

**ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023**  
**COMMITTEE STATEMENT (CORRECTED)**  
**LB740**

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**Hearing Date:** Tuesday February 14, 2023  
**Committee On:** Agriculture  
**Introducer:** Vargas  
**One Liner:** Change provisions of the Nebraska Pure Food Act

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Brewer, Halloran, Hansen, B., Hughes, Holdcroft, Ibach, Raybould, Riepe

**Nay:**

**Absent:**

**Present Not Voting:**

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**Testimony:**

**Proponents:**

Senator Tony Vargas  
John Hlavik

Teresa Anderson

Nicole Fox

Patrick McLure

Kevin Wyatt

Bill Lamson

Craig A Ryan

Seth Coates

Nick Mestes

Brandon Ciciulla

Toby Antonson

Raul Arcos Hawkins

Scott Sheehan

Jessica Shelburne

John Hansen

**Representing:**

Introducer

Center for Rural Affairs, Nebraska Grocery Industry Association, Nebraska Hospitality Association

Friends of Public Health

Platte Institute

Sprockets Famous Freedom Dogs

Self

Hudsons Mini Donut Company

Self

Self

Self

Omaha Food Trucks Association

Self

Self

Omaha Food Trucks Association

Americans For Prosperity

Nebraska Farmers Union

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

\* ADA Accommodation Written Testimony

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**Summary of purpose and/or changes:**

LB 740 allows for food truck permitting reciprocity among certain local jurisdictions and provides for a registry of local regulations applicable to food trucks and production of guidance materials to advise food truck operators.

**Section-by-Section Description:**

Sec. 1: Amends §81-2,239 to incorporate new sections into the Pure Food Act

Sec. 2: Amends §81-2,240 to include section 3 in defined terms utilized in the Pure Food Act.

Sec. 3: Wholly new section inserting a new defined term “guidance document”

Sec 4: Amends §81-2,251.04 by modifying the term “mobile food unit” so that the term does not include only those that are associated with a commissary.

Sec 5: Inserts a new section authorizing inter-local agreements between political subdivisions that carry out Pure Food Act permitting under contract with the Department and other political subdivisions under which those jurisdictions mutually recognize the validity of permits issued by the permitting jurisdiction. Participating jurisdictions that do not recognize a mobile food unit permit are required to provide a written explanation. This section provides participating jurisdictions are not precluded from carrying out inspections of mobile food units that operate in multiple jurisdictions but requires that participating jurisdictions avoid unnecessary duplication. Any inspection fees are limited to the amount to recover costs of the inspection.

Sec. 6: Assigns a duty to the Department to publish a registry of cities that do not regulate mobile food unit utilizing information submitted to the Department by first and second class cities, and delegates rule & reg authority to the Department for this purpose.

Sec. 7: Assigns a duty to the Department to develop guidance documents for mobile food unit operators advising of applicable health and safety permitting regulations to operate in local jurisdictions.

Sec 8: Repealers

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**Explanation of amendments:**

The Committee amendment (AM619) is a white copy amendment that strikes the original provisions and becomes the bill. The differences between AM619 and LB 740 as introduced are described below.

--The Committee amendment omits section 4 retaining the current definition of a mobile food unit. Remaining sections are renumbered accordingly. The terminology “mobile food establishment” is substituted throughout to refer to food trucks.

-- Replaces original section 5 (becomes section 4 of the bill as revised by AM619) The revision makes it clear that the reciprocity is between the three local regulatory authorities exercising food safety and handling licensing and inspection authority delegated pursuant to the Pure Food Act. Inserts a duty of local regulatory authority to report to the legislature to report any reciprocity agreement entered into or actions to explore reciprocity agreements and impediments to such agreements.

-- Rewrites section 6 of the bill as introduced (becomes section 5 of the bill as revised by AM619) The section as rewritten assigns a duty to the Department of Agriculture to maintain a mobile food establishment ordinance registry. The section would require cities of the 1st or 2nd class to submit a copies of municipal ordinances governing the operation of food trucks in their jurisdiction, any permit application forms, and contact information for purposes of mobile food establishment regulation. Cities that do not regulate mobile food establishments satisfy their obligation under this section by submitting a

statement that no such regulations exist in their jurisdiction. Cities are to notify the Department by Dec 31 each year of any revisions to registry information.

-- Rewrites section 7 of the bill as introduced (becomes section 6 of the bill as revised by AM619). The section is rewritten for clarity that the guidance document describe food permitting requirements applicable to mobile food establishments and for purposes of qualifying for reciprocity in licensing regulations of participating local Pure Food Act regulatory authorities.

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Steve Halloran, Chairperson