

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1171

Introduced by Dierks, 40.

Read first time January 23, 2008

Committee: Agriculture

A BILL

1 FOR AN ACT relating to ethanol; to adopt the Agricultural
2 Commodities Protection Act.
3 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) This section shall be known and may be
2 cited as the Agricultural Commodities Protection Act.

3 (2) An ethanol producer shall not refuse to sell ethanol
4 to any motor fuel manufacturer, distributor, marketer, or retailer.
5 An ethanol producer shall not (a) require any such purchaser to
6 pay any fees or charges or difference in price based on quantity
7 purchased or utilization of the ethanol by the purchaser that do
8 not apply to all purchasers or (b) require purchase of unreasonable
9 or unnecessary quantities as a condition of sale. This section
10 shall not apply if the refusal to sell is due to a lack of
11 manufacturing capacity, labor stoppage, shortage of materials,
12 freight embargo, or any other cause over which the ethanol producer
13 has no control or if the refusal to sell is necessary to avoid
14 impairment of the ethanol producer's obligations and performance
15 under any contract for the sale or marketing of ethanol entered
16 into prior to the effective date of this act. It is against the
17 public policy of this state for ethanol producers to enter into
18 single or multiple total production contracts with the product
19 totally consumed by one market.

20 (3) Any person who is or may be injured by a violation of
21 this section may bring an action for damages and equitable relief,
22 including injunctive relief. The remedy provided in this section
23 shall not be exclusive but shall be in addition to any other remedy
24 provided by law.