

LEGISLATIVE BILL 535

Approved by the Governor March 23, 1983

Introduced by Agriculture & Environment Committee,
Haberman, 44, Chairperson; R. Peterson, 21;
Chronister, 18; Eret, 32; Pappas, 42;
Wiitala, 31

AN ACT to amend sections 2-4011, 2-4012, and 2-4016, Revised Statutes Supplement, 1982, relating to agriculture; to modify provisions relating to grain sorghum development; and to repeal the original sections.

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

Section 1. That section 2-4011, Revised Statutes Supplement, 1982, 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;
- (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 growers of grain sorghum ~~have~~ 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. 2. That section 2-4012, Revised Statutes Supplement, 1982, 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 ~~hundred weight~~ 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 one half of one cent per hundred weight the amount authorized by subsection (1) of this section.

Sec. 3. That section 2-4016, Revised Statutes Supplement, 1982, be amended to read as follows:

2-4016. (1) The purchaser, at the time of settlement, shall deduct the grain sorghum fee and shall maintain the necessary record of the fee for each purchase of grain sorghum on the grain settlement form or check stub showing payment to the grower for each purchase. Such records maintained by the purchaser shall provide the following information: (a) Name and address of the grower and seller; (b) the date of the purchase; (c) the number of ~~bushels~~ hundredweights of grain sorghum sold; and (d) the amount of fees collected on each purchase. Such records shall be open for inspection during normal business hours observed by the purchaser.

(2) The purchaser shall render and have on file with the board by the last day of each January, April, July, and October, on forms prescribed by the board, a statement of the number of ~~bushels~~ hundredweights of grain sorghum purchased in Nebraska during the preceding ~~calendar year~~ quarter. At the time the statement is filed, the purchaser shall pay and remit to the board the fee as provided for in section 2-4012.

Sec. 4. That original sections 2-4011, 2-4012, and 2-4016, Revised Statutes Supplement, 1982, are repealed.