

## LEGISLATIVE BILL 505

Approved by the Governor April 27, 1983

Introduced by Schmit, 23

AN ACT to amend section 2-3311, Reissue Revised Statutes of Nebraska, 1943, sections 2-2309, 2-2311, 2-3622, and 2-3623, Revised Statutes Supplement, 1982, section 2-3316, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 181, Eighty-eighth Legislature, First Session, 1983, section 2-4011, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 535, Eighty-eighth Legislature, First Session, 1983, and section 2-4012, Revised Statutes Supplement, 1982, as amended by section 2, Legislative Bill 535, Eighty-eighth Legislature, First Session, 1983, relating to agriculture; to provide powers for certain commodity boards as prescribed; to change provisions relating to the fee or excise tax on such commodities; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 2-2309, Revised Statutes Supplement, 1982, be amended to read as follows:

2-2309. It is hereby declared to be the public policy of the State of Nebraska to protect and foster the health, prosperity, and general welfare of its people by protecting and stabilizing the wheat industry and the economy of the areas producing wheat. The Nebraska Wheat Development, Utilization, and Marketing Board shall be the agency of the State of Nebraska for such purpose. In connection therewith and in furtherance thereof, such board shall have the power to:

(1) Formulate the general policies and programs of the State of Nebraska respecting the discovery, promotion, and development of markets and industries for the utilization of wheat grown within the State of Nebraska;

(2) Adopt and devise a program of education and publicity;

(3) Cooperate with local, state, or national organizations, whether public or private, in carrying out the purposes of sections 2-2301 to 2-2319 and section 2-2320, and to enter into such contracts as may be necessary;

(4) Adopt and promulgate such rules and regulations as are necessary to promptly and effectively enforce the provisions of sections 2-2301 to 2-2319 and 2-2320;

(5) Conduct, in addition to the things enumerated, any other program for the development, utilization, and marketing of wheat grown in the State of Nebraska. Such programs may include a program to make grants and enter into contracts for research, accumulation of data, and prototype development for the production of alcohol;

(6) Make refunds for overpayments of the excise tax according to rules and regulations adopted by the board; and

(7) To employ personnel and contract for services which are necessary for the proper operation of the program.

Sec. 2. That section 2-2311, Revised Statutes Supplement, 1982, be amended to read as follows:

2-2311. (1) There is hereby levied an excise tax of not to exceed seven and one half mills per bushel upon all wheat sold through commercial channels in the State of Nebraska. The tax is levied and imposed on the grower at the time of sale or delivery, and shall be collected by the first purchaser. Under the provisions of sections 2-2301 to 2-2319 and 2-2320, no wheat shall be subject to the tax more than once.

(2) The board shall have the power to reduce the excise tax for such period as it shall deem justified, but not less than one year, whenever it shall determine that the excise tax provided by this section is yielding more than is required to carry out the intent and purposes of sections 2-2301 to 2-2319 and 2-2320. If the board, after reducing such excise tax, finds that sufficient revenue is not being produced by such excise tax, it may restore in full or in part such excise tax not to exceed seven and one half mills per bushel.

(3) For purposes of this section wheat which is received by a grower pursuant to any federal program shall not be subject to the tax levied and imposed pursuant to this section until sold or delivered by such grower and shall not be construed as having previously been subject to the excise tax imposed under subsection (1) of this section.

Sec. 3. That section 2-3311, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3311. The duties and responsibilities of the board shall be prescribed in the authority for the soybean

program and to the extent applicable shall include the following:

(1) To develop and direct any commodity program soybean development, utilization, and marketing program. Such program may include a program to make grants and enter into contracts for research, accumulation of data, and prototype development for the production of alcohol;

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

(3) To adopt and promulgate reasonable rules and regulations;

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

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

(6) To establish a means whereby the any grower of soybeans has the opportunity at least annually to offer his or her ideas and suggestions relative to board 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 the treasurer and such other persons necessary 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 board, and to keep these records open to examination by any grower-participant during normal business hours;

(10) To prohibit any funds collected by the board from being expended directly or indirectly to promote or oppose any candidate for public office or to influence legislation; and

(11) To make refunds for overpayments of fees according to rules and regulations adopted by the department.

Sec. 4. That section 2-3316, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 181, Eighty-eighth Legislature, First Session, 1983, be amended to read as follows:

2-3316. (1) There shall be paid to the board a fee of not to exceed one cent per bushel upon all soybeans sold through commercial channels in the State of Nebraska. The fee shall be paid by the grower at the time of sale or delivery and shall be collected by the first purchaser. Under the provisions of sections 2-3301 to 2-3324, no soybeans shall be subject to the fee more than once.

(2) The board may, whenever it shall determine that the fees provided by this section are yielding more than is required to carry out the intent and purposes of

sections 2-3301 to 2-3324, reduce such fees for such period as it shall deem justified, but not less than one year. If the board, after reducing such fees, finds that sufficient revenue is not being produced by such reduced fees, it may restore in full or in part such fees not to exceed one cent per bushel.

