

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 212

Introduced by Kremer, 34; Baker, 44; Burling, 33; Cunningham, 40;
Schrock, 38; Smith, 48

Read first time January 10, 2003

Committee: Agriculture

A BILL

1 FOR AN ACT relating to tractor tests; to amend sections 2-2701.01,
2 2-2702, 2-2703, 2-2705, and 2-2707 to 2-2709, Reissue
3 Revised Statutes of Nebraska; to change and eliminate
4 provisions relating to the testing, review, and sale of
5 current tractor models; to change a permit fee; to
6 eliminate a fund; to repeal the original sections; and to
7 outright repeal sections 2-2701, 2-2701.02, 2-2703.01,
8 2-2705.01, 2-2706, 2-2710, and 2-2711, Reissue Revised
9 Statutes of Nebraska.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-2701.01, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 2-2701.01. For purposes of sections ~~2-2701 to 2-2711~~
4 2-2701.01 to 2-2709, unless the context otherwise requires:

5 (1) Board ~~shall mean~~ means the University of Nebraska
6 Board of Tractor Test Engineers which ~~shall consist~~ consists of
7 three engineers under the control of the university;

8 (2) Current tractor model ~~shall mean~~ means any tractor
9 model included in the manufacturer's annual price list of tractors
10 being offered for sale by its dealers or distributors;

11 (3) ~~Department shall mean the Department of Agriculture;~~

12 ~~(4) Director shall mean the Director of Agriculture or~~
13 ~~his or her authorized representative;~~

14 ~~(5) Person shall mean~~ means bodies politic and corporate,
15 societies, communities, the public generally, individuals,
16 partnerships, limited liability companies, joint-stock companies,
17 and associations; and

18 ~~(6) (4) Tractor shall mean~~ means an agricultural tractor
19 of forty or more horsepower which is a traction machine designed
20 and advertised primarily to supply power to agricultural implements
21 and farmstead equipment. An agricultural tractor propels itself
22 and provides a force in the direction of travel to enable attached
23 soil-engaging and other agricultural implements to perform their
24 intended function.

25 Sec. 2. Section 2-2702, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 2-2702. (1) (a) The Board of Regents of the University of
28 Nebraska shall adopt and promulgate rules and regulations setting

1 forth codes for the official testing of tractors.

2 (b) The Board of Regents of the University of Nebraska
3 shall adopt procedures for the official testing of agricultural
4 tractors as prescribed by the Organization for Economic Cooperation
5 and Development.

6 (c) The Board of Regents of the University of Nebraska
7 shall also adopt and promulgate rules and regulations for the
8 testing of tractors as published by the Society of Automotive
9 Engineers International and the American Society of Agricultural
10 Engineers.

11 (2) In addition to the powers and duties prescribed in
12 sections ~~2-2701 to 2-2711~~ 2-2701.01 to 2-2709, the University of
13 Nebraska shall have the power to:

14 (a) Authorize the use of the Nebraska Tractor Testing
15 Laboratory facilities to conduct Organization for Economic
16 Cooperation and Development testing and other official tests;

17 (b) Cooperate with the United States Department of
18 Commerce when planning and conducting Organization for Economic
19 Cooperation and Development testing;

20 (c) Conduct offsite tractor tests; and

21 (d) Submit and certify tractor test results to the
22 federal government.

23 Sec. 3. Section 2-2703, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 2-2703. ~~After~~ Whenever a current tractor model has been
26 ~~duly~~ tested by the University of Nebraska or by an official test
27 result has been submitted from any Organization for Economic
28 Cooperation and Development test station for review, the board

1 shall ~~submit~~ prepare a report of the results of such official test
 2 or review. ~~to the department. Prior to the issuance of a~~
 3 ~~permanent sales permit by the department to any person for the sale~~
 4 ~~of a tractor model, the board shall compare the test results with~~
 5 ~~the manufacturer's representations as to power, fuel, and other~~
 6 ~~ratings of the tractor model. If any such representations are~~
 7 ~~found to be false, the board shall recommend that the department~~
 8 ~~deny a permit for the sale of such tractor model. Any~~
 9 ~~representation which a person makes with regard to the performance~~
 10 ~~of its tractor at other than the customarily used power outlets~~
 11 ~~shall be subject to test at the option of the board.~~

12 Sec. 4. Section 2-2705, Reissue Revised Statutes of
 13 Nebraska, is amended to read:

14 2-2705. Application to the board for the testing of (1)
 15 An application to test a current tractor model by the University of
 16 Nebraska shall be accompanied by the submitted to the Board of
 17 Regents of the University of Nebraska with an application fee
 18 prescribed in section 2-2705.01 and such fee as is prescribed by
 19 the board. The application fee shall defray the expenses of
 20 processing the application. Board of Regents of the University of
 21 Nebraska as a partial reimbursement for making the application.

