

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 334

Final Reading

Introduced by Education Committee: Adams, 24, Chairperson; Avery, 28; Cornett, 45; Haar, 21; Howard, 9; Sullivan, 41.

Read first time January 12, 2011

Committee: Education

A BILL

1 FOR AN ACT relating to universities and colleges; to amend sections
2 2-3815, 2-5003, 38-2620, 38-2622, 81-1273, 81-1275,
3 85-214, 85-215, and 85-1005, Reissue Revised Statutes of
4 Nebraska; to change and eliminate provisions relating to
5 a poultry pathologist, an aquaculturist, the Nebraska
6 Optometry Education Assistance Contract Program, the
7 Nebraska Business Development Center, the agricultural
8 laboratory in Box Butte County, and the Nebraska Safety
9 Center; to harmonize provisions; to repeal the original
10 sections; to outright repeal sections 85-1,104.01,
11 85-209, 85-210, 85-211, and 85-212, Reissue Revised
12 Statutes of Nebraska; and to declare an emergency.

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

1 Section 1. Section 2-3815, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 2-3815 The Department of Agriculture shall establish an
4 agriculture promotion and development program. The department shall
5 employ a program director and one specialist in research techniques
6 and market development. Both individuals shall report directly to the
7 Director of Agriculture.

8 ~~The University of Nebraska Institute of Agriculture and~~
9 ~~Natural Resources shall employ a poultry pathologist.~~

10 The program shall concentrate on the identification and
11 development of opportunities to enhance profitability in agriculture
12 and to stimulate agriculture-related economic development. Program
13 activities may include, but not be limited to, (1) promotion and
14 market development, (2) value-added processing of alternative and
15 traditional commodities, (3) agricultural diversification, including
16 poultry development and aquaculture, (4) agricultural cooperatives,
17 and (5) alternative crops.

18 In order to carry out the purposes of this section, the
19 program director may, if he or she deems necessary, convene an
20 advisory committee to assist the program director in developing and
21 implementing program activities. Representatives from the Nebraska
22 Food Processing Center, the Cooperative Extension Service of the
23 University of Nebraska, the commodity boards, the Department of
24 Economic Development, the United States Department of Agriculture
25 grant programs, and the private sector may serve on such committee at

1 the request of the program director. If an advisory committee is
2 convened, committee members shall not receive any reimbursement for
3 expenses.

4 The Department of Agriculture shall serve as the
5 facilitator, coordinator, and catalyst for developments through and
6 with the Nebraska Food Processing Center, the Cooperative Extension
7 Service of the University of Nebraska, the commodity boards, the
8 Department of Economic Development, other state agencies, the United
9 States Department of Agriculture grant programs, and the private
10 sector. It is the intent of the Legislature that the department
11 foster close working relationships between production agriculture and
12 existing programs for the purposes of agricultural development and
13 promotion. The department may enter into such contracts as may be
14 necessary to carry out the purposes of this section.

15 For purposes of this section, unless the context
16 otherwise requires, private sector shall include, but not be limited
17 to, representatives of food industry associations, lenders, or
18 venture capital groups.

19 Sec. 2. Section 2-5003, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 2-5003 There is hereby created the Nebraska Aquaculture
22 Board. The board shall consist of (1) ~~the aquaculturist employed by~~
23 ~~the Cooperative Extension Service pursuant to section 85-1,104.01,~~
24 ~~(2) one~~ employee of the commission who is familiar with aquatic
25 disease, appointed by the secretary of the commission, ~~(3) (2) one~~

1 employee of the department appointed by the director, ~~(4)~~(3) three
2 aquaculturists, appointed by the Governor, and ~~(5)~~(4) a
3 representative of an industry or product which is related to or used
4 in aquaculture, appointed by the Governor. The board shall elect from
5 its members a chairperson. The terms of the members of the board
6 shall be three years, except that the terms of the initial
7 aquaculturist members of the board appointed by the Governor shall be
8 staggered so that one member is appointed for a term of one year, one
9 for a term of two years, and one for a term of three years, as
10 determined by the Governor. Members appointed under subdivisions (3)
11 and (4) ~~and (5)~~ of this section shall be reimbursed for their actual
12 and necessary expenses as provided in sections 81-1174 to 81-1177.

13 Sec. 3. Section 38-2620, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 38-2620 There is hereby established the Nebraska
16 Optometry Education Assistance Contract Program for the purpose of
17 providing opportunities for citizens of this state desiring to pursue
18 study in the field of optometry at accredited schools and colleges
19 outside the state. Eligibility for the program shall be limited as
20 provided in sections 38-2622 and 38-2623.

21 Sec. 4. Section 38-2622, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 38-2622 ~~The total number of students receiving annual~~
24 Annual financial payments made under sections 38-2620 to 38-2623
25 shall ~~not exceed sixty students during any school year. No more than~~

1 ~~fifteen of these students shall be students enrolling in a college of~~
2 ~~optometry for their first year of instruction. be limited to students~~
3 ~~who participated in the program in the academic year 2010-11 and~~
4 ~~shall continue for the remaining academic year or years that any such~~
5 ~~student is enrolled in an accredited school or college of optometry~~
6 ~~subject to the limitation provided in section 38-2623.~~

7 Sec. 5. Section 81-1273, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 81-1273 The Legislature finds and declares:

10 (1) That the availability of business development
11 services at various geographic locations throughout the state would
12 result in the retention, expansion, and diversification of existing
13 businesses and the creation of new businesses;

14 (2) That the Board of Regents of the University of
15 Nebraska may authorize the Nebraska Business Development Center, as a
16 department of the University of Nebraska at Omaha. The Nebraska
17 Business Development Center, if authorized under this section, may ~~not~~
18 ~~shall~~ provide business development services through a network of
19 small business development centers at: (a) Chadron State College,
20 Peru State College, and Wayne State College, if authorized by the
21 Board of Trustees of the Nebraska State Colleges; and (b) the
22 University of Nebraska at Kearney, the University of Nebraska-
23 Lincoln, and the University of Nebraska at Omaha, and Wayne State
24 College; if authorized by the Board of Regents of the University of
25 Nebraska;

1 (3) That business development services may be augmented
2 through specialized research and technical assistance services; and

3 (4) That the Existing Business Assistance Division of the
4 Department of Economic Development shall coordinate, administer, and
5 support the delivery of such services.

