

## LEGISLATIVE BILL 394

Approved by the Governor May 17, 2011

Introduced by Schilz, 47; Carlson, 38.

FOR AN ACT relating to agriculture; to amend sections 2-3745, 2-3746, 2-3747, 2-3748, and 2-3749, Reissue Revised Statutes of Nebraska; to change Dry Bean Commission provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 2-3745, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 2. Section 2-3746, Reissue Revised Statutes of Nebraska, is amended to read:

2-3746 (1) ~~One grower shall be appointed~~ The Governor shall appoint one grower member from each of the following four districts:

- (a) District 1 which shall consist of the counties of Sioux, Dawes, Sheridan, and Box Butte;
- (b) District 2 which shall consist of the county of Scotts Bluff;
- (c) District 3 which shall consist of the counties of Banner, Morrill, Kimball, Cheyenne, Garden, and Deuel; and
- (d) District 4 which shall consist of the remaining counties in which dry bean production occurs in the state.

(2) The commission shall appoint two grower members to the commission, one of whom resides within district 1 or 2 who shall represent districts 1 and 2 and one of whom resides within district 3 or 4 who shall represent districts 3 and 4. Members serving as representatives of such districts on the effective date of this act shall continue as members of the commission until the end of their terms and until their successors are appointed and qualified and, except as provided in section 2-3748, shall be eligible for reappointment.

~~(2) (3) The three processor members of the commission shall be appointed by the Governor. Insofar as possible, the geographic locations of such appointed members shall be representative of the Nebraska dry bean industry. Any processor may place his or her name on a candidacy list for appointment as an initial member of the commission by written notice to the Governor and for subsequent appointments by written notice to the commission.~~

Sec. 3. Section 2-3747, Reissue Revised Statutes of Nebraska, is amended to read:

2-3747 ~~(1) Within sixty days after March 31, 1987, the seven members specified in section 2-3746 shall be appointed by the Governor. Within thirty days after the appointment of the initial commission, the commission shall conduct its first regular meeting. At the first regular meeting the commission shall select and appoint two members to the commission. Such appointments shall be growers appointed at large with one member representing districts 1 and 2 and one member representing districts 3 and 4.~~

~~(2) Members shall be appointed on a nonpartisan basis. Any grower candidate may place his or her name on a candidacy list for appointment as an initial member of the commission for the district in which he or she resides by filing a petition signed by at least twenty-five resident bean growers of such district with the Nebraska Dry Bean Growers Association and for subsequent appointments by filing such petitions and notices with the commission. The Governor shall make appointments from the district candidacy list unless there are no names on such list.~~

Any grower may place his or her name on a candidacy list for appointment as a grower member of the commission by filing a petition signed by at least ten resident bean growers (1) from the district in which he or she resides for an appointment under subsection (1) of section 2-3746 or (2) from the district in which he or she resides or the other district to be

represented for an appointment under subsection (2) of section 2-3746. The petition shall be filed with the commission. The Governor and the commission shall make appointments from the candidacy list unless there are no names on the list.

Sec. 4. Section 2-3748, Reissue Revised Statutes of Nebraska, is amended to read:

2-3748 ~~(1) The initial term of office for members of the commission shall be as follows: Two district members and one processor shall be appointed for one year; one district member, one processor, and one member at large selected by the commission shall be appointed for two years; and one district member, one processor, and one member at large selected by the commission shall be appointed for three years.~~

~~(2) Except for the persons appointed to the initial commission, the~~ The term of a member of the commission shall be three years and until his or her successor is appointed and qualified. No member shall serve more than three consecutive three-year terms.

Sec. 5. Section 2-3749, Reissue Revised Statutes of Nebraska, is amended to read:

2-3749 Whenever a vacancy occurs on the commission for any reason, the Governor shall appoint a person with the same qualifications as the initial appointee unless the vacant position is that of a member at large, appointed by the commission, in which case the appointment to fill such vacancy shall be made by the commission.

Sec. 6. Original sections 2-3745, 2-3746, 2-3747, 2-3748, and 2-3749, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.