

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 805

Introduced by Brasch, 16.

Read first time January 04, 2018

Committee:

- 1 A BILL FOR AN ACT relating to agriculture; to amend sections 2-1801,
- 2 2-1805, 2-1806, 2-1809, and 2-1811, Reissue Revised Statutes of
- 3 Nebraska; to provide an annual reporting requirement under the
- 4 Nebraska Potato Development Act; to eliminate obsolete provisions;
- 5 to harmonize provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-1801, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 2-1801 Sections 2-1801 to 2-1811 and section 6 of this act shall be
4 known and may be cited as the Nebraska Potato Development Act.

5 Sec. 2. Section 2-1805, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 2-1805 It ~~After sections 2-1801 to 2-1811 shall have been in effect~~
8 ~~thirty days,~~ it shall be unlawful for any person to act as or conduct the
9 business of a potato shipper without ~~having obtained and being the holder~~
10 ~~of~~ a license from the Department of Agriculture as ~~hereinafter~~ provided
11 in the act.

12 Sec. 3. Section 2-1806, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 2-1806 Every person desiring to engage in business as a potato
15 shipper shall file with the Department of Agriculture an application for
16 a license in such form and detail as the department may prescribe. If it
17 is found that there has been compliance with the Nebraska Potato
18 Development Act ~~provisions of sections 2-1801 to 2-1811~~ and the rules and
19 regulations of the department adopted and promulgated ~~issued~~ in
20 conformance with the act ~~therewith~~, a license shall forthwith be issued
21 to the applicant. Every person who engages in business as a potato
22 shipper without having a license shall be guilty of a Class IV
23 misdemeanor. Each licensed potato shipper shall display conspicuously in
24 his or her place of business the license granted to him or her. Should
25 the licensed potato shipper change his or her place of business, he or
26 she shall immediately notify the department. Each licensed potato shipper
27 shall keep such records with respect to shipments of potatoes by him or
28 her as the department may by regulation require. Such records shall be
29 preserved for a period of not less than two years and be, at all times
30 during business hours, subject to inspection by authorized agents of the
31 department. In the event that a licensed potato shipper shall violate any

1 of the provisions of the act sections 2-1801 to 2-1811 or the rules and
2 regulations of the department adopted and promulgated issued in
3 conformance with the act therewith, the department may, upon due notice
4 and after full hearing, cancel and annul his or her license.

5 Sec. 4. Section 2-1809, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 2-1809 The Department of Agriculture shall have authority to adopt
8 and promulgate such rules and regulations as are necessary to promptly
9 and effectively enforce the Nebraska Potato Development Act ~~provisions of~~
10 ~~sections 2-1801 to 2-1811~~. The department may call upon the Attorney
11 General of Nebraska for legal assistance. All criminal actions for the
12 violation of any provisions of the act sections 2-1801 to 2-1811 shall be
13 prosecuted by the Attorney General. It shall be the duty of the
14 department to immediately report to the Attorney General any information
15 coming into its possession concerning any violation of the act sections
16 ~~2-1801 to 2-1811~~ or the failure or refusal of any person to comply
17 therewith.

18 Sec. 5. Section 2-1811, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 2-1811 Any person violating any of the provisions of the Nebraska
21 Potato Development Act ~~sections 2-1801 to 2-1811~~ shall be guilty of a
22 Class II misdemeanor.

23 Sec. 6. (1) On or before December 1, 2018, and on or before
24 December 1 of each year thereafter, the Director of Agriculture shall
25 prepare and make available an annual report which shall include:

26 (a) A fiscal report for the Nebraska Potato Development Fund for the
27 most recently completed fiscal year showing revenue to and expenditures
28 from the fund by administrative and program category as designated by the
29 Nebraska Potato Development Committee, including beginning and ending
30 balances;

31 (b) A description of programs relating to research, promotion, and

1 market development for potatoes grown in Nebraska pursuant to the
2 Nebraska Potato Development Act; and

3 (c) The name and address of each member of the Nebraska Potato
4 Development Committee and a copy of all rules and regulations adopted and
5 promulgated pursuant to the act.

6 (2) Notice of availability of the report described in subsection (1)
7 of this section shall be provided to the Clerk of the Legislature and
8 each potato shipper subject to the excise tax imposed pursuant to section
9 2-1807. Such report and a copy of all contracts committing expenditures
10 from the Nebraska Potato Development Fund shall be available to the
11 public upon request.

12 Sec. 7. Original sections 2-1801, 2-1805, 2-1806, 2-1809, and
13 2-1811, Reissue Revised Statutes of Nebraska, are repealed.