

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 740

Introduced by Agriculture Committee: Carlson, 38, Chairperson;
Council, 11; Dierks, 40; Karpisek, 32; Price, 3;
Schilz, 47; Wallman, 30; Loudon, 49.

Read first time January 06, 2010

Committee: Appropriations

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 81-201.05,
2 81-2,147.11, 81-2,291, and 89-1,100, Reissue Revised
3 Statutes of Nebraska, as amended by sections 62, 63,
4 64, and 101, respectively, Legislative Bill 3, One
5 Hundred First Legislature, First Special Session, 2009,
6 section 54-857, Revised Statutes Cumulative Supplement,
7 2008, as amended by section 29, Legislative Bill 3,
8 One Hundred First Legislature, First Special Session,
9 2009, and section 2-5106, Revised Statutes Supplement,
10 2009, as amended by section 6, Legislative Bill 3, One
11 Hundred First Legislature, First Special Session, 2009;
12 to eliminate transfer provisions from certain funds; to
13 provide an operative date; and to repeal the original

1 sections.

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

1 Section 1. Section 2-5106, Revised Statutes Supplement,
2 2009, as amended by section 6, Legislative Bill 3, One Hundred
3 First Legislature, First Special Session, 2009, is amended to read:

4 2-5106 The Buffer Strip Incentive Fund is created.
5 Proceeds raised from fees imposed for the registration of
6 pesticides and earmarked for the fund pursuant to section 2-2634,
7 proceeds raised from federal grants earmarked for the fund, and
8 any proceeds raised from public or private donations made to the
9 fund shall be remitted to the State Treasurer for credit to the
10 fund. The fund shall be administered by the department to maintain
11 the buffer strip program and for expenses directly related to the
12 program, including necessary expenses of the department in carrying
13 out its duties and responsibilities under the Buffer Strip Act.~~7~~
14 ~~except that transfers may be made from the fund to the General~~
15 ~~Fund at the direction of the Legislature.~~ The annual cost of
16 administering the buffer strip program shall not exceed ten percent
17 of the total annual proceeds credited to the Buffer Strip Incentive
18 Fund. Such administrative costs shall include funds allocated by
19 the department to the districts for their administrative costs. Any
20 money in the fund available for investment shall be invested by the
21 state investment officer pursuant to the Nebraska Capital Expansion
22 Act and the Nebraska State Funds Investment Act.

23 Sec. 2. Section 54-857, Revised Statutes Cumulative
24 Supplement, 2008, as amended by section 29, Legislative Bill
25 3, One Hundred First Legislature, First Special Session, 2009, is

1 amended to read:

2 54-857 All money received pursuant to the Commercial Feed
3 Act shall be remitted by the director to the State Treasurer for
4 credit to the Commercial Feed Administration Cash Fund which is
5 hereby created. Such fund shall be used by the department to aid
6 in defraying the expenses of administering the act. ~~except that~~
7 ~~transfers may be made from the fund to the General Fund at the~~
8 ~~direction of the Legislature.~~ Any money in the Commercial Feed
9 Administration Cash Fund available for investment shall be invested
10 by the state investment officer pursuant to the Nebraska Capital
11 Expansion Act and the Nebraska State Funds Investment Act.

12 Sec. 3. Section 81-201.05, Reissue Revised Statutes of
13 Nebraska, as amended by section 62, Legislative Bill 3, One Hundred
14 First Legislature, First Special Session, 2009, is amended to read:

15 81-201.05 (1) The Weed Book Cash Fund is created. On July
16 1, 2005, July 1, 2006, July 1, 2007, July 1, 2008, and July 1,
17 2009, if there are sufficient funds available, twenty-five thousand
18 dollars shall be transferred from the Weed Book Cash Fund to the
19 Noxious Weed Cash Fund. ~~Transfers may be made from the Weed Book~~
20 ~~Cash Fund to the General Fund at the direction of the Legislature.~~
21 Any money in the Weed Book Cash Fund available for investment
22 shall be invested by the state investment officer pursuant to
23 the Nebraska Capital Expansion Act and the Nebraska State Funds
24 Investment Act.

25 (2) The sale price of each Weeds of the Great Plains book

1 sold by the Department of Agriculture shall be credited as follows:

2 (a) Seventy-five percent to the Weed Book Cash Fund
3 to aid in defraying the cost of publishing, preparing, and
4 distributing such books and any supplemental inserts to such
5 books; and

6 (b) Twenty-five percent to the Noxious Weed Cash Fund.

