

LEGISLATIVE BILL 107

Approved by the Governor May 17, 2011

Introduced by Carlson, 38; Sullivan, 41.

FOR AN ACT relating to agriculture; to amend sections 2-4004, 2-4005, 2-4006, and 2-4007, Reissue Revised Statutes of Nebraska; to change Grain Sorghum Development, Utilization, and Marketing Board 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 2-4004, Reissue Revised Statutes of Nebraska, is amended to read:

2-4004 (1) The board shall be composed of ~~seven grower~~ members who (a) are citizens of Nebraska, (b) are at least twenty-one years of age, and (c) ~~have been actually engaged in growing grain sorghum in this state for a period of at least five years,~~ and (d) derive a substantial portion of their income from growing grain sorghum. The Director of Agriculture and the vice chancellor of the University of Nebraska Institute of Agriculture and Natural Resources shall be ex officio members of the board but shall have no vote in board matters.

(2) Except as provided in section 2-4006 or 2-4007, the members shall be appointed as follows:

(a) One member shall be appointed by the Governor from each of the following districts:

(i) District 1: The counties of Cedar, Dixon, Dakota, Wayne, Thurston, Stanton, Cuming, Burt, Colfax, Dodge, Washington, Douglas, Butler, Saunders, Sarpy, Seward, Saline, Lancaster, Cass, Otoe, Jefferson, Gage, Johnson, Nemaha, Pawnee, and Richardson;

(ii) District 2: The counties of Knox, Antelope, Pierce, Madison, Boone, Platte, Nance, Merrick, Polk, Hamilton, York, Adams, Clay, Fillmore, Webster, Nuckolls, and Thayer;

(iii) District 3: The counties of Keya Paha, Boyd, Brown, Rock, Holt, Blaine, Loup, Garfield, Wheeler, Custer, Valley, Greeley, Sherman, Howard, Dawson, Buffalo, Hall, Gosper, Phelps, Kearney, Furnas, Harlan, and Franklin; and

(iv) District 4: The counties of Sioux, Dawes, Box Butte, Sheridan, Cherry, Scotts Bluff, Banner, Kimball, Morrill, Cheyenne, Garden, Deuel, Grant, Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Chase, Hayes, Frontier, Dundy, Hitchcock, and Red Willow; and

(b) Three members shall be appointed from the state at large, two of whom shall be appointed by the Governor and one appointed by the board. When making at-large appointments, the Governor and the board shall, to the extent practicable, seek to achieve an equitable representation of grain sorghum producers in terms of the geographic distribution of grain sorghum production in the state. No more than two at-large members may reside in a single district as defined by subdivision (a) of this subsection.

(3) The board shall elect from its members a chairperson, treasurer, and such other officers as may be necessary. Except as provided in section 2-4006, the term of office for members of the board shall be three years and until their successors are appointed and qualified.

~~(2)~~ (4) Whenever a vacancy occurs on the board for any reason, the remaining board members shall appoint an individual to fill such vacancy from the district in which the vacancy exists. If the vacant position is that of the an at-large member, the appointment to fill such vacancy shall be made at large subject to subdivision (2)(b) of this section.

Sec. 2. Section 2-4005, Reissue Revised Statutes of Nebraska, is amended to read:

2-4005 ~~(1) Within sixty days after May 19, 1981, six members shall be appointed by the Governor to the initial board. Members shall be appointed from districts as provided in sections 2-4001 to 2-4020.~~

~~(2)~~ Members shall be appointed by the Governor to the board on a nonpartisan basis. Candidates for appointment to the initial board may place their names on a candidacy list for the respective district by filing a petition signed by at least fifty residents of such district with the Director of Agriculture. Candidates for appointment to subsequent boards shall file such petitions with the existing board, or for at-large appointment by submitting to the board an application for gubernatorial appointment obtained from the Governor's office, a statement of interest in serving on the board, two letters of endorsement of the candidate's appointment by grain sorghum growers, and documentation substantiating qualification to serve as a member

of the board. The board may publish guidelines regarding the forms of documentation suitable to substantiate qualification to serve on the board. The board shall perform a review of each candidate's qualification to serve and shall without undue delay forward all applications for appointment to the Governor along with the board's assessment of the candidate's qualification to serve the appointment. Qualified individuals residing within their district shall be eligible for nomination as candidates from such district, and only resident-growers of such district may sign petitions for such candidates. Qualified individuals residing in the state shall be eligible for at-large appointment.

