

LEGISLATIVE BILL 11

Approved by the Governor March 13, 1997

Introduced by Coordsen, 32

AN ACT relating to agriculture; to amend sections 2-4012 and 2-4013, Reissue Revised Statutes of Nebraska, and section 2-4002, Revised Statutes Supplement, 1996; to define a term; to change provisions relating to grain sorghum; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 2-4002, Revised Statutes Supplement, 1996, is amended to read:

2-4002. For purposes of the Grain Sorghum Resources Act, unless the context otherwise requires:

(1) Board shall mean means the Grain Sorghum Development, Utilization, and Marketing Board;

(2) Commercial channels means the sale of grain sorghum for any use to any commercial buyer, dealer, processor, or cooperative or to any person, public or private, who resells any grain sorghum or product produced from grain sorghum;

(3) Delivered or delivery means receiving grain sorghum for any use, except for storage, and includes receiving grain sorghum for consumption, for utilization, or as a result of a sale in the State of Nebraska;

(4) First purchaser means any person, public or private corporation, association, partnership, or limited liability company buying, accepting for shipment, or otherwise acquiring the property rights in or to grain sorghum from a grower and includes a mortgagee, pledgee, lienor, or other person, public or private, having a claim against the grower when the actual or constructive possession of such grain sorghum is taken as part payment or in satisfaction of such mortgage, pledge, lien, or claim;

(5) (2) Grower shall mean means any landowner personally engaged in growing grain sorghum, a tenant of the landowner personally engaged in growing grain sorghum, and both the owner and tenant jointly and shall include includes a person, partnership, limited liability company, association, corporation, cooperative, trust, sharecropper, and other business unit, device, or arrangement; and

(3) First purchaser shall mean any person, public or private corporation, association, partnership, or limited liability company buying, accepting for shipment, or otherwise acquiring the property rights in or to grain sorghum from a grower and shall include a mortgagee, pledgee, lienor, or other person, public or private, having a claim against the grower when the actual or constructive possession of such grain sorghum is taken as part payment or in satisfaction of such mortgage, pledge, lien, or claim;

(4) Commercial channels shall mean the sale of grain sorghum for any use to any commercial buyer, dealer, processor, or cooperative or to any person, public or private, who resells any grain sorghum or product produced from grain sorghum; and

(5) (6) Sale shall include includes any pledge or mortgage of grain sorghum after harvest to any person, public or private.

Sec. 2. Section 2-4012, Reissue Revised Statutes of Nebraska, is amended to read:

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 or delivered 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 the Grain Sorghum Resources Act, 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 the Grain Sorghum Resources Act, 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.

Sec. 3. Section 2-4013, Reissue Revised Statutes of Nebraska, is amended to read:

2-4013. In the case of a pledge or mortgage of grain sorghum as

security for a loan under the federal price support program, the fee shall be deducted from the proceeds of such loan at the time the loan is made. If, within six months of the life of the loan, plus thirty days after the collection of a fee for grain sorghum that is mortgaged as a security for a loan under the federal price support program or other government agricultural loan programs, the grower decides to purchase the grain sorghum and use it as feed, the grower shall be entitled to a refund of the checkoff fee previously paid. The refund shall be payable by the board upon the grower's written application to the board for a refund of the amount deducted. Each application for a refund by a grower shall have attached thereto proof of the tax deducted.

Sec. 4. Original sections 2-4012 and 2-4013, Reissue Revised Statutes of Nebraska, and section 2-4002, Revised Statutes Supplement, 1996, are repealed.