

AMENDMENTS TO LB948

Introduced by Agriculture.

1           1. Strike the original sections and insert the following new  
2 sections:

3           **Section 1.** Section 2-958, Revised Statutes Cumulative Supplement,  
4 2024, is amended to read:

5           2-958 (1) A noxious weed control fund may be established for each  
6 control authority, which fund shall be available for expenses authorized  
7 to be paid from such fund, including necessary expenses of the control  
8 authority in carrying out its duties and responsibilities under the  
9 Noxious Weed Control Act. The weed control superintendent within the  
10 county shall (a) ascertain and tabulate each year the approximate amount  
11 of land infested with noxious weeds and its location in the county, (b)  
12 ascertain and prepare all information required by the county board in the  
13 preparation of the county budget, including actual and expected revenue  
14 from all sources, cash balances, expenditures, amounts proposed to be  
15 expended during the year, and working capital, and (c) transmit such  
16 information tabulated by the control authority to the county board not  
17 later than June 1 of each year.

18           (2) The Noxious Weed Cash Fund is created. The fund shall consist of  
19 proceeds raised from fees imposed for the registration of pesticides and  
20 earmarked for the fund pursuant to section 2-2634, funds credited or  
21 transferred pursuant to sections 2-509, 2-518, and 81-201, ~~and 81-201.05,~~  
22 any gifts, grants, or donations from any source, and any reimbursement  
23 funds for control work done pursuant to subdivision (1)(b)(vi) of section  
24 2-954. An amount from the General Fund may be appropriated annually for  
25 the Noxious Weed Control Act. The fund shall be administered and used by  
26 the director to maintain the noxious weed control program and for  
27 expenses directly related to the program. ~~Until January 1, 2025, the fund~~

1 ~~may also be used to defray all reasonable and necessary costs related to~~  
2 ~~the administration of the Nebraska Hemp Farming Act.~~

3 (3) Any money in the fund available for investment shall be invested  
4 by the state investment officer pursuant to the Nebraska Capital  
5 Expansion Act and the Nebraska State Funds Investment Act.

6 **Sec. 2.** Section 2-1091, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 2-1091 For the purpose of implementation or enforcement of the Plant  
9 Protection and Plant Pest Act or any rule or regulation, the department  
10 may:

11 (1) Enter at reasonable times and in a reasonable manner without  
12 being subject to any action for trespass or damages, if reasonable care  
13 is exercised, all property where plants are grown, packed, held prior to  
14 distribution, or distributed for the purpose of inspecting all plants,  
15 structures, vehicles, equipment, packing materials, containers, records,  
16 and labels on such property or otherwise implementing or enforcing the  
17 act. The department may inspect and examine all records and property  
18 relating to compliance with the act. Such records and property shall be  
19 made available to the department for review at all reasonable times;

20 (2) In a reasonable manner, hold for inspection and take samples of  
21 any plants and associated materials which may not be in compliance with  
22 the act;

23 (3) Inspect or reinspect at any time or place any plants that are in  
24 the state or being shipped into or through the state and treat, seize,  
25 destroy, require treatment or destruction of, or return to the state of  
26 origin any plants in order to inhibit or prevent the movement of plant  
27 pests throughout the state;

28 (4) Obtain an inspection warrant in the manner prescribed in  
29 sections 29-830 to 29-835 from a court of record if any person refuses to  
30 allow the department to inspect pursuant to this section;

31 (5) Issue a written or printed withdrawal-from-distribution order

1 and post signs to delineate sections not marked pursuant to subsection  
2 (3) of section 2-1095 or sections of distribution locations and to notify  
3 persons of any withdrawal-from-distribution order when the department has  
4 reasonable cause to believe any lot of nursery stock is being distributed  
5 in violation of the act or any rule or regulation;

6 (6) Apply for a restraining order, a temporary or permanent  
7 injunction, or a mandatory injunction against any person violating or  
8 threatening to violate the act or the rules and regulations. The district  
9 court of the county where the violation is occurring or is about to occur  
10 shall have jurisdiction to grant such relief upon good cause shown.  
11 Relief may be granted notwithstanding the existence of any other remedy  
12 at law and shall be granted without bond;

13 (7) Issue a quarantine or establish a quarantine area;

14 (8) Cooperate and enter into agreements, including harmonization  
15 plans, with any person in order to carry out the purpose of the act;

16 (9) Establish a restricted plant pest list to prohibit the movement  
17 into the state of plant pests not known to occur in Nebraska and to  
18 prohibit the movement of those plant pests present in the state but known  
19 to be destructive to the plant industry;

