

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 276

FINAL READING

Introduced by Albrecht, 17.

Read first time January 11, 2017

Committee: Agriculture

1 A BILL FOR AN ACT relating to the Department of Agriculture; to amend
2 sections 81-2,155, 81-2,156, and 81-2,157, Reissue Revised Statutes
3 of Nebraska; to change provisions relating to hybrid seed corn; to
4 provide and change enforcement powers and judicial remedies; and to
5 repeal the original sections.

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

1 Section 1. Section 81-2,155, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-2,155 It shall be unlawful for any person, firm, corporation or
4 its agents or representatives to sell, offer or expose for sale, or
5 falsely mark or tag, within the State of Nebraska, any seed corn as
6 hybrid unless it is answers to the following definition: ~~Hybrid seed corn~~
7 ~~shall be~~ seed of the first generation of a cross involving two, three, or
8 four different inbred lines of corn or their combinations, ~~and shall be~~
9 ~~restricted to seed of single crosses, three-way crosses, and double~~
10 ~~crosses, these in turn being defined as follows:~~

11 ~~(1) Single cross: The first generation of a hybrid between two~~
12 ~~inbred lines;~~

13 ~~(2) Three-way cross: The first generation of a hybrid between a~~
14 ~~single cross and an inbred line;~~

15 ~~(3) Double cross: The first generation of a hybrid between two~~
16 ~~single crosses.~~

17 Sec. 2. Section 81-2,156, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 81-2,156 The cross mentioned in section 81-2,155 shall be produced
20 by cross fertilization, performed by a method of proper isolation in time
21 or distance and controlled either by hand, or by detasseling under
22 isolation at the proper times, or by utilizing male sterility systems
23 ~~time.~~

24 Sec. 3. Section 81-2,157, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 81-2,157 (1) Any person who violates any of the provisions of
27 sections 81-2,155 and 81-2,156 shall be guilty of a Class III misdemeanor
28 ~~Every violation of the provisions of sections 81-2,155 and 81-2,156 shall~~
29 ~~be a Class III misdemeanor. The Department of Agriculture, through its~~
30 ~~duly authorized agent or agents, shall report violations of said sections~~
31 ~~to the proper county attorney or to the Attorney General for prosecution.~~

1 (2) In addition to the criminal penalty provided under subsection
2 (1) of this section, a restraining order or a temporary, permanent, or
3 mandatory injunction may be imposed against any person to restrain the
4 commission or continuance of any act in violation of any of the
5 provisions of sections 81-2,155 and 81-2,156. The district court of the
6 county where such act is occurring or about to occur shall have
7 jurisdiction to grant such relief upon good cause shown. Relief may be
8 granted notwithstanding the existence of any other remedy at law and
9 shall be granted without bond.

10 (3) Whenever the Director of Agriculture has a reasonable belief
11 that the commission or continuance of any act is in violation of sections
12 81-2,155 and 81-2,156, the director shall report such belief to the
13 Attorney General or the county attorney of the county in which such act
14 is occurring or about to occur. Upon satisfactory information provided by
15 the director, the Attorney General or the appropriate county attorney may
16 cause appropriate proceedings pursuant to this section to be initiated
17 without delay.

18 Sec. 4. Original sections 81-2,155, 81-2,156, and 81-2,157, Reissue
19 Revised Statutes of Nebraska, are repealed.