Sec. 3. Section 2-4006, Reissue Revised Statutes of Nebraska, is amended to read:

2-4006 ~~(1)~~ One member shall be appointed from each of the following districts:

~~(a) District 1: The counties of Gage, Johnson, Nemaha, Pawnee, and Richardson;~~

~~(b) District 2: The counties of Lancaster, Cass, and Otoe;~~

~~(c) District 3: The counties of Nuckolls, Thayer, Jefferson, and Saline;~~

~~(d) District 4: The counties of Clay, Fillmore, Hamilton, York, and Seward;~~

~~(e) District 5: The counties of Buffalo, Hall, Merrick, Polk, Butler, Saunders, Sarpy, Douglas, Platte, Colfax, Dodge, Washington, Burt, Cuming, Stanton, Madison, Boone, Nance, Howard, Greeley, Sherman, Valley, Custer, Blaine, Loup, Garfield, Wheeler, Antelope, Pierce, Wayne, Thurston, Dakota, Dixon, Cedar, Knox, Holt, Boyd, Rock, Brown, and Keya Paha; and~~

~~(f) District 6: The counties of Dawson, Dundy, Hitchcock, Red Willow, Furnas, Harlan, Franklin, Webster, Adams, Kearney, Phelps, Gosper, Frontier, Hayes, Chase, Perkins, Keith, Lincoln, Arthur, McPherson, Logan, Grant, Hooker, Thomas, Cherry, Kimball, Cheyenne, Deuel, Scotts Bluff, Banner, Morrill, Garden, Sioux, Box Butte, Sheridan, and Dawes.~~

~~(2) Within thirty days after the appointment of the initial board, such board shall conduct its first regular meeting. At this meeting, the board shall appoint the seventh member to the board. Such appointment shall be made at large and the appointee shall meet the same qualifications as the other members on the board.~~

~~(3) The board shall elect from its members a chairperson, treasurer, and such other officers as may be necessary. The term of office for members of the board shall be for three years, except that the term of the members of the board first taking office shall be for one, two, or three years as determined by lot.~~

The member serving district 1 as it existed prior to the effective date of this act shall assume the role of serving district 1 as defined by section 2-4004, and his or her term shall expire on July 1, 2014. The member serving district 3 as it existed prior to the effective date of this act shall assume the role of serving new district 2 as defined by section 2-4004, and his or her term shall expire on July 1, 2013. The member serving as the at-large member prior to the effective date of this act shall assume the role of serving district 3 as defined by section 2-4004, and his or her term shall expire on July 1, 2013. The Governor shall appoint a member to serve district 4 as defined by section 2-4004, and the term of such member shall expire on July 1, 2012. The member serving district 2 as it existed prior to the effective date of this act shall assume the role of serving as the at-large member appointed by the board as defined by section 2-4004, and his or her term shall expire on July 1, 2012. The member serving district 4 as it existed prior to the effective date of this act shall assume the role of serving as an at-large member appointed by the Governor as defined by section 2-4004, and the term of such member shall expire on July 1, 2013. The member serving district 5 as it existed prior to the effective date of this act shall assume the role of serving as an at-large member appointed by the Governor as defined by section 2-4004, and the term of such member shall expire on July 1, 2014.

Sec. 4. Section 2-4007, Reissue Revised Statutes of Nebraska, is amended to read:

2-4007 ~~(1)~~ The Director of Agriculture shall be responsible for the procedures involved in appointing the initial board. The director shall prescribe all necessary forms for registering candidacy and adopt rules and regulations to carry out his or her responsibility under this section.

~~(2) The board shall be responsible for the administration of all subsequent appointments and may adopt rules and regulations to carry out such responsibility. The composition of the board as defined by section 2-4004 shall continue until such time as the board determines that the districts and at-large membership as defined by such section are incompatible with~~

an equitable representation of producers of grain sorghum due to changing geographic distribution of grain sorghum production in the state, changing marketing patterns, or availability of qualified individuals to serve as board members. The board may, from time to time as appropriate, by rule and regulation, redesignate districts and the number of at-large members to provide for an equitable representation of producers of grain sorghum, except that the number of appointed members of the board shall be either seven or five and the number of districts shall be no greater than six nor fewer than three.

Sec. 5. Original sections 2-4004, 2-4005, 2-4006, and 2-4007, Reissue Revised Statutes of Nebraska, are repealed.

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