

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 394

Introduced by Schilz, 47; Carlson, 38.

Read first time January 13, 2011

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 2-3745, 2-3746,
2 2-3747, 2-3748, and 2-3749, Reissue Revised Statutes of
3 Nebraska; to change Dry Bean Commission provisions; to
4 harmonize provisions; to repeal the original sections;
5 and to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-3745, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 2-3745 There is hereby created the Dry Bean Commission
4 which shall be composed of nine members, two of whom shall be
5 selected by the commission and seven of whom shall be appointed by
6 the Governor. Commission members shall be appointed on a nonpartisan
7 basis. Six members shall be growers who (1) are citizens of Nebraska,
8 (2) are at least twenty-one years of age, (3) have actually been
9 engaged in growing dry beans in this state for at least three years,
10 and (4) derive a substantial portion of their income from growing dry
11 beans. Three members shall be dry bean processors who have been in
12 business in Nebraska for at least three years, and the Director of
13 the University of Nebraska Panhandle Research and Extension Center
14 shall be an ex officio member but shall have no vote in commission
15 matters.

16 Sec. 2. Section 2-3746, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 2-3746 (1) ~~One grower shall be appointed~~ The Governor
19 shall appoint one grower member from each of the following four
20 districts:

21 (a) District 1 which shall consist of the counties of
22 Sioux, Dawes, Sheridan, and Box Butte;

23 (b) District 2 which shall consist of the county of
24 Scotts Bluff;

25 (c) District 3 which shall consist of the counties of

1 Banner, Morrill, Kimball, Cheyenne, Garden, and Deuel; and

2 (d) District 4 which shall consist of the remaining
3 counties in which dry bean production occurs in the state.

4 (2) The commission shall appoint two grower members to
5 the commission, one of whom resides within districts 1 and 2 and one
6 of whom resides within districts 3 and 4. Members serving as
7 representatives of such districts on the effective date of this act
8 shall continue as members of the commission until the end of their
9 terms and until their successors are appointed and qualified and,
10 except as provided in section 2-3748, shall be eligible for
11 reappointment.

12 ~~(2)-(3) The three processor members of the commission~~
13 ~~shall be appointed by the Governor. Insofar as possible, the~~
14 ~~geographic locations of such appointed members shall be~~
15 ~~representative of the Nebraska dry bean industry. Any processor may~~
16 ~~place his or her name on a candidacy list for appointment as an~~
17 ~~initial member of the commission by written notice to the Governor~~
18 ~~and for subsequent appointments by written notice to the commission.~~

19 Sec. 3. Section 2-3747, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 2-3747 ~~(1) Within sixty days after March 31, 1987, the~~
22 ~~seven members specified in section 2-3746 shall be appointed by the~~
23 ~~Governor. Within thirty days after the appointment of the initial~~
24 ~~commission, the commission shall conduct its first regular meeting.~~
25 ~~At the first regular meeting the commission shall select and appoint~~

1 ~~two members to the commission. Such appointments shall be growers~~
2 ~~appointed at large with one member representing districts 1 and 2 and~~
3 ~~one member representing districts 3 and 4.~~

4 ~~(2) Members shall be appointed on a nonpartisan basis.~~
5 ~~Any grower candidate may place his or her name on a candidacy list~~
6 ~~for appointment as an initial member of the commission for the~~
7 ~~district in which he or she resides by filing a petition signed by at~~
8 ~~least twenty five resident bean growers of such district with the~~
9 ~~Nebraska Dry Bean Growers Association and for subsequent appointments~~
10 ~~by filing such petitions and notices with the commission. The~~
11 ~~Governor shall make appointments from the district candidacy list~~
12 ~~unless there are no names on such list.~~

13 Any grower may place his or her name on a candidacy list
14 for appointment as provided in this section. The grower shall submit
15 an application obtained from the Governor's office to the commission
16 together with a statement of interest in serving on the commission,
17 two letters of endorsement of the grower candidate's appointment by
18 other growers, and documentation substantiating qualification to
19 serve as a commission member. The commission may publish guidelines
20 regarding the forms of documentation suitable to substantiate
21 qualification to serve on the commission. The commission shall
22 perform a review of each grower candidate's qualification to serve
23 and shall send copies of all applications for appointment and
24 supporting material to the Governor along with the commission's
25 assessment of each grower candidate's qualification to serve as a

1 grower member of the commission. The Governor and the commission
2 shall make appointments from such applications unless there are no
3 qualified applicants in the opinion of the Governor, for
4 gubernatorial appointments, or in the opinion of a majority of the
5 commission, for commission appointments.

6 Sec. 4. Section 2-3748, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 2-3748 ~~(1) The initial term of office for members of the~~
9 ~~commission shall be as follows: Two district members and one~~
10 ~~processor shall be appointed for one year; one district member, one~~
11 ~~processor, and one member at large selected by the commission shall~~
12 ~~be appointed for two years; and one district member, one processor,~~
13 ~~and one member at large selected by the commission shall be appointed~~
14 ~~for three years.~~

15 ~~(2) Except for the persons appointed to the initial~~
16 ~~commission, the~~ The term of a member of the commission shall be three
17 years and until his or her successor is appointed and qualified. No
18 member shall serve more than three consecutive three-year terms.

19 Sec. 5. Section 2-3749, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 2-3749 Whenever a vacancy occurs on the commission for
22 any reason, the Governor shall appoint a person with the same
23 qualifications as the initial appointee unless the vacant position is
24 that of a member ~~at large, appointed by the commission,~~ in which case
25 the appointment to fill such vacancy shall be made by the commission.

1 Sec. 6. Original sections 2-3745, 2-3746, 2-3747, 2-3748,
2 and 2-3749, Reissue Revised Statutes of Nebraska, are repealed.

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