

LEGISLATIVE BILL 20

Approved by the Governor February 2, 1987

Introduced by Marsh, 29, Vice-Chairperson, Exec. Board

AN ACT relating to agriculture; to amend sections 2-1804, 2-1810, 2-1825, 2-1826, 54-1503, 54-1505, 54-1509, and 54-1511, Reissue Revised Statutes of Nebraska, 1943; to change internal references; to delete a definition; to harmonize provisions; to eliminate obsolete references to payments made for destruction of certain animals; to harmonize provisions with former acts of the Legislature; and to repeal the original sections, and also sections 54-748, 54-1504, 54-1507, and 54-1507.01, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 2-1804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1804. It is hereby declared to be the public policy of the State of Nebraska to protect and foster the health, prosperity, and general welfare of its people by conserving, developing, and promoting the state's potato industry. The Department of Agriculture shall be the agency of the State of Nebraska for such purpose. In connection therewith and in furtherance thereof, such department shall have the power, among other things, to: (1) Adopt and devise a program of education to promote better practices and methods in the production, storage, grading, and transportation of potatoes grown within the state; (2) disseminate information to landowners and to producers and shippers of potatoes that will enable them to increase the yield and improve the quality of potatoes; (3) undertake, at such times and in such manner as the department shall determine, an active advertising campaign to acquaint the general public with the high quality and the desirability of the use of potatoes grown in the State of Nebraska; (4) encourage and foster research designed to determine new and better methods of improving the yield and quality of Nebraska potatoes and of converting potatoes to various commercial and industrial uses; (5) enter into such contracts as may be necessary in carrying out the purposes of sections 2-1804; 2-1807;

2-1810, and 2-1812 to 2-1826 the Nebraska Potato Development Act and the Nebraska Potato Inspection Act; (6) pay inspection and grading fees prescribed by the Nebraska Potato Inspection Act; and (7) conduct, in addition to the things enumerated, any other work for the improvement of Nebraska potatoes.

Sec. 2. That section 2-1810, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1810. As used in sections 2-1801 to 2-1811 the Nebraska Potato Development Act:

(1) The term person Person shall mean and include any natural person, firm, partnership, association, or corporation;

(2) The term potato Potato shipper shall mean and include any person engaged in the business of shipping potatoes who, in any calendar year, shall sell one hundred eighty thousand pounds of potatoes grown in Nebraska, including potato growers who sell one hundred eighty thousand pounds of potatoes not through licensed shippers and any person who utilizes for any purpose in any calendar year one hundred eighty thousand pounds of potatoes grown in Nebraska, not purchased from licensed shippers;

(3) The term potato grower means Potato grower shall mean the actual grower, within the State of Nebraska, of at least three acres of potatoes during the crop year; and

(4) The word department means Department shall mean the Department of Agriculture, of the State of Nebraska; and

(5) The words this act mean and include sections 2-1801 to 2-1811 and any amendments thereof.

Sec. 3. That section 2-1825, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1825. (1) Any person, firm, corporation, or association, or officer or member thereof, who shall (a) destroy or alter any official certificate, (b) or who shall ship or attempt to ship any potatoes out of any designated area where compulsory inspection is maintained, without first obtaining a special permit or without first complying with the provisions of section 2-1816, or who violates (c) violate any other provision of this act the Nebraska Potato Inspection Act or the rules and regulations promulgated thereunder for which no specific penalty is provided, and any shall be guilty of a Class III misdemeanor.

(2) Any inspector or agent of the director

who shall fail to remit to the department all fees collected in his or her official capacity, shall be guilty of a Class III misdemeanor.

(3) Any person, firm, corporation, or association, or officer or member thereof, who shall forge or counterfeit any official inspection legend or official certificate adopted by the director for use under the provisions of sections 2-1813 to 2-1825, Nebraska Potato Inspection Act or who, not being an inspector or appointed agent of the director, shall attach any certificate of inspection whether or not forged, or counterfeited or not, to any commercial shipment of potatoes, shall be guilty of a Class IV felony.

Sec. 4. That section 2-1826, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1826. The Nebraska Potato Development Act and the Nebraska Potato Inspection and Grading Act shall become one act in two parts with the Nebraska Potato Development Act designated as Part I and the Nebraska Potato Inspection and Grading Act designated as Part II thereof and the Revisor of Statutes shall make appropriate changes in the statutes necessitated by such redesignation.

Sec. 5. That section 54-1503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1503. Expenses for the care and feeding of swine held for destruction and the expenses of destruction, burial, incineration, transportation, and other expenses incidental to their slaughter shall not be paid by the Bureau of Animal Industry, unless the payment of such expenses is specifically authorized or approved by the Bureau of Animal Industry.

Sec. 6. That section 54-1505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1505. Swine affected with or exposed to hog cholera which are to be destroyed and indemnities paid therefor under the provisions of sections 54-1501 to 54-1512 shall be destroyed promptly after appraisal the Department of Agriculture makes its findings pursuant to section 54-1501 and disposed of through a method of salvage, burial, or burning as approved by the Bureau of Animal Industry.

Sec. 7. That section 54-1509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1509. Any person, partnership, association, or corporation, or officer or member of ~~same thereof~~, who shall (1) interfere with the ~~appraisal and destruction of swine or mandated under sections 54-1501 to 54-1512.~~ (2) violate a quarantine or disinfection order issued under ~~the provisions of sections 54-1501 to 54-1512.~~ (3) ~~or who shall~~ import swine into this state without first obtaining a health certificate from a licensed and accredited veterinarian and the required shipping permit from the Bureau of Animal Industry, ~~or who;~~ (4) after obtaining a health certificate and shipping permit, ~~shall~~ divert a shipment from the point of destination stated upon the health certificate and shipping permit without written permission from the Bureau of Animal Industry, shall be guilty of a Class IV felony.

Sec. 8. That section 54-1511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1511. The Department of Agriculture may cooperate with the United States, or any department, agency, or officer thereof, in the control and eradication of hog cholera, ~~including the sharing in payment of indemnities for swine destroyed.~~

Sec. 9. That original sections 2-1804, 2-1810, 2-1825, 2-1826, 54-1503, 54-1505, 54-1509, and 54-1511, Reissue Revised Statutes of Nebraska, 1943, and also sections 54-748, 54-1504, 54-1507, and 54-1507.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.