

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 394**

Final Reading

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

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

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

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

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

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

14 Any grower may place his or her name on a candidacy list  
15 for appointment as a grower member of the commission by filing a  
16 petition signed by at least ten resident bean growers (1) from the  
17 district in which he or she resides for an appointment under  
18 subsection (1) of section 2-3746 or (2) from the district in which he  
19 or she resides or the other district to be represented for an  
20 appointment under subsection (2) of section 2-3746. The petition  
21 shall be filed with the commission. The Governor and the commission  
22 shall make appointments from the candidacy list unless there are no  
23 names on the list.

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

1                   2-3748 (1) ~~The initial term of office for members of the~~  
2 ~~commission shall be as follows: Two district members and one~~  
3 ~~processor shall be appointed for one year; one district member, one~~  
4 ~~processor, and one member at large selected by the commission shall~~  
5 ~~be appointed for two years; and one district member, one processor,~~  
6 ~~and one member at large selected by the commission shall be appointed~~  
7 ~~for three years.~~

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

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

14                   2-3749 Whenever a vacancy occurs on the commission for  
15 any reason, the Governor shall appoint a person with the same  
16 qualifications as the initial appointee unless the vacant position is  
17 that of a member ~~at large,~~ appointed by the commission, in which case  
18 the appointment to fill such vacancy shall be made by the commission.

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

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