

NEBRASKA AGRICULTURAL PRODUCTS MARKETING ACT

Administration: This Act is administered by the Nebraska Department of Agriculture, Administration Division, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska 68509. Telephone: (402) 471-4876.

Revisions: This Act was last revised during the 2013 session of the Nebraska Legislature.

Rules: No regulations have been promulgated under this act.

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2-3801. Act, how cited. Sections 2-3801 to 2-3812 shall be known and may be cited as the Nebraska Agricultural Products Marketing Act.

2-3802. Legislative findings. The Legislature hereby finds that the general welfare of the people of Nebraska will significantly benefit from the conduct of programs designed and intended to enhance the effective marketing of Nebraska's many agricultural commodities.

The Legislature further finds that the meaningful realization of such benefits will result through the administration of programs and policies conceived, desired, and formulated by and for those persons who produce, process, or distribute such commodities as an integral part of their livelihood. It is necessary that the programs conducted by and for the various segments of the agricultural industry be efficiently

coordinated, so that the marketing efforts expended on behalf of each commodity will complement the marketing programs in the state.

2-3803. Definitions, where found. For purposes of the Nebraska Agricultural Products Marketing Act, unless the context otherwise requires, the definitions found in sections 2-3804 to 2-3807 shall be used.

2-3804. Agricultural product or commodity, defined. Agricultural product or commodity shall include all products resulting from the conduct of farming or ranching activities, dairying, beekeeping, aquaculture, poultry or egg production, or comparable activities, and any byproducts resulting from such activities.

2-3804.01. Aquaculture, defined. Aquaculture shall mean the agricultural practice of controlled propagation and cultivation of aquatic plants or animals for commercial purposes. Unless the context otherwise requires, the term agriculture shall be construed to include aquaculture.

2-3805. Department, defined. Department shall mean the Department of Agriculture.

2-3806. Director, defined. Director shall mean the Director of Agriculture or his or her designee.

2-3807. Marketing, defined. Marketing shall include any and all activities intended to directly or indirectly facilitate the sale, exchange, or other distribution of a product or commodity in an economic, efficient, and profitable manner, including research, market development, publicity, promotion, education, product utilization, and comparable activities.

2-3808. Department; marketing activities; powers and duties. To achieve the purposes of the Nebraska Agricultural Products Marketing Act, the department may perform the following marketing activities:

- (1) Coordinating the various marketing programs and policies of each of the state's agricultural commodities so that they will complement one another;
- (2) Assisting the producers, processors, and distributors of agricultural products and commodities in conducting and administering marketing programs and policies conceived, desired, and formulated by and for such persons;
- (3) Conducting activities designed to locate and study trade barriers adversely affecting the marketing of Nebraska agricultural products and conducting activities aimed at eliminating or mitigating any such barriers;
- (4) Collecting and disseminating information relevant and beneficial to the economical, efficient, and profitable marketing of agricultural products by the Nebraska producers, processors, and distributors thereof;

- (5) Assisting in matching up potential buyers and sellers of agricultural products produced in Nebraska;
- (6) Cooperating with other local, state, or national agricultural marketing entities, public or private, in carrying out the act and entering into such contracts as may be necessary;
- (7) Adopting and promulgating such reasonable rules and regulations as are necessary to effectively carry out the intent of the act;
- (8) Accepting funds or fees from any source, including federal, state, public, or private, to be used in carrying out the act;
- (9) Expending funds for purposes of carrying out the act; and
- (10) Conducting any other programs for the development, utilization, and marketing of agricultural products grown or produced in the state.

2-3809. Act, how construed. The Nebraska Agricultural Products Marketing Act shall not be construed:

- (1) As altering the provisions of any other act or acts dealing with the marketing of agricultural products or as detracting from the authorities provided for in any such acts;
- (2) As empowering the department to require cooperative marketing efforts of persons or groups within any segment of the agriculture industry, but shall be construed only to authorize such cooperative marketing efforts; or
- (3) As empowering the department to purchase or otherwise obtain agricultural products or commodities for the purpose of resale.

2-3810. Department; contracts; limitations. The department in entering into contracts authorized under the Nebraska Agricultural Products Marketing Act shall not be authorized to set up marketing units or agencies of its own. Only contracts necessary to the furtherance of the intent and purposes of the act shall be entered into.

2-3812. Nebraska Agricultural Products Marketing Cash Fund; created; use; investment. There is hereby created the Nebraska Agricultural Products Marketing Cash Fund. The fund shall consist of administrative costs collected under subsection (4) of section 54-742 and money appropriated by the Legislature which is received as gifts or grants or collected as fees or charges from any source, including federal, state, public, and private. The fund shall be utilized for the purpose of carrying out the Nebraska Agricultural Products Marketing Act and for purposes of subsection (4) of section 54-742. Any money in such 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.

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