20 (10) Issue European corn borer quarantine certificates,  
21 phytosanitary certificates, and export certificates on plants for  
22 individual shipment to other states or foreign countries if those plants  
23 comply with the requirements or regulations of such state or foreign  
24 country or issue quarantine compliance agreements or European corn borer  
25 quarantine certification licenses;

26 (11) Inspect plants that any person desires to ship into another  
27 state or country when such person has made an application to the  
28 department for such inspection. The inspection shall determine the  
29 presence of plant pests to determine the acceptance of the plants into  
30 other states or countries. The department may accept the inspections of  
31 laboratories authorized by the department or field inspectors of the

1 department;

2 (12) Certify plants or property to meet the requirements of specific  
3 quarantines imposed on Nebraska or Nebraska plants. The quarantine  
4 certification requirements shall be set forth in the rules and  
5 regulations;

6 (13) ~~Assess~~ ~~Until increased or decreased by rules or regulations,~~  
7 ~~assess~~ and collect fees set forth in section 2-1091.02 for inspections,  
8 services, or work performed in carrying out subdivisions (8) and (10)  
9 through (12) of this section. Inspection time shall be determined based  
10 on any portion of a whole hour and shall include the driving to and from  
11 the location of the inspection in addition to the time spent conducting  
12 the inspection, and the mileage charge shall be for the purpose of  
13 inspection. Any fee charged to the department relating to such  
14 subdivisions shall be paid by the person requesting the inspection,  
15 services, or work. The department may, for purposes of administering such  
16 subdivisions, establish in rules and regulations inspection requirements,  
17 standards, and issuance, renewal, or revocation of licenses,  
18 certificates, or agreements necessitated by such subdivisions;

19 (14) Conduct continuing survey and detection programs on plant pests  
20 to monitor the population or spread of plant pests;

21 (15) Implement programs or plans to eradicate, manage, treat, or  
22 control plant pests;

23 (16) Issue, place on probation, suspend, or revoke licenses issued  
24 or agreements entered into pursuant to the act or deny applications for  
25 such licenses or agreements pursuant to the act; and

26 (17) Issue orders imposing administrative fines or cease and desist  
27 orders pursuant to the act.

28 **Sec. 3.** Section 2-1091.02, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 2-1091.02 (1) Fees under License fees ~~for~~ the Plant Protection and  
31 Plant Pest Act that are due on January 1, 2027 ~~2014~~, shall be the amount

1 in column A of subsection (3) of this section.

2 (2) The license fees due January 1, ~~2015~~, and each January 1  
3 thereafter shall be set by the director on or before July 1 of each year.  
4 The director may raise or lower such fees each year to meet the criteria  
5 in this subsection, but the fee shall not be greater than the amount in  
6 column B of subsection (3) of this section. The same percentage shall be  
7 applied to each category for all fee increases or decreases. The director  
8 shall use the fees in column A of subsection (3) of this section as a  
9 base for future fee increases or decreases. The director shall determine  
10 the fees based on estimated annual revenue and fiscal year-end cash fund  
11 balances as follows:

12 (a) The estimated annual revenue shall not be greater than one  
13 hundred seven percent of program cash fund appropriations allocated for  
14 the Plant Protection and Plant Pest Act; and

15 (b) The estimated fiscal year-end cash fund balance shall not be  
16 greater than seventeen percent of program cash fund appropriations  
17 allocated for the act.

18 (3) ~~License Fees.~~

19 Fees	A	B
20 <del>License Fees</del>	A	B
21 Nursery stock		
22 distributor license		
23 as set forth in		
24 section 2-1091.01		
25 <u>for the first acre</u>	<u>\$140</u>	<u>\$180</u>
26 <del>for the first acre</del>	<del>\$115</del>	<del>\$140</del>
27 <u>Fee for additional acres</u>	<u>\$39 per acre</u>	<u>\$50 per acre</u>
28 <del>Fee for additional acres</del>	<del>\$5.00 per acre</del>	<del>\$6.00 per acre</del>
29 <del>Distributing without</del>	<del>25% of the fee</del>	
30 <del>obtaining a nursery</del>	<del>per month up to</del>	

