

LEGISLATIVE BILL 791

Approved by the Governor March 10, 2008

Introduced by Erdman, 47.

FOR AN ACT relating to agriculture; to amend sections 2-1072, 2-1074, and 2-10,116, Reissue Revised Statutes of Nebraska; to define a term; to provide for rules and regulations governing planting of certified seed potatoes; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 2-1072, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 2. Section 2-1074, Reissue Revised Statutes of Nebraska, is amended to read:

2-1074 For purposes of the Plant Protection and Plant Pest Act, unless the context otherwise requires, the definitions found in sections 2-1074.01 to 2-1089 and section 3 of this act shall be used.

Sec. 3. Certified seed potatoes means seed potatoes which have been certified by a certification entity recognized by the department to certify that the seed potatoes are free of regulated plant pests.

Sec. 4. Section 2-10,116, Reissue Revised Statutes of Nebraska, is amended to read:

2-10,116 The department shall have authority to adopt and promulgate such rules and regulations as are necessary to the effective discharge of its duties under the Plant Protection and Plant Pest Act. The rules and regulations may include, but shall not be limited to, provisions governing:

(1) The issuance and revocation of licenses as authorized by the Plant Protection and Plant Pest Act;

(2) The assessment and collection of license, inspection, reinspection, and delinquent fees;

(3) The withdrawal from distribution of nursery stock;

(4) The care, viability, and standards for nursery stock;

(5) The labeling and shipment of nursery stock;

(6) The issuance and release of plant pest quarantines and withdrawal-from-distribution orders;

(7) The establishment of a restricted plant pest list;

(8) The preparation, maintenance, handling, and filing of reports by persons subject to the act;

(9) The adoption of the American Association of Nurserymen's American Standard for Nursery Stock insofar as it does not conflict with any provision of the act; ~~and~~

(10) Factors to be considered when the director issues an order imposing an administrative fine; ~~and-~~

(11) The planting of certified seed potatoes in the state.

Sec. 5. Original sections 2-1072, 2-1074, and 2-10,116, Reissue Revised Statutes of Nebraska, are repealed.