

LEGISLATIVE BILL 356

Approved by the Governor May 15, 1995

Introduced by Agriculture Committee: Dierks, 40, Chairperson; Cudaback, 36; Elmer, 44; Hudkins, 21; Schellpeper, 18; Schmitt, 41; Vrtiska, 1; and Schrock, 38

AN ACT relating to the Nebraska Soil and Plant Analysis Laboratory Act; to amend sections 2-3103 to 2-3108, Reissue Revised Statutes of Nebraska; to change provisions relating to registration, inspections, and disciplinary actions; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 2-3103, Reissue Revised Statutes of Nebraska, is amended to read:

2-3103. ~~One year after December 25, 1969, it~~ It shall be unlawful for any person to operate a laboratory in this state for conducting soil and plant analysis for others unless such laboratory is registered with the department. Application for registration shall be made to the director upon forms furnished by him or her for that purpose. On each initial or renewal application ~~or amended for~~ registration, the director ~~shall~~ may cause the laboratory facilities, methods, procedures, and equipment to be inspected and shall review the qualifications of personnel. Each application shall specify the types of analysis to be conducted and the names of the analytical methods used. ~~registration shall be limited to those services sought in the application and approved by the director following inspection and review of personnel.~~ All registrations shall be personal to the holder thereof and shall be nontransferable. Registrations shall expire on June 30 of each year. ~~Each initial application, and renewal application, and amended application for registration shall be accompanied by a fee of one hundred dollars.~~

Sec. 2. Section 2-3104, Reissue Revised Statutes of Nebraska, is amended to read:

2-3104. The director may appoint qualified personnel to enforce the provisions of the Nebraska Soil and Plant Analysis Laboratory Act and any duly authorized representative of the director may at any reasonable time enter any laboratory for the purpose of reviewing qualifications of personnel, for examination of equipment in use for soil and plant analysis, and for inspection of the laboratory ~~and~~ facilities, methods, and procedures. Every laboratory shall be inspected at least once every two years. It shall be unlawful to hinder, impede, or prevent entry by the director or his or her authorized representatives for the performance of their duties.

Sec. 3. Section 2-3105, Reissue Revised Statutes of Nebraska, is amended to read:

2-3105. The director shall institute a system of check samples in which each laboratory shall participate without charge and each laboratory shall be required to analyze at least four multiple soil or plant check samples during each calendar year. The samples shall be supplied by the department, or ~~PROVIDED;~~ the director may contract with any person to prepare and distribute the samples. Each laboratory receiving check samples shall report to the department results of analysis within thirty days for all requested parameters, elements or compounds or for those elements or compounds whose analytical determination is offered as a service to others. The director shall compile analytical data submitted by laboratories and supply each with a copy of such data but laboratory names or code numbers shall not be used in such compilations.

Sec. 4. Section 2-3106, Reissue Revised Statutes of Nebraska, is amended to read:

2-3106. All results obtained from all soil or plant analysis shall be reported in accordance with standard reporting units as established by rule and regulation. Such ~~PROVIDED;~~ ~~that such~~ standard units shall conform insofar as is practical to uniform standards which may be adopted on a regional or national basis.

Sec. 5. Section 2-3107, Reissue Revised Statutes of Nebraska, is amended to read:

2-3107. If the director determines that a laboratory does not meet the requirements, as established by rule and regulation, with respect to qualified personnel, quality assurance procedures, reporting format, laboratory facilities, or equipment, or analytical procedures or methods or the operation thereof or that analysis being performed by a laboratory is

inaccurate as evidenced by check ~~sample~~ analytical results, he or she may issue an order for a hearing pursuant to and in accordance with the Administrative Procedure Act. Following the hearing, the director may suspend or revoke registration or issue a compliance order against the respondent laboratory. Any person aggrieved by the decision of the director may appeal the decision, and the appeal shall be in accordance with the Administrative Procedure Act.

Sec. 6. Section 2-3108, Reissue Revised Statutes of Nebraska, is amended to read:

2-3108. The director is authorized and directed to adopt and promulgate rules and regulations for the establishment of minimum standards for laboratories, equipment, ~~and personnel, reporting format, and procedures~~ and methods used in soil or plant analysis and such other rules and regulations as are necessary to the proper administration and enforcement of the Nebraska Soil and Plant Analysis Laboratory Act. In formulating proposed rules and regulations, the director shall consult with representatives of the fertilizer industry, representatives of the laboratories in this state, and the University of Nebraska Institute of Agriculture and Natural Resources. All rules and regulations shall be established in accordance with the procedure defined in the Administrative Procedure Act.

Sec. 7. Original sections 2-3103 to 2-3108, Reissue Revised Statutes of Nebraska, are repealed.