

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 447

FINAL READING

Introduced by Schilz, 47.

Read first time January 20, 2009

Committee: Revenue

A BILL

1 FOR AN ACT relating to the Beginning Farmer Tax Credit Act;
2 to amend section 77-5209, Revised Statutes Cumulative
3 Supplement, 2008; to change qualification provisions; and
4 to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-5209, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 77-5209 (1) The board shall determine who is qualified
4 as a beginning farmer or livestock producer based on the
5 qualifications found in this section. A qualified beginning farmer
6 or livestock producer shall be an individual who: ~~(1)~~ (a) Has
7 a net worth of not more than two hundred thousand dollars,
8 including any holdings by a spouse or dependent, based on fair
9 market value; ~~(2)~~ (b) provides the majority of the day-to-day
10 physical labor and management of his or her farming or livestock
11 production operations; ~~(3)~~ (c) has, by the judgment of the board,
12 adequate farming or livestock production experience or demonstrates
13 knowledge in the type of farming or livestock production for which
14 he or she seeks assistance from the board; ~~(4)~~ (d) demonstrates
15 to the board a profit potential by submitting board-approved
16 projected earnings statements and agrees that farming or livestock
17 production is intended to become his or her principal source of
18 income; ~~(5)~~ (e) demonstrates to the board a need for assistance;
19 ~~(6)~~ (f) participates in a financial management program approved
20 by the board; ~~(7)~~ (g) submits a nutrient management plan and a
21 soil conservation plan to the board on any applicable agricultural
22 assets purchased or rented from an owner of agricultural assets;
23 and ~~(8)~~ (h) has such other qualifications as specified by the
24 board. The qualified beginning farmer or livestock producer net
25 worth thresholds in subdivision (a) of this subsection shall be

1 adjusted annually beginning October 1, 2009, and each October
2 1 thereafter, by taking the average Producer Price Index for
3 all commodities, published by the United States Department of
4 Labor, Bureau of Labor Statistics, for the most recent twelve
5 available periods divided by the Producer Price Index for 2008
6 and multiplying the result by the qualified beginning farmer's or
7 livestock producer's net worth threshold. If the resulting amount
8 is not a multiple of twenty-five thousand dollars, the amount shall
9 be rounded to the next lowest twenty-five thousand dollars.

10 (2) A qualified beginning farmer or livestock producer
11 who has participated in a board approved and certified three-year
12 rental agreement with an owner of agricultural assets shall not
13 be eligible to file a subsequent application with the board but
14 may refer to the board for additional support and participate
15 in programs, including educational and financial programs and
16 seminars, established or recommended by the board that are
17 applicable to the continued success of such farmer or livestock
18 producer.

19 Sec. 2. Original section 77-5209, Revised Statutes
20 Cumulative Supplement, 2008, is repealed.