1 ~~stock distributor~~ ~~100% of the~~  
2 ~~license fee~~ ~~license fee~~

3 ~~(4) Other fees for the Plant Protection and Plant Pest Act under~~  
4 ~~subsection (5) of this section in effect on January 1, 2014, shall be the~~  
5 ~~amount in column A of such subsection. The department may increase or~~  
6 ~~decrease such fees by rules or regulations adopted and promulgated by the~~  
7 ~~department. Such increases shall not result in fees greater than the~~  
8 ~~amount in column B of subsection (5) of this section.~~

9 ~~(5) Other Fees.~~

10	<del>Other Fees</del>	<del>A</del>	<del>B</del>
11	<del>Certification fee for</del>		
12	<del>nursery stock growing</del>		
13	<del>acres as set forth in</del>	<del>Included in</del>	
14	<del>section 2-1095</del>	<del>license fee</del>	
15	<del>Inspection fees due</del>		
16	<del>under section</del>	<del>\$39 per hour</del>	<del>\$50 per hour</del>
17	<del>2-1091 or 2-1095</del>	<del>\$0.70 per mile</del>	<del>\$1.00 per mile</del>
18	<del>Late applications for</del>		
19	<del>certification of nursery</del>	<del>\$24 per hour</del>	<del>\$27 per hour</del>
20	<del>stock growing acres</del>	<del>\$0.42 per mile</del>	<del>\$0.50 per mile</del>
21	<del>Reinspections of</del>		
22	<del>requested inspections</del>	<del>\$24 per hour</del>	<del>\$27 per hour</del>
23	<del>for nursery stock</del>	<del>\$0.42 per mile</del>	<del>\$0.50 per mile</del>
24	<del>Phytosanitary or</del>	<del>\$60 per certificate</del>	<del>\$106 per certificate</del>
25	<del>export certificates</del>		
26	<del>set forth in section 2-1091</del>		
27	<del>Phytosanitary or</del>	<del>\$30 per certificate</del>	<del>\$40 per</del>
28	<del>export certificates</del>	<del>and \$7 for taking</del>	<del>certificate and</del>
29	<del>set forth in</del>	<del>an application</del>	<del>\$10 for taking</del>

1	<del>section 2-1091</del>	<del>by telephone</del>	<del>an application</del>
2			<del>by telephone</del>
3	<del>Phytosanitary or</del>		
4	<del>export certificate</del>		
5	<del>inspections and</del>	<del>\$24 per hour</del>	<del>\$27 per hour</del>
6	<del>reinspections</del>	<del>\$0.42 per mile</del>	<del>\$0.50 per mile</del>
7	<del>European corn borer</del>		
8	<del>quarantine certification</del>		
9	<del>license set forth in</del>	<del>\$65 per license,</del>	<del>\$80 per license,</del>
10	<del>license set forth in</del>	<del>\$50 per license,</del>	<del>\$65 per license,</del>
11	<del>section 2-1091</del>	<del>annually</del>	<del>annually</del>
12	<del>European corn borer</del>	<del>\$25 for</del>	<del>\$35 for</del>
13	<del>European corn borer</del>	<del>\$6.25 for</del>	<del>\$10.00 for</del>
14	<del>certificate</del>	<del>packet of 25</del>	<del>packet of 25</del>
15	<del>Quarantine compliance</del>		
16	<del>agreements as set</del>	<del>\$65 per agreement,</del>	<del>\$80 per agreement,</del>
17	<del>agreements as set</del>	<del>\$50 per agreement</del>	<del>\$65 per agreement</del>
18	<del>forth in section 2-1091</del>	<del>annually</del>	<del>annually</del>
19	<del>Quarantine compliance</del>		
20	<del>agreement inspections</del>	<del>\$24 per hour</del>	<del>\$27 per hour</del>
21	<del>and reinspections</del>	<del>\$0.42 per mile</del>	<del>\$0.50 per mile</del>

22       (4) A person that is distributing without first obtaining a nursery  
23 stock distributor license shall pay an additional fee of twenty-five  
24 percent of the license fee that is due for each month that such person  
25 failed to obtain such license.

26       (5) (6) Any fee remaining unpaid for more than one month shall be  
27 considered delinquent and the person owing the fee shall pay an  
28 additional administrative fee of twenty-five percent of the delinquent  
29 amount for each month it remains unpaid, not to exceed one hundred

1 percent of the original amount due. The department may waive the  
2 additional administrative fee based upon the existence and extent of any  
3 mitigating circumstances that have resulted in the late payment of such  
4 fee. The purpose of the additional administrative fee is to cover the  
5 administrative costs associated with collecting fees, and all money  
6 collected as an additional administrative fee shall be remitted to the  
7 State Treasurer for credit to the Plant Protection and Plant Pest Cash  
8 Fund.