7 Sec. 4. Section 81-2,147.11, Reissue Revised Statutes of
8 Nebraska, as amended by section 63, Legislative Bill 3, One Hundred
9 First Legislature, First Special Session, 2009, is amended to read:

10 81-2,147.11 There is hereby created a fund to be known
11 as the Nebraska Seed Administrative Cash Fund. All money received
12 pursuant to the Nebraska Seed Law shall be remitted to the State
13 Treasurer for credit to such fund. All money credited to the fund
14 shall be used by the Department of Agriculture to aid in defraying
15 the cost of administering such law. ~~7 except that transfers may~~
16 ~~be made from the fund to the General Fund at the direction of~~
17 ~~the Legislature.~~ Any money in the Nebraska Seed Administrative
18 Cash Fund available for investment shall be invested by the state
19 investment officer pursuant to the Nebraska Capital Expansion Act
20 and the Nebraska State Funds Investment Act.

21 Sec. 5. Section 81-2,291, Reissue Revised Statutes of
22 Nebraska, as amended by section 64, Legislative Bill 3, One Hundred
23 First Legislature, First Special Session, 2009, is amended to read:

24 81-2,291 All fees paid to the department in accordance
25 with the Nebraska Pure Food Act shall be remitted to the State

1 Treasurer. The State Treasurer shall credit the fees to the Pure
2 Food Cash Fund, which fund is hereby created. All money credited to
3 such fund shall be appropriated to the uses of the department to
4 aid in defraying the expenses of administering the act. ~~7 except~~
5 ~~that transfers may be made from the fund to the General Fund at the~~
6 ~~direction of the Legislature.~~

7 Any money in the Pure Food Cash Fund available for
8 investment shall be invested by the state investment officer
9 pursuant to the Nebraska Capital Expansion Act and the Nebraska
10 State Funds Investment Act.

11 Sec. 6. Section 89-1,100, Reissue Revised Statutes of
12 Nebraska, as amended by section 101, Legislative Bill 3, One
13 Hundred First Legislature, First Special Session, 2009, is amended
14 to read:

15 89-1,100 The director shall collect registration, permit,
16 laboratory, test, and inspection fees, penalties, and money
17 required to be reimbursed as provided for in the Weights and
18 Measures Act and shall remit such funds to the State Treasurer.
19 The State Treasurer shall credit such funds to the Weights and
20 Measures Administrative Fund, which fund is hereby created. All
21 fees, penalties, and reimbursements collected pursuant to the act
22 and credited to the fund shall be appropriated to the uses of the
23 department to aid in defraying the expenses of administering the
24 act. ~~7 except that transfers may be made from the fund to the~~
25 ~~General Fund at the direction of the Legislature.~~ Any unexpended

1 balance in the Weights and Measures Administrative Fund at the
2 close of any biennium shall, when reappropriated, be available for
3 the uses and purposes of the fund for the succeeding biennium. Any
4 money in the fund available for investment shall be invested by the
5 state investment officer pursuant to the Nebraska Capital Expansion
6 Act and the Nebraska State Funds Investment Act. The registration,
7 permit, laboratory, test, and inspection fees, penalties, and money
8 required to be reimbursed as provided for in the Weights and
9 Measures Act shall constitute a lien on the weighing and measuring
10 devices or standards required to be registered or approved for
11 use in this state until such fees, penalties, and reimbursements
12 are paid. The director may sue for such fees, penalties, and
13 reimbursements and may seek to foreclose on any lien in the name of
14 the state. The county attorney of the county in which the device is
15 located or the Attorney General's office shall, upon the request of
16 the director, take appropriate action to establish and foreclose
17 on any such lien.

18 Sec. 7. This act becomes operative on July 1, 2011.

19 Sec. 8. Original sections 81-201.05, 81-2,147.11,
20 81-2,291, and 89-1,100, Reissue Revised Statutes of Nebraska, as
21 amended by sections 62, 63, 64, and 101, respectively, Legislative
22 Bill 3, One Hundred First Legislature, First Special Session,
23 2009, section 54-857, Revised Statutes Cumulative Supplement, 2008,
24 as amended by section 29, Legislative Bill 3, One Hundred First
25 Legislature, First Special Session, 2009, and section 2-5106,

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1 Revised Statutes Supplement, 2009, as amended by section 6,
2 Legislative Bill 3, One Hundred First Legislature, First Special
3 Session, 2009, are repealed.