

LEGISLATIVE BILL 538

Approved by the Governor May 23, 1979

Introduced by Agriculture and Environment Committee,  
Schait, 23, Chmn.; Haberman, 44; Kahle, 37; R.  
Maresh, 32; DeCamp, 40

AN ACT to adopt the Nebraska Agricultural Products  
Marketing Act; to provide for a report and  
submission of budget information as  
prescribed; and to declare an emergency.

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

Section 1. Sections 1 to 11 of this act shall be  
known and may be cited as the Nebraska Agricultural  
Products Marketing Act.

Sec. 2. The Legislature hereby finds that the  
general welfare of the people of Nebraska will  
significantly benefit from the conduct of programs  
designed and intended to enhance the effective marketing  
of Nebraska's many agricultural commodities.

The Legislature further finds that the meaningful  
realization of such benefits will result through the  
administration of programs and policies conceived,  
desired, and formulated by and for those persons who  
produce, process, or distribute such commodities as an  
integral part of their livelihood. It is necessary that  
the programs conducted by and for the various segments of  
the agricultural industry be efficiently coordinated, so  
that the marketing efforts expended on behalf of each  
commodity will complement the marketing programs in the  
state.

Sec. 3. For purposes of sections 1 to 11 of  
this act, unless the context otherwise requires, the  
definitions found in sections 4 to 7 of this act shall be  
used.

Sec. 4. Agricultural product or commodity shall  
include all products resulting from the conduct of  
farming or ranching activities, dairying, beekeeping,  
poultry or egg production, or comparable activities, and  
any by-products resulting from such activities.

Sec. 5. Department shall mean the Department of  
Agriculture.

Sec. 6. Director shall mean the Director of  
Agriculture or his or her designee.

Sec. 7. Marketing shall include any and all activities intended to directly or indirectly facilitate the sale, exchange, or other distribution of a product or commodity in an economic, efficient, and profitable manner, including research, market development, publicity, promotion, education, product utilization, and comparable activities.

Sec. 8. To achieve the purposes of sections 1 to 11 of this act the department may perform the following marketing activities:

(1) Coordinating the various marketing programs and policies of each of the state's agricultural commodities so that they will complement one another;

(2) Assisting the producers, processors, and distributors of agricultural products and commodities in conducting and administering marketing programs and policies conceived, desired, and formulated by and for such persons;

(3) Conducting activities designed to locate and study trade barriers adversely affecting the marketing of Nebraska agricultural products, and conducting activities aimed at eliminating or mitigating any such barriers;

(4) Collecting and disseminating information relevant and beneficial to the economical, efficient, and profitable marketing of agricultural products by the Nebraska producers, processors, and distributors thereof;

(5) Assisting in matching up potential buyers and sellers of agricultural products produced in Nebraska;

(6) Cooperating with other local, state, or national agricultural marketing entities, public or private, in carrying out sections 1 to 11 of this act, and entering into such contracts as may be necessary;

(7) Adopting such reasonable rules and regulations as are necessary to effectively carry out the intent of sections 1 to 11 of this act;

(8) Accepting funds or fees from any source, federal, state, public, or private, to be used in carrying out the provisions of sections 1 to 11 of this act;

(9) Expending funds for purposes of carrying out the provisions of sections 1 to 11 of this act; and

(10) Conducting any other programs for the development, utilization, and marketing of agricultural products grown or produced in the state.

Sec. 9. (1) Sections 1 to 11 of this act shall not be construed as altering the provisions of any other act or acts dealing with the marketing of agricultural products, or as detracting from the authorities provided for in any such acts.

(2) Sections 1 to 11 of this act shall not be construed as empowering the department to require cooperative marketing efforts of persons or groups within any segment of the agriculture industry, but shall be construed only to authorize such cooperative marketing efforts.

(3) Sections 1 to 11 of this act shall not be construed as empowering the department to purchase or otherwise obtain agricultural products or commodities for the purpose of resale.

Sec. 10. The department in entering into contracts authorized under sections 1 to 11 of this act, shall not be authorized to set up marketing units or agencies of its own. Only contracts necessary to the furtherance of the intent and purposes of sections 1 to 11 of this act shall be entered into.

Sec. 11. The department shall on or before January 1, 1980, and on or before such date each year thereafter, submit to the Clerk of the Legislature and Governor a detailed report of all receipts, disbursements, transactions, and activities taken during the preceding fiscal year to carry out sections 1 to 11 of this act. Such report shall include copies of each contract and agreement negotiated or entered into to carry out the purposes of sections 1 to 11 of this act and an analysis of the effectiveness and accomplishments of such contracts and agreements.

Sec. 12. For the purposes of legislative budget analysis, review, and approval, the budget forms, procedures, and instructions required pursuant to section 81-1113, Reissue Revised Statutes of Nebraska, 1943, shall provide that the Department of Agriculture, when submitting its budget request, list the proposed use of all checkoff or similar funds requested to be appropriated by the Legislature which are derived from a fee or assessment on agricultural products and list each contract and agreement that will be entered into during the upcoming fiscal year which would utilize such funds.

Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.