

LEGISLATIVE BILL 242

Approved by the Governor April 13, 2015

Introduced by Stinner, 48; Hughes, 44.

A BILL FOR AN ACT relating to the Dry Bean Resources Act; to amend sections 2-3753, 2-3755, 2-3762, and 2-3763, Reissue Revised Statutes of Nebraska; to change provisions relating to expenditures for lobbying activities, fees, annual reporting requirements, 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 2-3753, Reissue Revised Statutes of Nebraska, is amended to read:

2-3753 The commission shall have the following powers and duties:

(1) To adopt and devise a dry bean program consisting of research, education, advertising, publicity, and promotion to increase total consumption of dry beans on a state, national, and international basis;

(2) To prepare and approve a budget consistent with limited receipts and the scope of the dry bean program;

(3) To adopt and promulgate reasonable rules and regulations necessary to carry out the dry bean program;

(4) To procure and evaluate data and information necessary for the proper administration and operation of the dry bean program;

(5) To employ personnel and contract for services which are necessary for the proper operation of the dry bean program;

(6) To establish a means whereby the grower and processor of dry beans has the opportunity at least annually to offer his or her ideas and suggestions relative to commission policy for the coming year;

(7) To authorize the expenditure of funds and contracting of expenditures to conduct proper activities of the program;

(8) To bond such persons as may be necessary in order to insure adequate protection of funds;

(9) To keep minutes of its meetings and other books and records which will clearly reflect all of the acts and transactions of the commission and to keep such records open to examination by any grower or processor participant during normal business hours;

(10) To prohibit any funds collected by the commission from being expended directly or indirectly to promote or oppose any candidate for public office or to influence state legislation. The commission board shall not expend more than fifteen percent of its annual budget to influence federal legislation. The purpose of such expenditures for federal lobbying activity shall be limited to activity supporting the underlying objectives of the dry bean program relating to market development, education, and research;

(11) To establish an administrative office at such place in the state as may be suitable for the proper discharge of the functions of the commission; and

(12) To adopt and promulgate rules and regulations to carry out the Dry Bean Resources Act.

Sec. 2. 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. 3. Section 2-3762, Reissue Revised Statutes of Nebraska, is amended to read:

2-3762 (1) The commission shall prepare and make available ~~make and publish~~ 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:

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

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

(c) A description ~~(3) Copies~~ of all such contracts;

(d) 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

(e) 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.

(2) The report and a copy of all contracts requiring expenditure of funds by the commission shall be available to the public upon request. Notice of availability of such report shall be provided to the Director of Agriculture, the Clerk of the Legislature, and ~~and a summary of such report shall be sent to each grower and first purchaser subject to the checkoff.~~

Sec. 4. 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. 5. Original sections 2-3753, 2-3755, 2-3762, and 2-3763, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 6. The following section is outright repealed: Section 2-3760, Reissue Revised Statutes of Nebraska.

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