

LEGISLATIVE BILL 334

Approved by the Governor March 10, 2011

Introduced by Education Committee: Adams, 24, Chairperson; Avery, 28; Cornett, 45; Haar, 21; Howard, 9; Sullivan, 41.

FOR AN ACT relating to universities and colleges; to amend sections 2-3815, 2-5003, 38-2620, 38-2622, 81-1273, 81-1275, 85-214, 85-215, and 85-1005, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to a poultry pathologist, an aquaculturist, the Nebraska Optometry Education Assistance Contract Program, the Nebraska Business Development Center, the agricultural laboratory in Box Butte County, and the Nebraska Safety Center; to harmonize provisions; to repeal the original sections; to outright repeal sections 85-1,104.01, 85-209, 85-210, 85-211, and 85-212, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Section 1. Section 2-3815, Reissue Revised Statutes of Nebraska, is amended to read:

2-3815 The Department of Agriculture shall establish an agriculture promotion and development program. The department shall employ a program director and one specialist in research techniques and market development. Both individuals shall report directly to the Director of Agriculture.

~~The University of Nebraska Institute of Agriculture and Natural Resources shall employ a poultry pathologist.~~

The program shall concentrate on the identification and development of opportunities to enhance profitability in agriculture and to stimulate agriculture-related economic development. Program activities may include, but not be limited to, (1) promotion and market development, (2) value-added processing of alternative and traditional commodities, (3) agricultural diversification, including poultry development and aquaculture, (4) agricultural cooperatives, and (5) alternative crops.

In order to carry out the purposes of this section, the program director may, if he or she deems necessary, convene an advisory committee to assist the program director in developing and implementing program activities. Representatives from the Nebraska Food Processing Center, the Cooperative Extension Service of the University of Nebraska, the commodity boards, the Department of Economic Development, the United States Department of Agriculture grant programs, and the private sector may serve on such committee at the request of the program director. If an advisory committee is convened, committee members shall not receive any reimbursement for expenses.

The Department of Agriculture shall serve as the facilitator, coordinator, and catalyst for developments through and with the Nebraska Food Processing Center, the Cooperative Extension Service of the University of Nebraska, the commodity boards, the Department of Economic Development, other state agencies, the United States Department of Agriculture grant programs, and the private sector. It is the intent of the Legislature that the department foster close working relationships between production agriculture and existing programs for the purposes of agricultural development and promotion. The department may enter into such contracts as may be necessary to carry out the purposes of this section.

For purposes of this section, unless the context otherwise requires, private sector shall include, but not be limited to, representatives of food industry associations, lenders, or venture capital groups.

Sec. 2. Section 2-5003, Reissue Revised Statutes of Nebraska, is amended to read:

2-5003 There is hereby created the Nebraska Aquaculture Board. The board shall consist of (1) ~~the aquaculturist employed by the Cooperative Extension Service pursuant to section 85-1,104.01,~~ (2) one employee of the commission who is familiar with aquatic disease, appointed by the secretary of the commission, (3) ~~(2)~~ one employee of the department appointed by the director, (4) ~~(3)~~ three aquaculturists, appointed by the Governor, and (5) ~~(4)~~ a representative of an industry or product which is related to or used in aquaculture, appointed by the Governor. The board shall elect from its members a chairperson. The terms of the members of the board shall be three years, except that the terms of the initial aquaculturist members of the board appointed by the Governor shall be staggered so that one member is appointed for a term of one year, one for a term of two years, and one for a term of three years, as determined by the Governor. Members appointed under subdivisions (3) and (4) ~~and (5)~~ of this section shall be reimbursed for their

actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 3. Section 38-2620, Reissue Revised Statutes of Nebraska, is amended to read:

38-2620 There is hereby established the Nebraska Optometry Education Assistance Contract Program for the purpose of providing opportunities for citizens of this state desiring to pursue study in the field of optometry at accredited schools and colleges outside the state. Eligibility for the program shall be limited as provided in sections 38-2622 and 38-2623.

Sec. 4. Section 38-2622, Reissue Revised Statutes of Nebraska, is amended to read:

38-2622 ~~The total number of students receiving annual Annual financial payments made under sections 38-2620 to 38-2623 shall not exceed sixty students during any school year. No more than fifteen of these students shall be students enrolling in a college of optometry for their first year of instruction.~~ be limited to students who participated in the program in the academic year 2010-11 and shall continue for the remaining academic year or years that any such student is enrolled in an accredited school or college of optometry subject to the limitation provided in section 38-2623.