22 (2) The Board of Regents of the University of Nebraska
 23 may establish and change from time to time as it determines
 24 advisable a schedule of fees for testing current tractor models by
 25 the Nebraska Tractor Testing Laboratory and a schedule of fees for
 26 reviewing an official test of a current tractor model performed at
 27 any Organization for Economic Cooperation and Development test
 28 station other than the Nebraska Tractor Testing Laboratory. Fees

1 ~~charged and~~ collected for the such testing of tractors by the
 2 ~~Nebraska Tractor Testing Laboratory~~ or review shall be credited
 3 remitted to the State Treasurer for credit to the University of
 4 Nebraska Tractor Test Cash Fund, which fund is hereby created. The
 5 fund shall be used by the Nebraska Tractor Testing Laboratory to
 6 defray the expenses of testing ~~tractors~~ current tractor models and
 7 reviewing official test results. Any accrued interest shall also
 8 be credited to the fund. ~~, except that the cash carryover of such~~
 9 ~~fund from one biennium to the next biennium shall not exceed, by~~
 10 ~~more than fifteen percent, the total cash fund expenditures for the~~
 11 ~~average of the five preceding years. Any amount in excess of such~~
 12 ~~fifteen percent shall be forwarded to the University of Nebraska.~~
 13 Any money in the fund available for investment shall be invested by
 14 the state investment officer pursuant to the Nebraska Capital
 15 Expansion Act and the Nebraska State Funds Investment Act.

16 The Board of Regents of the University of Nebraska may
 17 establish and change from time to time as it determines advisable a
 18 schedule of fees for such tractor tests, ~~except that such fee~~
 19 ~~schedule shall not include the application fee prescribed in~~
 20 ~~section 2-2705.01.~~

21 Sec. 5. Section 2-2707, Reissue Revised Statutes of
 22 Nebraska, is amended to read:

23 2-2707. The report of ~~the~~ an official current tractor
 24 model test required by or review performed pursuant to section
 25 ~~2-2701~~ 2-2703 shall be published by the board and made available in
 26 the ~~Agricultural~~ Biological Systems Engineering Department of the
 27 University of Nebraska and in such other places as may be
 28 designated by the board. All information pertaining to the

1 official testing of a current tractor model shall be public record
2 and available for inspection during normal business hours.

3 Sec. 6. Section 2-2708, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 2-2708. No person shall use the results of ~~such~~ official
6 current tractor model tests or reviews performed pursuant to
7 section 2-2703 in such manner as would cause it to appear that the
8 University of Nebraska ~~or the department~~ intended to recommend the
9 use of any given current tractor model in preference to any other
10 model. ~~For any violation of this section the department may~~
11 ~~suspend any permit issued to that person or deny such person the~~
12 ~~right of obtaining future permits to sell tractors in the state.~~

13 Sec. 7. Section 2-2709, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 2-2709. ~~Except when a temporary permit has been issued~~
16 ~~pursuant to subsection (2) of section 2-2701, tractors~~ Current
17 tractor models shall be tested ~~by the board~~ or reviewed in the
18 order in which ~~they~~ the applications are ~~presented~~ submitted for
19 such tests or reviews, and no discrimination shall be made for or
20 against any person in any manner whatsoever. Complaints alleging a
21 violation of this section shall be heard by the ~~department~~ vice
22 chancellor for the University of Nebraska Institute of Agriculture
23 and Natural Resources.

24 Sec. 8. Original sections 2-2701.01, 2-2702, 2-2703,
25 2-2705, and 2-2707 to 2-2709, Reissue Revised Statutes of Nebraska,
26 are repealed.

27 Sec. 9. The following sections are outright repealed:
28 Sections 2-2701, 2-2701.02, 2-2703.01, 2-2705.01, 2-2706, 2-2710,

LB 212

LB 212

1 and 2-2711, Reissue Revised Statutes of Nebraska.