

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1080**

Introduced by Bloomfield, 17.

Read first time January 22, 2014

Committee: Agriculture

A BILL

1 FOR AN ACT relating to the Plant Protection and Plant Pest Act; to  
2 amend section 2-1072, Revised Statutes Supplement, 2013;  
3 to provide for nonprofit nursery stock distributors under  
4 the act; to harmonize provisions; and to repeal the  
5 original section.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 2-1072, Revised Statutes Supplement,  
2   2013, is amended to read:

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

6           Sec. 2. (1) For purposes of this section, nonprofit  
7 nursery stock distributor means a nonprofit entity organized for  
8 charitable or community service purposes or for the advancement of  
9 the knowledge, achievement, and enjoyment of its members in  
10 horticultural science and practice.

11           (2) A nonprofit nursery stock distributor is exempt from  
12 the Plant Protection and Plant Pest Act, except as provided in this  
13 section.

14           (3) Each nonprofit nursery stock distributor shall apply  
15 for registration on forms furnished by the department, and such  
16 application is due January 1 for the current registration year.

17           (4) If the department inspects a nonprofit nursery stock  
18 distributor, the department may charge the nonprofit nursery stock  
19 distributor an inspection fee of thirty-five dollars. Upon inspection  
20 by the department, the department may require the nonprofit nursery  
21 stock distributor to treat or destroy any nursery stock that is  
22 infested or infected with plant pests or that is nonviable, damaged,  
23 or desiccated to the point of not being reasonably capable of growth.

24           (5) A nonprofit nursery stock distributor shall notify  
25 the department, in writing or by facsimile transmission, at least

1 thirty days prior to the date or dates of any fundraising sale of  
2 nursery stock conducted by the nonprofit nursery stock distributor.

3 (6) A nonprofit nursery stock distributor may have only  
4 one fundraising sale event per year held at one location for three  
5 consecutive days or less and shall only (a) distribute nursery stock  
6 sourced exclusively from a licensed nursery stock distributor or (b)  
7 distribute nursery stock propagated by members of the nonprofit  
8 nursery stock distributor. A nonprofit nursery stock distributor  
9 shall have a valid copy of the registration present at the site of  
10 the fundraising sale.

11 Sec. 3. Original section 2-1072, Revised Statutes  
12 Supplement, 2013, is repealed.