9 **Sec. 4.** Section 2-1095, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 2-1095 (1) All nursery stock distributors that distribute any  
12 nursery stock that they grow shall apply for a certification ~~an~~  
13 ~~additional inspection for the certification~~ of the Nebraska-grown nursery  
14 stock as provided in this section. The nursery stock distributor shall  
15 receive ~~apply for~~ such certification inspection of the Nebraska-grown  
16 nursery stock as part of the ~~application for the~~ nursery stock  
17 distributor license described in section 2-1091.01.

18 (2)(a) Applications for certification inspection of Nebraska-grown  
19 nursery stock that are due on January 1 pursuant to section 2-1091.01 and  
20 are not received prior to February 1 and initial applications not  
21 received prior to beginning of distribution shall be considered  
22 delinquent. Such applications shall be accompanied with the ~~have an~~  
23 inspection fee that is ~~as~~ set forth in section 2-1091.02.

24 (b) Inspection time shall be determined based on any portion of a  
25 whole hour and shall include the driving time to and from the location of  
26 the inspection in addition to the time spent conducting the inspection,  
27 and the mileage charge shall be for the purpose of inspection.

28 (3) Each nursery stock distributor shall post signs delineating  
29 sections of all growing areas. A section shall be not larger than five  
30 acres.

31 (4) All growing areas within the state shall be inspected by the

1 department at least once per year for certification and compliance with  
2 the Plant Protection and Plant Pest Act.

3 (5) Following the certification inspection of Nebraska-grown nursery  
4 stock, the department shall provide a copy of the plant inspection report  
5 to the nursery stock distributor specifying any area of the nursery from  
6 which nursery stock cannot be distributed or any plants which may not be  
7 distributed as nursery stock. When deemed necessary to maintain  
8 compliance with the purposes of the Plant Protection and Plant Pest Act,  
9 the department shall require the nursery stock distributor to withdraw  
10 from distribution any variety or amount of nursery stock. A reinspection  
11 may be conducted by the department at the nursery stock distributor's  
12 request and cost. The department may also reinspect to determine  
13 compliance with the act. To determine the cost of any reinspection, the  
14 department shall use fees as outlined in subsection (2) of this section.  
15 The nursery stock distributor shall comply with the recommendations of  
16 the department as to the treatment or destruction of nursery stock.

17 (6) The department may require the treatment or destruction of any  
18 nursery stock that is infested or infected with plant pests, nonviable,  
19 damaged, or desiccated to the point of not being reasonably capable of  
20 growth.

21 (7) Any nursery stock on which a withdrawal-from-distribution order  
22 has been issued shall be released for distribution only by authorized  
23 department employees or after written permission has been obtained from  
24 the department. Each nursery stock distributor shall promptly report to  
25 the department, in writing, the amount and type of plants treated or  
26 destroyed under requirements on withdrawal-from-distribution orders. The  
27 department may withhold a license or certification of Nebraska-grown  
28 nursery stock until conditions have been met by the nursery stock  
29 distributor as specified in the plant inspection report or any other  
30 order issued by the department. A certification of Nebraska-grown stock  
31 may be issued covering portions of the nursery which are not infested or

1 infected if the nursery stock distributor agrees to treat, destroy, or  
2 remove as specified by the department those plants found to be infested  
3 or infected.

4 **Sec. 5.** Section 2-10,117, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 2-10,117 All money received from any source pursuant to the Plant  
7 Protection and Plant Pest Act shall be remitted by the department to the  
8 State Treasurer and by the State Treasurer credited to the Plant  
9 Protection and Plant Pest Cash Fund which is hereby created. ~~The fund~~  
10 ~~also shall include funds transferred pursuant to section 81-201.05.~~ The  
11 fund shall be used by the department to aid in defraying the expenses of  
12 administering the act. Any money in the fund available for investment  
13 shall be invested by the state investment officer pursuant to the  
14 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
15 Act. The State Treasurer shall transfer any money in the Nebraska Potato  
16 Development Fund upon the termination of such fund to the Plant  
17 Protection and Plant Pest Cash Fund.

