

AMENDMENTS TO LB 523

1           1. Insert the following new sections:

2           "Sec. 3. The Department of Agriculture may adopt and  
3 promulgate rules and regulations to carry out the purposes of  
4 section 2 of this act and the Southern Dairy Compact in accordance  
5 with the Administrative Procedure Act.

6           Sec. 4. (1) No person shall violate the provisions of  
7 any rule or regulation establishing a compact over-order price or a  
8 commission marketing order or any other rule or regulation adopted  
9 pursuant to the Southern Dairy Compact. Any person who violates  
10 this section may be subject to a civil fine of not more than one  
11 thousand dollars for each offense, and in the case of a continuing  
12 violation, each day of violation shall constitute a separate  
13 offense. In addition to any civil penalty assessed under this  
14 section, the district court may also grant a restraining order or a  
15 temporary or permanent injunction against any person committing, or  
16 threatening to commit, a violation. The district court of the  
17 county where the violation is occurring or is about to occur has  
18 jurisdiction to grant such relief upon good cause shown.

19           (2) It shall be the duty of the Attorney General or the  
20 county attorney of the county in which the violation of the act has  
21 occurred, is occurring, or is about to occur, when notified by the  
22 Director of Agriculture of such violation or threatened violation,  
23 to pursue appropriate proceedings without delay.

24           Sec. 5. (1) The Director of Agriculture may suspend or

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1 revoke a permit of any milk handler granted under the Nebraska  
2 Manufacturing Milk Act or the Nebraska Pasteurized Milk Law who  
3 violates the provisions of any rule or regulation establishing a  
4 compact over-order price or a commission marketing order or any  
5 other rule or regulation adopted pursuant to the Southern Dairy  
6 Compact pursuant to procedures for suspension or revocation  
7 provided under the acts.

8 (2) In lieu of suspension or revocation, the Department  
9 of Agriculture may impose a fine of not more than one thousand  
10 dollars for any milk handler who has committed a violation  
11 described in subsection (1) of this section. A violation shall  
12 mean any separate activity or day in which an activity takes place.

13 (3) For purposes of this section, milk handler has the  
14 meaning found at 7 C.F.R. 1000.9, as such section existed on the  
15 effective date of this act."

16 2. On page 26, strike lines 20 through 28.

17 3. On page 27, strike lines 1 through 3.