

LEGISLATIVE BILL 263

Approved by the Governor May 22, 2009

Introduced by Rogert, 16.

FOR AN ACT relating to agriculture; to amend sections 81-2,147 and 81-2,162.22, Reissue Revised Statutes of Nebraska; to provide that state law preempts local law for the Nebraska Seed Law and the Nebraska Commercial Fertilizer and Soil Conditioner Act; to harmonize provisions; and to repeal the original sections.

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

Section 1. The Nebraska Seed Law and any rules and regulations adopted and promulgated thereunder shall supersede and preempt any ordinance, rule, regulation, or resolution enacted by any political subdivision of the state regarding the regulation of seeds. No political subdivision shall prohibit or in any other manner regulate any matter relating to the registration, labeling, or sale of seeds based upon the type, nature, or genetic makeup of such seeds. No political subdivision shall prohibit or in any other manner regulate any matter relating to the registration, labeling, sale, storage, transportation, distribution, notification of use, planting, or cultivation of seeds that is in addition to or in conflict with the Nebraska Seed Law and any rules and regulations adopted and promulgated thereunder. Nothing in this section shall be construed to preempt or otherwise limit the authority of any city or county to adopt and enforce zoning regulations.

Sec. 2. Section 81-2,147, Reissue Revised Statutes of Nebraska, is amended to read:

81-2,147 Sections 81-2,147 to 81-2,147.11 and section 1 of this act shall be known and cited as the Nebraska Seed Law.

Sec. 3. The Nebraska Commercial Fertilizer and Soil Conditioner Act and any rules and regulations adopted and promulgated thereunder shall supersede and preempt any ordinance, rule, regulation, or resolution enacted by any political subdivision of the state regarding the regulation of fertilizer and soil conditioners. No political subdivision shall prohibit or in any other manner regulate any matter relating to the registration, labeling, or sale of fertilizer and soil conditioners. No political subdivision shall prohibit or in any other manner regulate any matter relating to the storage, transportation, distribution, notification of use, or use that is in addition to or in conflict with the Nebraska Commercial Fertilizer and Soil Conditioner Act and any rules and regulations adopted and promulgated thereunder. Nothing in this section shall be construed to preempt or otherwise limit the authority of any city or county to adopt and enforce zoning regulations or any natural resources district to enforce the Nebraska Ground Water Management and Protection Act.

Sec. 4. Section 81-2,162.22, Reissue Revised Statutes of Nebraska, is amended to read:

81-2,162.22 Sections 81-2,162.01 to 81-2,162.27 and section 3 of this act shall be known and may be cited as the Nebraska Commercial Fertilizer and Soil Conditioner Act.

Sec. 5. Original sections 81-2,147 and 81-2,162.22, Reissue Revised Statutes of Nebraska, are repealed.