18 **Sec. 6.** Section 2-2634, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 2-2634 (1) As a condition to registration or renewal of registration  
21 as required by sections 2-2628 to 2-2633, an applicant shall pay to the  
22 department a fee of two hundred ~~one hundred sixty~~ dollars for each  
23 pesticide to be registered, except that the fee may be increased or  
24 decreased by rules and regulations adopted and promulgated pursuant to  
25 the Pesticide Act. In no event shall such fee exceed two hundred fifty  
26 ~~two hundred ten~~ dollars for each pesticide to be registered.

27 (2) All fees collected under subsection (1) of this section shall be  
28 remitted to the State Treasurer for credit as follows:

29 (a) Fifty ~~Thirty~~ dollars of such fee to the Noxious Weed Cash Fund  
30 as provided in section 2-958;

31 (b) Fifty dollars of such fee to the Buffer Strip Incentive Fund as

1 provided in section 2-5106;

2 (c) Fifty-five dollars of such fee to the Natural Resources Water  
3 Quality Fund; and

4 (d) The remainder of such fee to the Pesticide Administrative Cash  
5 Fund.

6 (3) If a person fails to apply for renewal of registration before  
7 January 1 of any year, such person, as a condition to renewal, shall pay  
8 a late registration fee equal to twenty-five percent of the fee due and  
9 owing per month, not to exceed one hundred percent, for each product to  
10 be renewed in addition to the renewal fee. The purpose of the late  
11 registration fee is to cover the administrative costs associated with  
12 collecting fees, and all money collected as a late registration fee shall  
13 be remitted to the State Treasurer for credit to the Pesticide  
14 Administrative Cash Fund.

15 **Sec. 7.** Section 2-3413, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 2-3413 (1) The State Treasurer is hereby directed to establish in  
18 the treasury of the State of Nebraska a fund to be known as the Nebraska  
19 Poultry and Egg Development, Utilization, and Marketing Fund, to which  
20 shall be credited all fees collected by the department pursuant to the  
21 Nebraska Poultry and Egg Resources Act. After appropriation, the Director  
22 of Administrative Services shall, upon receipt of proper vouchers  
23 approved by the director, issue warrants on such fund including refund  
24 payments authorized by section 2-3409 and the State Treasurer shall pay  
25 the warrants out of the money credited to such fund. Any money in the  
26 fund available for investment shall be invested by the state investment  
27 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
28 State Funds Investment Act.

29 (2) The department may accept grants, contributions, or other funds  
30 from any private or federal, state, or other public source to be used to  
31 administer the Nebraska Poultry and Egg Resources Act and to conduct

1 programs under such act.

2 (3) On or before December 31, 2026, the State Treasurer shall  
3 transfer all money in the Nebraska Poultry and Egg Development,  
4 Utilization, and Marketing Fund to the Nebraska Agricultural Products  
5 Marketing Cash Fund.

6 (4) This section terminates on January 1, 2027.

7 **Sec. 8.** Section 2-4323, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 2-4323 (1) Every retailer licensee shall file, not later than the  
10 last day of January and July of each year, a semiannual tonnage report on  
11 forms provided by the department, setting forth the number of net tons of  
12 each agricultural liming material sold in Nebraska during the preceding  
13 six-month period, which report shall cover the periods from July 1 to  
14 December 31 and January 1 to June 30, and such other information as the  
15 director shall deem necessary. All persons required to be licensed  
16 pursuant to the Agricultural Liming Materials Act shall file such report  
17 regardless of whether any inspection fee is due. Upon filing the report,  
18 such person shall pay the inspection fee at the rate prescribed pursuant  
19 to this section. The inspection fee shall be at the rate fixed by the  
20 director but not exceeding ten cents per ton. The fee shall be set at an  
21 amount to cover the expenses of the inspection provided in section 2-4325  
22 and the costs of administering this section. The minimum inspection fee  
23 required pursuant to this section shall be five dollars, and no  
24 inspection fee shall be paid more than once for any one product. In the  
25 case of agricultural lime slurry, the fee shall be paid on the base lime  
26 material only.

27 (2) If a person fails to report and pay the fee required by  
28 subsection (1) of this section by January 31 and July 31, the fee shall  
29 be considered delinquent and the person owing the fee shall pay an  
30 additional administrative fee of twenty-five percent of the delinquent  
31 amount for each month it remains unpaid, not to exceed one hundred

1 percent of the original amount due. The department may waive the  
2 additional administrative fee based upon the existence and extent of any  
3 mitigating circumstances that have resulted in the late payment of such  
4 fee. The purpose of the additional administrative fee is to cover the  
5 administrative costs associated with collecting fees, and all money  
6 collected as an additional administrative fee shall be remitted to the  
7 State Treasurer for credit to the Fertilizers and Beneficial Substances  
8 ~~Soil Conditioners~~ Administrative Fund. Failure to make an accurate  
9 statement of tonnage or to pay the inspection fee or comply as provided  
10 in this subsection shall constitute sufficient cause for the cancellation  
11 of all product registrations or licenses on file for such person.

