

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 242**

Introduced by Stinner, 48; Hughes, 44.

Read first time January 14, 2015

Committee: Agriculture

1 A BILL FOR AN ACT relating to the Dry Bean Resources Act; to amend  
2 sections 2-3755, 2-3762, and 2-3763, Reissue Revised Statutes of  
3 Nebraska; to change provisions relating to fees; to change annual  
4 report requirements; to change a provision relating to collection  
5 and credit of funds; to eliminate a refund; to repeal the original  
6 sections; to outright repeal section 2-3760, Reissue Revised  
7 Statutes of Nebraska; and to declare an emergency.  
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-3755, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 2-3755 (1) Beginning August 1, 1987, there shall be paid to the  
4 commission a fee of six cents per hundredweight upon all dry beans grown  
5 in the state during 1987 and thereafter and sold through commercial  
6 channels. Beginning January 1, 1989, until July 31, 2015, the commission  
7 may, whenever it determines that the fees provided by this section are  
8 yielding more or less than is required to carry out the intent and  
9 purposes of the Dry Bean Resources Act, reduce or increase such fee for  
10 such period as it shall deem justifiable, but not less than one year and  
11 not to exceed ten cents per hundredweight.

12 (2) Beginning August 1, 2015, the fee imposed by this section shall  
13 be fifteen cents per hundredweight. Beginning January 1, 2017, the  
14 commission may, whenever it determines that the fees provided by this  
15 section are yielding more or less than is required to carry out the  
16 intent and purposes of the act, reduce or increase such fee for such  
17 period as it shall deem justifiable, but not less than one year and not  
18 to exceed twenty-four cents per hundredweight.

19 (3) Two-thirds of the fee levied under this section shall be paid by  
20 the grower at the time of sale or delivery and shall be collected by the  
21 first purchaser. The first purchaser shall pay the remaining one-third of  
22 the fee. No dry beans shall be subject to the fee more than once.

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

25 2-3762 The commission shall prepare and make available ~~make and~~  
26 ~~publish~~ an annual report at least thirty days prior to January 1 of each  
27 year which shall set forth in detail the income received from the dry  
28 bean assessment for the previous year and shall include:

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

31 (2) The action taken by the commission on all contracts requiring

1 the expenditure of funds by the commission;

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

3 (4) Detailed explanation of all programs relating to the discovery,  
4 promotion, and development of bean products and industries for the  
5 utilization of dry beans, the direct expense associated with each  
6 program, and copies of such programs if in writing; and

7 (5) The name and address of each member of the commission and a copy  
8 of all rules and regulations adopted and promulgated by the commission.

9 The report and a copy of all contracts requiring expenditure of  
10 funds by the board shall be available to the public upon request. Notice  
11 of availability of such report shall be provided to the Director of  
12 Agriculture, Clerk of the Legislature, and ~~and a summary of such report~~  
13 ~~shall be sent to~~ each grower and first purchaser subject to the checkoff.

14 Sec. 3. Section 2-3763, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 2-3763 The State Treasurer shall establish in the treasury of the  
17 State of Nebraska a fund to be known as the Dry Bean Development,  
18 Utilization, Promotion, and Education Fund, to which fund shall be  
19 credited funds collected by the commission pursuant to the Dry Bean  
20 Resources Act, including license fees, royalties, or any repayments  
21 relating to the fund. The fund shall be expended for the administration  
22 of such act. Any money in the fund available for investment shall be  
23 invested by the state investment officer pursuant to the Nebraska Capital  
24 Expansion Act and the Nebraska State Funds Investment Act.

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

27 Sec. 5. The following section is outright repealed: Section 2-3760,  
28 Reissue Revised Statutes of Nebraska.

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