

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 972**

Introduced by Brandt, 32.

Read first time January 13, 2020

Committee: Agriculture

- 1 A BILL FOR AN ACT relating to the Nebraska Seed Law; to amend section
- 2 81-2,147.03, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to percentage of germination seed testing; and
- 4 to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 81-2,147.03, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           81-2,147.03 (1) It shall be unlawful for any person to sell any  
4 agricultural, vegetable, or flower seed within this state:

5           (a) Unless the test to determine the percentage of germination  
6 required in section 81-2,147.02 has been completed within a nine-month  
7 period, exclusive of the calendar month in which the test was completed,  
8 immediately prior to sale, except that for those seeds as established in  
9 rules and regulations, the test to determine the percentage of  
10 germination shall have been completed within a fifteen-month ~~twelve-month~~  
11 period, exclusive of the calendar month in which the test was completed,  
12 immediately prior to sale. Seeds packaged in hermetically sealed  
13 containers under the conditions established in rules and regulations may  
14 be sold for a period of thirty-six months after the last day of the month  
15 that the seeds were tested prior to packaging. If the seeds in  
16 hermetically sealed containers are sold more than thirty-six months after  
17 the last day of the month in which they were tested prior to packaging,  
18 they shall have been retested for germination within a fifteen-month  
19 ~~nine-month~~ period, exclusive of the calendar month in which the retest  
20 was completed, immediately prior to their sale;

21           (b) Not labeled in accordance with the provisions of the Nebraska  
22 Seed Law or having a false and misleading labeling. In case agricultural  
23 seed is sold in bulk or sold from bulk, the information required under  
24 section 81-2,147.02 may be supplied by a printed or written statement to  
25 be furnished to any purchaser of such seed;

26           (c) Pertaining to which there has been a false or misleading  
27 advertisement, statement, invoice, or declaration;

28           (d) Consisting of or containing primary noxious weed seeds;

29           (e) Consisting of or containing prohibited noxious weed seeds,  
30 subject to recognized tolerances;

31           (f) Consisting of or containing restricted noxious weed seeds per

1 pound in excess of the number declared on the label attached to the  
2 container of the seed or associated with the seed, subject to recognized  
3 tolerances. The recognized tolerances shall not exceed one-half of one  
4 percent by weight;

5 (g) Containing more than two percent by weight of all weed seed  
6 other than primary noxious weed seed, prohibited noxious weed seed, and  
7 restricted noxious weed seed. This subdivision does not apply to  
8 agricultural, vegetable, or flower seeds specifically allowed in the  
9 rules and regulations to contain four percent or less by weight of weed  
10 seed;

11 (h) If any labeling, advertising, or other representation subject to  
12 the Nebraska Seed Law represents the seed to be certified or registered  
13 seed unless (i) it has been determined by a certifying agency that such  
14 seed was produced, conditioned, and packaged and conforms to standards of  
15 purity as to kind or kind and variety in compliance with rules and  
16 regulations of such agency pertaining to such seed and (ii) the seed  
17 bears an official label issued for such seed by a certifying agency  
18 stating that the seed is certified or registered; and

19 (i) For reproductive purposes which is not certified by an official  
20 certifying agency when it is a variety for which an application has been  
21 made or accepted or a certificate of plant variety protection is issued  
22 under the federal Plant Variety Protection Act specifying sale only as a  
23 class of certified seed, except that seed from a certified lot may be  
24 labeled as to variety name when used in a mixture by or with the approval  
25 of the owner of the variety.

26 (2) It shall be unlawful for any person within this state:

27 (a) To detach, alter, deface, or destroy any label provided for in  
28 the Nebraska Seed Law or established in the rules and regulations adopted  
29 and promulgated under such law or to alter or substitute seed in a manner  
30 that may defeat the purpose of such law;

31 (b) To disseminate any false or misleading advertisements concerning

1 agricultural, vegetable, or flower seeds in any manner or by any means;

2 (c) To hinder or obstruct in any way any authorized person in the  
3 performance of his or her duties under the Nebraska Seed Law;

4 (d) To fail to comply with a stop-sale order or to move or otherwise  
5 handle or dispose of any lot of seed held under a stop-sale order or tags  
6 attached thereto, except with written permission of the enforcing officer  
7 and for the purpose specified thereby;

8 (e) To sell screenings if they contain any seed of primary,  
9 prohibited, or restricted noxious weeds unless they have been conditioned  
10 to destroy the viability of such seed;

11 (f) To use the word trace as a substitute for any statement which is  
12 required;

13 (g) To use the word type in any labeling in connection with the name  
14 of any agricultural seed variety;

15 (h) To plant seed which the person knows contains a prohibited  
16 noxious weed seed in excess of the recognized tolerances utilized in  
17 subdivision (1)(e) of this section or contains primary noxious weed seed;  
18 or

19 (i) To alter or falsify any seed label, seed test, laboratory  
20 report, record, or other document in a manner which creates a false or  
21 misleading impression as to kind, variety, history, quality, or origin of  
22 the seed.

23 (3) All seed sold shall be labeled on the basis of tests performed  
24 by a seed laboratory using Rules for Testing Seeds adopted by the  
25 Association of Official Seed Analysts as of January 1, 2012.

26 Sec. 2. Original section 81-2,147.03, Reissue Revised Statutes of  
27 Nebraska, is repealed.