6 Sec. 6. Section 81-1275, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 81-1275 ~~The~~ If the Nebraska Business Development Center
9 is authorized by the Board of Regents of the University of Nebraska
10 pursuant to section 81-1273, the Existing Business Assistance
11 Division shall contract with the Nebraska Business Development Center
12 to administer, manage, and deliver regional small business services,
13 and the Nebraska Business Development Center shall:

14 (1) Provide such services as close as possible to small
15 businesses through a network of small business development centers
16 located in Omaha, Lincoln, Kearney, Wayne, North Platte, Scottsbluff
17 or Gering, Chadron, Peru, and such other communities as the Existing
18 Business Assistance Division shall determine based on the
19 applications of communities desiring to be the location of a small
20 business development center. Small business development centers in
21 such communities shall not be required if the location within a
22 community is on property under the control of the Board of Regents of
23 the University of Nebraska or the Board of Trustees of the Nebraska
24 State Colleges and the governing body with control of such property
25 has not authorized such small business development center pursuant to

1 section 81-1273. In determining the location of small business
2 development centers, the division shall consider several factors,
3 including, but not limited to: (a) Preexisting small business
4 development centers; (b) geographic accessibility; and (c) existing
5 resources such as building space and office equipment or the
6 willingness of a community to provide some or all of those resources.
7 The division shall prescribe the form of the application for location
8 of a small business development center and take all actions necessary
9 in the processing of such applications;

10 (2) Integrate activities funded through the Business
11 Development Partnership Act with those funded by the United States
12 Small Business Administration or any other program supporting the
13 Nebraska small business development centers;

14 (3) Furnish one-to-one individual counseling to small
15 businesses;

16 (4) Assist in technology transfer, research, and coupling
17 from existing sources to small businesses;

18 (5) Maintain current information concerning federal,
19 state, and local regulations that affect small businesses and counsel
20 small business on methods of compliance;

21 (6) Coordinate and conduct research into technical and
22 general small business problems for which there are no ready
23 solutions;

24 (7) Provide and maintain a comprehensive library that
25 contains current information and statistical data needed by small

1 businesses;

2 (8) Maintain a working relationship and open
3 communications with the financial and investment communities, legal
4 associations, local and regional private consultants, and local and
5 regional small business groups and associations in order to help
6 address the various needs of the small business community;

7 (9) Conduct indepth surveys for local small business
8 groups in order to develop general information regarding the local
9 economy and general small business strengths and weaknesses in the
10 locality; and

11 (10) Provide other services as determined in consultation
12 with the Existing Business Assistance Division.

13 Sec. 7. Section 85-214, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 85-214 The Board of Regents shall have control and
16 supervision of the research and extension centers ~~and agricultural~~
17 ~~laboratory~~ established by sections 85-201, and 85-206, ~~and 85-209~~ and
18 shall appoint skillful superintendents and such other employees as to
19 it appears necessary to obtain the best results. The board shall fix
20 the salaries and compensation of employees and establish such rules
21 and regulations as it may from time to time deem best.

22 Sec. 8. Section 85-215, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 85-215 The proceeds arising from the sale of products of
25 the ~~various~~ research and extension centers ~~and agricultural~~

1 ~~laboratory~~ provided for in sections 85-201, and 85-206, ~~and 85-209~~
2 shall be applied to the liquidation of the running expenses of the
3 research and extension centers ~~and agricultural laboratory~~ from which
4 they are sold, and all money so accruing shall be credited as coming
5 from the state and be applied as a part or whole payment of any
6 amount which may be appropriated from the funds of the state for the
7 maintenance of such research and extension centers, ~~and agricultural~~
8 ~~laboratory.~~

9 Sec. 9. Section 85-1005, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 85-1005 (1) The Board of Regents of the University of
12 Nebraska may accept and administer, in accordance with proper
13 financial procedures at the University of Nebraska at Kearney, gifts,
14 grants, tuition, fees, and private funds to assist in the operation
15 of the center.

16 (2) The Board of Regents of the University of Nebraska
17 ~~shall~~ may request an appropriation ~~of such money~~ from the General
18 Fund ~~as may be necessary to permit the center to operate efficiently~~
19 ~~and to assist in the operation of the center~~ to promote the purposes
20 of sections 85-1001 to 85-1008.

21 Sec. 10. Original sections 2-3815, 2-5003, 38-2620,
22 38-2622, 81-1273, 81-1275, 85-214, 85-215, and 85-1005, Reissue
23 Revised Statutes of Nebraska, are repealed.

24 Sec. 11. The following sections are outright repealed:
25 Sections 85-1,104.01, 85-209, 85-210, 85-211, and 85-212, Reissue

1 Revised Statutes of Nebraska.

2 Sec. 12. Since an emergency exists, this act takes effect

3 when passed and approved according to law.