12 (3) The director shall annually make information available in such  
13 form as he or she may deem proper concerning the tons of agricultural  
14 liming material sold in this state. Such report shall in no way divulge  
15 the operation of any registrant or licensee.

16 **Sec. 9.** Section 2-4324, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 2-4324 All fees paid to the department pursuant to the Agricultural  
19 Liming Materials Act shall be remitted to the State Treasurer for credit  
20 to the Fertilizers and Beneficial Substances ~~Soil Conditioners~~  
21 Administrative Fund. All money credited to the fund shall be used by the  
22 department to aid in defraying expenses of administering the Agricultural  
23 Liming Materials Act and the Nebraska Commercial Fertilizer and  
24 Beneficial Substances ~~Soil Conditioner~~ Act.

25 **Sec. 10.** Section 81-201, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 81-201 The Department of Agriculture may: ~~shall have power~~

28 (1) Encourage ~~to encourage~~ and promote, in every practicable manner,  
29 the interest of agriculture;

30 (2) Promote ~~to promote~~ methods of conducting the industry of  
31 agriculture with a view to increasing the production and facilitating the

1 distribution thereof at the least cost;

2 (3) Collect ~~to collect~~ and publish statistics relating to the  
3 production and marketing of agricultural products, so far as such  
4 statistical information may be of value to the agricultural and allied  
5 interests of the state, and ~~to cooperate with the federal government in~~  
6 the matter of collecting and publishing such statistical information;

7 (4) Distribute or dispose of any remaining ~~to publish and distribute~~  
8 ~~the Weeds of the Great Plains~~ books ~~book~~ and supplemental inserts thereto  
9 that are in the possession of the department. By January 1, 2027, the  
10 State Treasurer shall transfer all money in the Weed Book Cash Fund to  
11 the Noxious Weed Cash Fund. ~~, for sale and distribution to the public.~~  
12 All money collected from the sale of the publications shall be remitted  
13 to the State Treasurer and credited to the Noxious Weed Cash Fund as  
14 ~~provided in section 81-201.05;~~

15 (5) Inquire ~~to inquire~~ into the causes of contagious, infectious,  
16 and communicable diseases among domestic animals and the means for the  
17 prevention and cure of the same;

18 (6) Execute ~~to execute~~ and enforce all laws relating to matters  
19 within its jurisdiction and to adopt necessary rules and regulations for  
20 the administration and enforcement of such laws;

21 (7) Employ ~~to employ~~ special investigators who shall be appointed  
22 deputy state sheriffs by the Governor and who shall, upon qualifying for  
23 such office, possess all the powers which attach to such office, except  
24 that their powers and duties shall be restricted to the enforcement of  
25 the laws of the State of Nebraska within the jurisdiction of the  
26 Department of Agriculture;

27 (8) Perform ~~to perform~~ laboratory testing services as provided in  
28 section 81-2,293; and

29 (9) Enforce ~~to enforce~~ the Foreign-owned Real Estate National  
30 Security Act.

31 **Sec. 11.** Section 81-2,162.01, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 81-2,162.01 The Nebraska Commercial Fertilizer and Beneficial  
3 Substances Soil-Conditioner Act shall be administered by the Director of  
4 Agriculture.

5 **Sec. 12.** Section 81-2,162.02, Reissue Revised Statutes of Nebraska,  
6 is amended to read:

7 81-2,162.02 For purposes of the Nebraska Commercial Fertilizer and  
8 Beneficial Substances Soil-Conditioner Act, unless the context otherwise  
9 requires:

10 (1) Beneficial substance means any claimed or advertised substance  
11 that can be demonstrated by scientific research to be beneficial to soil,  
12 media, or at least one species of plant. Beneficial substance:

13 (a) Includes any plant biostimulant, soil amendment, chemical or  
14 biological substance that is beneficial to any plant and growing  
15 environment of such plant; and

16 (b) Does not include any primary or secondary nutrient for plants,  
17 plant micronutrient, pesticide, unmanipulated animal or plant manure, or  
18 commercial fertilizer;

19 (2) ~~(1)~~ Director means the Director of Agriculture or his or her  
20 duly authorized agent;

