction with research or demonstration programs shall lapse
16 to the General Fund. Any money in the fund Nebraska Poultry
17 and Egg Development, Utilization, and Marketing Fund available
18 for investment shall be invested by the state investment officer
19 pursuant to the Nebraska Capital Expansion Act and the Nebraska
20 State Funds Investment Act.

21 (2) The department may accept grants, contributions, or
22 other funds from any private or federal, state, or other public
23 source to be used to administer the Nebraska Poultry and Egg
24 Resources Act and to conduct programs under such act.

25 Sec. 5. Section 2-3633, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 2-3633 The State Treasurer is hereby directed to
3 establish and set up in the treasury of the State of Nebraska a
4 fund to be known as the Nebraska Corn Development, Utilization,
5 and Marketing Fund, to which fund shall be credited, for the
6 uses and purposes of the Nebraska Corn Resources Act and its
7 enforcement, all taxes collected by the board pursuant to the act.
8 Such fund shall be expended solely for the administration of the
9 act. No part of the funds deposited in the fund or of federal
10 funds or other funds solicited in conjunction with research or
11 demonstration programs shall lapse to the General Fund. Any money
12 in the fund Nebraska Corn Development, Utilization, and Marketing
13 Fund available for investment shall be invested by the state
14 investment officer pursuant to the Nebraska Capital Expansion Act
15 and the Nebraska State Funds Investment Act.

16 Sec. 6. Section 2-3763, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 2-3763 The State Treasurer shall establish in the
19 treasury of the State of Nebraska a fund to be known as the Dry
20 Bean Development, Utilization, Promotion, and Education Fund, to
21 which fund shall be credited funds collected by the commission
22 pursuant to the Dry Bean Resources Act. The fund shall be expended
23 for the administration of such act. No part of the funds deposited
24 in the fund or of federal funds or other funds solicited in
25 conjunction with research or demonstration programs shall lapse

1 to the General Fund. Any money in the fund Dry Bean Development,
2 Utilization, Promotion, and Education Fund available for investment
3 shall be invested by the state investment officer pursuant to
4 the Nebraska Capital Expansion Act and the Nebraska State Funds
5 Investment Act.

6 Sec. 7. Section 2-3960, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 2-3960 The Nebraska Dairy Industry Development Fund
9 is hereby created. Money in the fund shall be used for the
10 administration of the Dairy Industry Development Act, including
11 advertising and promotion, market research, nutrition and product
12 research and development, and nutrition and educational programs.
13 No part of the funds deposited in the fund or of federal funds or
14 other funds solicited in conjunction with research or demonstration
15 programs shall lapse to the General Fund. Any money in the fund
16 Nebraska Dairy Industry Development Fund available for investment
17 shall be invested by the state investment officer pursuant to
18 the Nebraska Capital Expansion Act and the Nebraska State Funds
19 Investment Act.

20 Sec. 8. Section 2-4018, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 2-4018 The State Treasurer shall establish in the state
23 treasury a fund to be known as the Grain Sorghum Development,
24 Utilization, and Marketing Fund, to which fund shall be credited
25 all fees collected by the board pursuant to the Grain Sorghum

1 Resources Act. Such fund shall be expended solely for the
2 administration of the act. No part of the funds deposited in the
3 fund or of federal funds or other funds solicited in conjunction
4 with research or demonstration programs shall lapse to the General
5 Fund. Any money in the ~~fund~~ Grain Sorghum Development, Utilization,
6 and Marketing Fund available for investment shall be invested
7 by the state investment officer pursuant to the Nebraska Capital
8 Expansion Act and the Nebraska State Funds Investment Act.

9 Sec. 9. Section 53-304, Revised Statutes Cumulative
10 Supplement, 2008, is amended to read:

11 53-304 Each Nebraska winery shall pay to the Nebraska
12 Liquor Control Commission twenty dollars for every one hundred
13 sixty gallons of juice produced or received by its facility.
14 Gifts, grants, or bequests may be received for the support of
15 the Nebraska Grape and Winery Board. Funds paid pursuant to the
16 charge imposed by this section and funds received pursuant to
17 subsection (4) of section 53-123.15 and from gifts, grants, or
18 bequests shall be remitted to the State Treasurer for credit to
19 the Winery and Grape Producers Promotional Fund which is hereby
20 created. For administrative purposes, the fund shall be located in
21 the Department of Agriculture. All revenue credited to the fund
22 pursuant to the charge imposed by this section and excise taxes
23 collected pursuant to section 2-5603 and any funds received as
24 gifts, grants, or bequests and credited to the fund shall be used
25 by the department, at the direction of and in cooperation with

1 the board, to develop and maintain programs for the research and
2 advancement of the growing, selling, marketing, and promotion of
3 grapes, fruits, berries, honey, and other agricultural products and
4 their byproducts grown and produced in Nebraska for use in the wine
5 industry. Such expenditures may include, but are not limited to,
6 all necessary funding for the employment of experts in the fields
7 of viticulture and enology, as deemed necessary by the board,
8 and programs aimed at improving the promotion of all varieties
9 of wines, grapes, fruits, berries, honey, and other agricultural
10 products and their byproducts grown and produced in Nebraska for
11 use in the wine industry.

12 Funds credited to the fund shall be used for no other
13 purposes than those stated in this section and any transfers
14 authorized pursuant to section 2-5604. Any funds not expended
15 during a fiscal year may be maintained in the fund for distribution
16 or expenditure during subsequent fiscal years. No part of the
17 funds deposited in the fund or of federal funds or other funds
18 solicited in conjunction with research or demonstration programs
19 shall lapse to the General Fund. Any money in the fund Winery and
20 Grape Producers Promotional Fund available for investment shall be
21 invested by the state investment officer pursuant to the Nebraska
22 Capital Expansion Act and the Nebraska State Funds Investment Act.

23 Sec. 10. Original sections 2-1808, 2-2317, 2-3413,
24 2-3633, 2-3763, 2-3960, and 2-4018, Reissue Revised Statutes
25 of Nebraska, and section 53-304, Revised Statutes Cumulative

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1 Supplement, 2008, are repealed.

2 Sec. 11. Since an emergency exists, this act takes effect

3 when passed and approved according to law.