Sec. 5. Section 81-1273, Reissue Revised Statutes of Nebraska, is amended to read:

81-1273 The Legislature finds and declares:

(1) That the availability of business development services at various geographic locations throughout the state would result in the retention, expansion, and diversification of existing businesses and the creation of new businesses;

(2) That the Board of Regents of the University of Nebraska may authorize the Nebraska Business Development Center, as a department of the University of Nebraska at Omaha. The Nebraska Business Development Center, if authorized under this section, may ~~shall~~ provide business development services through a network of small business development centers at: (a) Chadron State College, Peru State College, and Wayne State College, if authorized by the Board of Trustees of the Nebraska State Colleges; and (b) the University of Nebraska at Kearney, the University of Nebraska-Lincoln, and the University of Nebraska at Omaha, and Wayne State College, if authorized by the Board of Regents of the University of Nebraska;

(3) That business development services may be augmented through specialized research and technical assistance services; and

(4) That the Existing Business Assistance Division of the Department of Economic Development shall coordinate, administer, and support the delivery of such services.

Sec. 6. Section 81-1275, Reissue Revised Statutes of Nebraska, is amended to read:

81-1275 ~~The~~ If the Nebraska Business Development Center is authorized by the Board of Regents of the University of Nebraska pursuant to section 81-1273, the Existing Business Assistance Division shall contract with the Nebraska Business Development Center to administer, manage, and deliver regional small business services, and the Nebraska Business Development Center shall:

(1) Provide such services as close as possible to small businesses through a network of small business development centers located in Omaha, Lincoln, Kearney, Wayne, North Platte, Scottsbluff or Gering, Chadron, Peru, and such other communities as the Existing Business Assistance Division shall determine based on the applications of communities desiring to be the location of a small business development center. Small business development centers in such communities shall not be required if the location within a community is on property under the control of the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges and the governing body with control of such property has not authorized such small business development center pursuant to section 81-1273. In determining the location of small business development centers, the division shall consider several factors, including, but not limited to: (a) Preexisting small business development centers; (b) geographic accessibility; and (c) existing resources such as building space and office equipment or the willingness of a community to provide some or all of those resources. The division shall prescribe the form of the application for location of a small business development center and take all actions necessary in the processing of such applications;

(2) Integrate activities funded through the Business Development Partnership Act with those funded by the United States Small Business Administration or any other program supporting the Nebraska small business development centers;

(3) Furnish one-to-one individual counseling to small businesses;

(4) Assist in technology transfer, research, and coupling from

existing sources to small businesses;

(5) Maintain current information concerning federal, state, and local regulations that affect small businesses and counsel small business on methods of compliance;

(6) Coordinate and conduct research into technical and general small business problems for which there are no ready solutions;

(7) Provide and maintain a comprehensive library that contains current information and statistical data needed by small businesses;

(8) Maintain a working relationship and open communications with the financial and investment communities, legal associations, local and regional private consultants, and local and regional small business groups and associations in order to help address the various needs of the small business community;

(9) Conduct indepth surveys for local small business groups in order to develop general information regarding the local economy and general small business strengths and weaknesses in the locality; and

(10) Provide other services as determined in consultation with the Existing Business Assistance Division.

Sec. 7. Section 85-214, Reissue Revised Statutes of Nebraska, is amended to read:

85-214 The Board of Regents shall have control and supervision of the research and extension centers ~~and agricultural laboratory~~ established by sections 85-201~~7~~, and 85-206~~7~~, ~~and~~ 85-209 and shall appoint skillful superintendents and such other employees as to it appears necessary to obtain the best results. The board shall fix the salaries and compensation of employees and establish such rules and regulations as it may from time to time deem best.

Sec. 8. Section 85-215, Reissue Revised Statutes of Nebraska, is amended to read:

85-215 The proceeds arising from the sale of products of the ~~various~~ research and extension centers ~~and agricultural laboratory~~ provided for in sections 85-201~~7~~, and 85-206~~7~~, ~~and~~ 85-209 shall be applied to the liquidation of the running expenses of the research and extension centers ~~and agricultural laboratory~~ from which they are sold, and all money so accruing shall be credited as coming from the state and be applied as a part or whole payment of any amount which may be appropriated from the funds of the state for the maintenance of such research and extension centers. ~~and agricultural laboratory.~~

Sec. 9. Section 85-1005, Reissue Revised Statutes of Nebraska, is amended to read:

85-1005 (1) The Board of Regents of the University of Nebraska may accept and administer, in accordance with proper financial procedures at the University of Nebraska at Kearney, gifts, grants, tuition, fees, and private funds to assist in the operation of the center.

(2) The Board of Regents of the University of Nebraska ~~shall~~ may request an appropriation ~~of such money~~ from the General Fund ~~as may be necessary to permit the center to operate efficiently and to assist in the operation of the center~~ to promote the purposes of sections 85-1001 to 85-1008.

Sec. 10. Original sections 2-3815, 2-5003, 38-2620, 38-2622, 81-1273, 81-1275, 85-214, 85-215, and 85-1005, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 11. The following sections are outright repealed: Sections 85-1,104.01, 85-209, 85-210, 85-211, and 85-212, Reissue Revised Statutes of Nebraska.

Sec. 12. Since an emergency exists, this act takes effect when passed and approved according to law.