21 (3) ~~(2)~~ Department means the Department of Agriculture;

22 (4) ~~(3)~~ Commercial fertilizer means any formula or product  
23 distributed for further distribution or ultimate use as a plant nutrient,  
24 intended to promote plant growth, containing one or more plant nutrients  
25 recognized by the Association of American Plant Food Control Officials in  
26 its official publication. The term commercial fertilizer shall not be  
27 deemed to include unmanipulated animal and vegetable manures but shall be  
28 deemed to include both finished products and fertilizer ingredients  
29 capable of being used in the formulation of a finished product;

30 (5) ~~(4)~~ Bulk means nonpackaged;

31 (6) ~~(5)~~ Custom-blended product means any individually compounded

1 commercial fertilizer or beneficial substance that is soil conditioner  
2 mixed, blended, offered for sale, or sold in Nebraska to a person's  
3 specifications, when such person is the ultimate consumer, if the  
4 ingredients used in such product which are subject to the registration  
5 requirements of section 81-2,162.03 have been so registered;

6 (7) ~~(6)~~ Distribute means to offer for sale, sell, barter, or  
7 otherwise supply commercial fertilizers or beneficial substances soil  
8 conditioners;

9 (8) ~~(7)~~ Fineness means the percentage of weight of the material  
10 which will pass United States standard sieves of specified sizes;

11 (9) ~~(8)~~ Grade means the percentage of total nitrogen, available  
12 phosphate, and soluble potash;

13 (10) ~~(9)~~ Label means a display of written, printed, or other graphic  
14 matter upon the container in which a commercial fertilizer or beneficial  
15 substance soil conditioner is distributed, or a statement accompanying  
16 such product;

17 (11) ~~(10)~~ Labeling means the label and all other written, printed,  
18 or graphic matter accompanying the commercial fertilizer or beneficial  
19 substance soil conditioner at any time or to which reference is made on  
20 the label;

21 (12) Microorganism means any microbiological organism or mixture of  
22 microbiological organisms intended to produce any physical, chemical,  
23 biochemical, or biological change, or any other change, in soil and is  
24 recognized by the Association of American Plant Food Control Officials in  
25 its official publication;

26 (13) ~~(11)~~ Official sample means any sample of commercial fertilizer  
27 or beneficial substance soil conditioner taken by the director or his or  
28 her agent;

29 (14) ~~(12)~~ Product means both commercial fertilizers and beneficial  
30 substances soil conditioners;

31 (15) ~~(13)~~ Ton means a net weight of two thousand pounds avoirdupois;

1           ~~(16)~~ ~~(14)~~ Percent or percentage means the percentage by weight;

2           ~~(17)~~ ~~(15)~~ Person includes individual, cooperative, partnership,  
3 limited liability company, association, firm, and corporation;

4           ~~(18)~~ ~~(16)~~ Sell or sale includes exchange; and

5           ~~(17)~~ ~~Soil conditioner means any formula or product distributed,~~  
6 ~~except unmanipulated animal and vegetable manures, which, when added to~~  
7 ~~the soil, is intended to (a) change the physical condition of the soil or~~  
8 ~~(b) produce a favorable growth, yield, or quality of crops or other soil~~  
9 ~~characteristics but shall not mean a commercial fertilizer, a pesticide~~  
10 ~~as defined in the Pesticide Act, or an agricultural liming material as~~  
11 ~~defined in the Agricultural Liming Materials Act; and~~

12           ~~(19)~~ ~~(18)~~ Specialty product means a product for nonfarm use.

13           **Sec. 13.** Section 81-2,162.03, Reissue Revised Statutes of Nebraska,  
14 is amended to read:

15           81-2,162.03 (1) All products ~~Each soil conditioner~~ shall be  
16 registered before being distributed in this state. The distributor who  
17 first causes the distribution of the product into or within this state  
18 shall be responsible for compliance with the product registration  
19 requirements of this section. The application for registration shall be  
20 submitted to the director on forms prescribed ~~furnished~~ by the director  
21 and shall be accompanied by one copy ~~two copies~~ of the labeling for such  
22 product and a fee of fifty dollars per product. ~~If the product is~~  
23 approved by the director, the department shall notify the applicant of  
24 such approval. ~~Upon approval by the director, a copy of the registration~~  
25 ~~shall be furnished to the applicant.~~ All registrations shall expire on  
26 December 31 of each year. The application shall include the following  
27 information:

28           (a) The name and principal address of the person registering the  
29 product;

30           (b) The name and principal address of the person guaranteeing the  
31 product, if different than the registrant;

1 (c) The name and principal address of the person manufacturing the  
2 product, if different than the registrant;

3 (d) The name and principal address of the person whose name appears  
4 on the label, if different than the registrant;

5 (e) The name of the product, including any term, design, trademark,  
6 or chemical designation used in connection with the product; and

7 (f)(i) For beneficial substances, the ~~(f) The percentage of every~~  
8 ~~ingredient present; and in each soil conditioner.~~

9 (ii) For commercial fertilizers, the percentage of every nutrient  
10 guarantee.

