

ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020
COMMITTEE STATEMENT
LB803

Hearing Date: Tuesday January 28, 2020
Committee On: Agriculture
Introducer: Hughes
One Liner: Adopt the Pulse Crop Resources Act and harmonize other provisions of law

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Blood, Brandt, Chambers, Halloran, Hansen, B., Lathrop, Moser, Slama
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:

Senator Dan Hughes
Strahinja Stepanovic
Ansley Fellers
John Hansen

Representing:

Introducer
self
Nebraska Farm Bureau
Nebraska Farmers Union

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 803 creates a new promotional checkoff program for pulse crops. The bill also expands a waiver of a distance limitation for overweight/oversize vehicles transporting crops to include pulse crops.

Section-by-Section Description:

Sec. 1: Names Sections 1 - 19 the Pulse Crop Resources Act

Sec. 2: Defines terms for purposes of the Act. Pulse crops are confined by definition for purposes of the bill to dry peas, lentils, chickpeas or garbanzo beans, faba beans and lentils.

Sec 3: Creates the Pulse Crop Development, Utilization, and Marketing Board (Board).

Sec. 4: Specifies membership on the board and qualifications for membership. The Board is made up of 5 appointed grower members, one member appointed from each of three grower districts as defined in this section, and two selected from the state at large. The Director of Agriculture and IANR Chancellor are non-voting, ex officio members. Appointments are to be completed by July 1, 2020.

Sec. 5: Sets out initial terms of the original appointed members to provide for a staggering of terms. Successors are

appointed for 3-year terms and members are limited to 3 terms.

Sec. 6: Provides for actual and necessary expenses for appointed board members.

Sec. 7: Provides for removal of Board members for cause and specifies that cause includes loss of qualification to serve.

Sec. 8: Directs the selection of a Chairperson at the initial meeting. Defines a quorum and specifies a majority vote to adopt rules and regulations. Allows the Board to meet by video-conference or teleconference as permitted and within the limitations under the Open Meetings Act.

Sec. 9: Declares the public policy of the state to support the pulse crop industry. Assigns agency to the Board to carry out that purpose and assigns duties and authorities to the Board.

Sec. 10: Authorizes the Board to establish an administrative office at an appropriate location in the state, but limits administrative offices to leased space.

Sec. 11: Imposes an assessment of 1% of the net market value of pulse crops sold in commercial channels collected by the first purchaser at the time of delivery or sale. Beginning July 1, 2022, the Board is authorized to adjust the assessment by rule and regulation within a statutory maximum of 2% of net market value.

Sec. 12: For crops pledged as security for a federal price support program, the assessment is deducted from the proceeds of the loan.

Sec. 13: Directs that the assessment applies regardless of storage of the crop out of state.

Sec. 14: Directs that the assessment does not apply to federal government purchases of pulse crops for food assistance programs when such assessment is prohibited by federal law.

Sec. 15: Specifies the procedure for assessment collection and remission by first purchasers.

Sec. 16: Creates the Pulse Crop Development, Utilization and Marketing Fund as the repository for assessments and other revenues and authorizes use of the fund to carry out the Act.

Sec. 17: Prohibits the Board from establishing its own research or development programs. The Board shall contract with the University of Nebraska and other public and private entities to carry out the purpose of the Act.

Sec. 18: Violations of the Act are declared a Class III misdemeanor.

Sec. 19: Prohibits expenditure of funds to influence state legislation or to promote or oppose political candidates. No more than 25% of funds may be utilized to influence federal legislation.

Sec. 20: Amends Section 2-3740 of the Dry Bean Resources Act to exclude chickpeas or garbanzo beans from the definition of dry beans.

Sec. 21: Amends Section 49-1499.02 which addresses conflict of interest for executive branch employees or officials. This section currently expressly provides that commodity board members participation in commodity board decisions is not in conflict with this section. LB 803 adds the Pulse Crop Board to the list of commodity boards covered by the exception.

Sec. 22: Amends Section 52-1308 to add pulse crops to the definition of farm products for purposes of lien security filings.

Sec. 23: Amends Section 60-6,298 which authorizes an overweight/oversize permit for transport of crops from field to market or storage. The section imposes a distance limitation but allows waiver of the distance limitation for transport of dry beans when necessary to reach marketing sites. LB 803 extends this distance waiver to transport of pulse crops.

Sec. 24: Repealers

Sec. 25: Emergency clause

Steve Halloran, Chairperson