(3) For purposes of this section soybeans which are received by a grower pursuant to any federal program shall not be subject to the fee levied and imposed pursuant to this section until sold or delivered by such grower and shall not be construed as having previously been subject to the fee imposed under subsection (1) of this section.

Sec. 5. That section 2-3622, Revised Statutes Supplement, 1982, be amended to read as follows:

2-3622. The duties and responsibilities of the board shall be prescribed in the authority for the corn program and to the extent applicable shall include the following:

(1) To develop and direct any corn commodity program development, utilization, and marketing program. Such program may include a program to make grants and enter into contracts for research, accumulation of data, and prototype development for the production of alcohol;

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

(3) To adopt and promulgate such rules and regulations as are necessary to enforce the provisions of sections 2-3601 to 2-3635 in accordance with Chapter 84, article 9;

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

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

(6) To establish a means whereby the any grower of corn has the opportunity at least annually to offer his or her ideas and suggestions relative to board policy for the upcoming year;

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

(8) To bond the treasurer and such other persons necessary 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 board, and to keep these records open to examination by any grower participant grower-participant during normal business hours;

(10) To prohibit any funds collected by the board from being expended directly or indirectly to promote or oppose any candidate for public office or to

influence legislation; and

(11) To make refunds for overpayment of fees according to rules and regulations adopted by the board.

Sec. 6. That section 2-3623, Revised Statutes Supplement, 1982, be amended to read as follows:

2-3623. (1) There is hereby levied a fee of not to exceed four-tenths of a cent per bushel upon all corn grown in the State of Nebraska and sold through commercial channels. The fee shall be paid by the grower at the time of sale or delivery and shall be collected by the first purchaser. Under the provisions of sections 2-3601 to 2-3635, no corn shall be subject to the fee more than once.

(2) For purposes of this section corn which is received by a grower pursuant to any federal program shall not be subject to the fee levied and imposed pursuant to this section until sold or delivered by such grower and shall not be construed as having previously been subject to the fee imposed under subsection (1) of this section.

Sec. 7. That section 2-4011, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 535, Eighty-eighth Legislature, First Session, 1983, be amended to read as follows:

2-4011. The duties and responsibilities of the board shall be to implement and carry out the grain sorghum program and to the extent applicable shall include the following:

(1) To develop and direct any commodity grain sorghum program grain sorghum development, utilization, and marketing program. Such program may include a program to make grants and enter into contracts for research, accumulation of data, and prototype development for the production of alcohol;

(2) To prepare and approve a budget consistent with limited receipts and the scope of the grain sorghum commodity program;

(3) To adopt and promulgate reasonable rules and regulations;

(4) To procure and evaluate data and information necessary for the proper administration and operation of the grain sorghum commodity program;

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

(6) To establish a means whereby any grower of grain sorghum has the opportunity at least annually to offer his or her ideas and suggestions relative to board policy for the coming year;

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

(8) To bond the treasurer and such other persons necessary 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 board, and to keep these records open to examination by any grower-participant during normal business hours;

(10) To prohibit any funds collected by the board from being expended directly or indirectly to promote or oppose any candidate for public office or to influence legislation; and

(11) To make refunds for overpayments of fees according to rules and regulations which may be adopted by the Director of Agriculture pursuant to this section.

Sec. 8. That section 2-4012, Revised Statutes Supplement, 1982, as amended by section 2, Legislative Bill 535, Eighty-eighth Legislature, First Session, 1983, be amended to read as follows:

2-4012. (1) After August 31, 1981, there shall be paid to the board a fee of not to exceed one cent per hundredweight upon all grain sorghum sold through commercial channels in the State of Nebraska. The fee shall be paid by the grower at the time of sale or delivery and shall be collected by the first purchaser. Under the provisions of sections 2-4001 to 2-4020, no grain sorghum shall be subject to the fee more than once.

(2) The board may, whenever it shall determine that the fees provided by this section are yielding more than is required to carry out the intent and purposes of sections 2-4001 to 2-4020, reduce such fees for such period as it shall deem justified, but not less than one year. If the board, after reducing such fees, finds that sufficient revenue is not being produced by such reduced fees, it may restore in full or in part such fees not to exceed the amount authorized by subsection (1) of this section.

(3) For purposes of this section grain sorghum which is received by a grower pursuant to any federal program shall not be subject to the tax levied and imposed pursuant to this section until sold or delivered by such grower and shall not be construed as having previously been subject to the fee imposed under subsection (1) of this section.

Sec. 9. That original section 2-3311, Reissue Revised Statutes of Nebraska, 1943, sections 2-2309, 2-2311, 2-3622, and 2-3623, Revised Statutes Supplement, 1982, and section 2-3316, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 181, Eighty-eighth Legislature, First Session, 1983, section 2-4011, Revised Statutes Supplement, 1982, as amended by section 1, Legislative Bill 535, Eighty-eighth Legislature, First Session, 1983, and section 2-4012, Revised Statutes Supplement, 1982, as amended by section 2, Legislative Bill 535, Eighty-eighth Legislature, First Session, 1983, are repealed.

Sec. 10. Since an emergency exists, this act

shall be in full force and take effect, from and after its passage and approval, according to law.