

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 791**

Introduced by Erdman, 47.

Read first time January 09, 2008

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 2-1072,  
2 2-1074, and 2-10,116, Reissue Revised Statutes of  
3 Nebraska; to define a term; to provide for exclusive  
4 planting of certified seed potatoes; to harmonize  
5 provisions; and to repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 2-1072, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           2-1072 Sections 2-1072 to 2-10,117 and section 3 of this  
4 act shall be known and may be cited as the Plant Protection and  
5 Plant Pest Act.

6           Sec. 2. Section 2-1074, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           2-1074 For purposes of the Plant Protection and Plant  
9 Pest Act, unless the context otherwise requires, the definitions  
10 found in sections 2-1074.01 to 2-1089 and section 3 of this act  
11 shall be used.

12           Sec. 3. Certified seed potatoes means seed potatoes which  
13 have been certified by a certification entity recognized by the  
14 department to certify that the seed potatoes are free of regulated  
15 plant pests.

16           Sec. 4. Section 2-10,116, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           2-10,116 The department shall have authority to adopt  
19 and promulgate such rules and regulations as are necessary to the  
20 effective discharge of its duties under the Plant Protection and  
21 Plant Pest Act. The rules and regulations may include, but shall  
22 not be limited to, provisions governing:

23           (1) The issuance and revocation of licenses as authorized  
24 by the Plant Protection and Plant Pest Act;

25           (2) The assessment and collection of license, inspection,

1 reinspection, and delinquent fees;

2 (3) The withdrawal from distribution of nursery stock;

3 (4) The care, viability, and standards for nursery stock;

4 (5) The labeling and shipment of nursery stock;

5 (6) The issuance and release of plant pest quarantines

6 and withdrawal-from-distribution orders;

7 (7) The establishment of a restricted plant pest list;

8 (8) The preparation, maintenance, handling, and filing of

9 reports by persons subject to the act;

10 (9) The adoption of the American Association of

11 Nurserymen's American Standard for Nursery Stock insofar as it does

12 not conflict with any provision of the act; and

13 (10) Factors to be considered when the director issues an

14 order imposing an administrative fine; and -

15 (11) The planting of certified seed potatoes in the

16 state.

17 Sec. 5. Original sections 2-1072, 2-1074, and 2-10,116,

18 Reissue Revised Statutes of Nebraska, are repealed.