

LEGISLATIVE BILL 51

Approved by the Governor March 9, 2005

Introduced by Kremer, 34

AN ACT relating to the Department of Agriculture; to amend section 81-201, Revised Statutes Supplement, 2004; to authorize laboratory testing services; to create a fund; and to repeal the original section.

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

Section 1. Section 81-201, Revised Statutes Supplement, 2004, is amended to read:

81-201. The Department of Agriculture shall have power (1) to encourage and promote, in every practicable manner, the interest of agriculture; (2) to promote methods of conducting the industry of agriculture with a view to increasing the production and facilitating the distribution thereof at the least cost; (3) to collect and publish statistics relating to the production and marketing of agricultural products, so far as such statistical information may be of value to the agricultural and allied interests of the state, and to cooperate with the federal government in the matter of collecting and publishing such statistical information; (4) to publish and distribute the Weeds of the Great Plains book and supplemental inserts thereto, for sale and distribution to the public. All money collected from the sale of the publications shall be remitted to the State Treasurer and credited as provided in section 81-201.05; (5) to inquire into the causes of contagious, infectious, and communicable diseases among domestic animals and the means for the prevention and cure of the same; (6) to execute and enforce all laws relating to matters within its jurisdiction and to adopt necessary rules and regulations for the administration and enforcement of such laws; and (7) to employ special investigators who shall be appointed deputy state sheriffs by the Governor and who shall, upon qualifying for such office, possess all the powers which attach to such office, except that their powers and duties shall be restricted to the enforcement of the laws of the State of Nebraska within the jurisdiction of the Department of Agriculture; and (8) to perform laboratory testing services as provided in section 2 of this act.

Sec. 2. (1) The Department of Agriculture may contract with the following entities to perform laboratory testing services for such entities: Any agency, board, commission, or political subdivision of this or another state, another state, the federal government, or an association which includes members that are governmental entities. Laboratory testing services authorized by this section shall not be performed beyond the scope of the Department of Agriculture's statutory authority and shall be limited to one or more of the following: (a) Acts of terrorism, natural disaster, or other public health or agricultural emergency; (b) testing performed in accordance with intergovernmental agreements for laboratory testing services; and (c) testing performed in connection with validation studies for analytical techniques and methods developed by entities whose function is establishing or approving official laboratory analytical standards. Every department contract to perform laboratory testing services shall include provisions clearly stating that the State of Nebraska shall not be liable to any party to the contract or to any third person for negligence of the department in analyzing samples or in publishing testing findings that result in injury to persons or damage to property.

(2) The department shall develop an equitable system of billing and charges for the laboratory testing services. Such charges shall reflect, as nearly as practicable, the actual costs incurred in performing the services.

(3) The Agricultural Laboratory Testing Services Cash Fund is created. All gifts and grants relating to this section from any source, including federal, state, public, or private sources, and charges collected for laboratory testing services shall be remitted to the State Treasurer for credit to the fund. The department shall use the fund to carry out this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 3. Original section 81-201, Revised Statutes Supplement, 2004, is repealed.