

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 348**

Introduced by Larson, 40; at the request of the Governor.

Read first time January 12, 2017

Committee: Agriculture

1 A BILL FOR AN ACT relating to the Nebraska Potato Development Act; to  
2 amend sections 2-1801 and 2-1809, Reissue Revised Statutes of  
3 Nebraska, and section 2-1808, Revised Statutes Cumulative  
4 Supplement, 2016; to eliminate provisions relating to licenses, an  
5 excise tax, and enforcement; to terminate a fund; to eliminate  
6 definitions and a penalty; to harmonize provisions; to provide an  
7 operative date; to repeal the original sections; to outright repeal  
8 sections 2-1805, 2-1806, 2-1810, 2-1811, and 2-1812, Reissue Revised  
9 Statutes of Nebraska, and section 2-1807, Revised Statutes  
10 Cumulative Supplement, 2016; and to declare an emergency.  
11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-1801, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 2-1801 Sections 2-1801 to 2-1809 ~~2-1811~~ may be cited as the Nebraska  
4 Potato Development Act.

5 Sec. 2. Section 2-1808, Revised Statutes Cumulative Supplement,  
6 2016, is amended to read:

7 2-1808 The State Treasurer is hereby directed to establish and set  
8 up in the treasury of the State of Nebraska a fund to be known as the  
9 Nebraska Potato Development Fund, to which fund shall be credited, for  
10 the uses and purposes of the Nebraska Potato Development Act and its  
11 enforcement, all taxes and fees collected by the Department of  
12 Agriculture. After appropriation, the Director of Administrative  
13 Services, upon receipt of proper vouchers approved by the director of the  
14 department, shall issue his or her warrants on such funds and the State  
15 Treasurer shall pay the same out of the money credited to the fund. Any  
16 money in the fund available for investment shall be invested by the state  
17 investment officer pursuant to the Nebraska Capital Expansion Act and the  
18 Nebraska State Funds Investment Act. The Nebraska Potato Development Fund  
19 terminates on the effective date of this act and the State Treasurer  
20 shall transfer any money in the fund on such date to the General Fund.

21 Sec. 3. Section 2-1809, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 2-1809 The Department of Agriculture shall have authority to  
24 promulgate such rules and regulations as are necessary to promptly and  
25 effectively enforce the provisions of sections 2-1801 to 2-1809 ~~2-1811~~.  
26 The department may call upon the Attorney General of Nebraska for legal  
27 assistance. ~~All criminal actions for the violation of any provisions of~~  
28 ~~sections 2-1801 to 2-1811 shall be prosecuted by the Attorney General. It~~  
29 ~~shall be the duty of the department to immediately report to the Attorney~~  
30 ~~General any information coming into its possession concerning any~~  
31 ~~violation of sections 2-1801 to 2-1811 or the failure or refusal of any~~

1 ~~person to comply therewith.~~

2       Sec. 4. This act becomes operative on August 1, 2017.

3       Sec. 5. Original sections 2-1801 and 2-1809, Reissue Revised  
4 Statutes of Nebraska, and section 2-1808, Revised Statutes Cumulative  
5 Supplement, 2016, are repealed.

6       Sec. 6. The following sections are outright repealed: Sections  
7 2-1805, 2-1806, 2-1810, 2-1811, and 2-1812, Reissue Revised Statutes of  
8 Nebraska, and section 2-1807, Revised Statutes Cumulative Supplement,  
9 2016.

10       Sec. 7. Since an emergency exists, this act takes effect when  
11 passed and approved according to law.