11 (2) Custom-blended products shall be exempt from the requirements of  
12 this section, except that such products shall bear a tag or invoice  
13 stating the name and principal address of the manufacturer, the name and  
14 address of the purchaser, and the net weight or measure and the  
15 composition of the product by weight or percentage of ingredients used,  
16 and a duplicate copy of such information shall be kept by the  
17 manufacturer for use by the department for sampling and inspection  
18 purposes. All ingredients shall be subject to the inspection fee  
19 requirements of section 81-2,162.06 except those ingredients brought to  
20 the manufacturer by the ultimate user for custom blending.

21 (3) A product shall not be required to be registered under this  
22 section when the director knows, or has reason to know, that such product  
23 is currently registered pursuant to this section. The director shall  
24 consider two or more products to be the same product only if the  
25 characteristics of the products described under subdivisions (b) through  
26 (f) of subsection (1) of this section are the same.

27 **Sec. 14.** Section 81-2,162.04, Reissue Revised Statutes of Nebraska,  
28 is amended to read:

29 81-2,162.04 (1) Any packaged beneficial substance ~~soil conditioner~~  
30 distributed in this state, except custom-blended products, shall have  
31 placed on or affixed to the package a label stating clearly and

1 conspicuously (a) the net weight or measure of the product, (b) the  
2 information required by subdivisions (1)(c) and (d) of section  
3 81-2,162.03, (c) the total percentage of all active ingredients in the  
4 beneficial substance soil conditioner, (d) the identification and  
5 percentage of each individual active ingredient, (e) the total percentage  
6 of the inactive ingredients, (f) the identification and percentage of  
7 each individual inactive ingredient which comprises more than two percent  
8 of the entire beneficial substance soil conditioner, and (g) under a  
9 category entitled other inactive ingredients, the total percentage of the  
10 remaining inactive ingredients which individually do not comprise two  
11 percent or more of the beneficial substance, and (h) for any product that  
12 claims to contain any microorganism, the expiration date for use of the  
13 product and any required storage conditions for the product soil  
14 conditioner.

15 (2) If any beneficial substance soil conditioner is distributed in  
16 bulk, a written or printed statement of the weight and the information  
17 required by subdivisions (1)(c) and (d) of section 81-2,162.03 and by  
18 subdivisions (1)(c) through (g) of this section shall accompany delivery  
19 and be supplied to the purchaser.

20 (3) Whenever a beneficial substance soil conditioner is so comprised  
21 as to be recognized by a name commonly understood by ordinary  
22 individuals, such name shall be prominently and conspicuously displayed  
23 on the label.

24 (4) Notwithstanding any other provision of the Nebraska Commercial  
25 Fertilizer and Beneficial Substances Soil Conditioner Act, any beneficial  
26 substance that soil conditioner which is also a pesticide, labeled in  
27 conformance with the Pesticide Act, shall be deemed to be labeled in  
28 conformance with the Nebraska Commercial Fertilizer and Beneficial  
29 Substances Soil Conditioner Act.

30 **Sec. 15.** Section 81-2,162.05, Reissue Revised Statutes of Nebraska,  
31 is amended to read:

1 81-2,162.05 (1) Any packaged commercial fertilizer distributed in  
2 this state, except custom-blended products, shall have placed on or  
3 affixed to the package a label stating clearly and conspicuously:

4 (a) The net weight or measure of the product;

5 (b) The name and principal address of the manufacturer or  
6 distributor;

7 (c) The name of the product, including any term, design, trademark,  
8 or chemical designation used in connection with the product;

9 (d) The guaranteed analysis showing the minimum percentage of plant  
10 nutrients claimed in the following order and form:

11 Total Nitrogen.....percent

12 Ammoniacal Nitrogen

13 (Specialty products only).....percent

14 Nitrate Nitrogen

15 (Specialty products only).....percent

16 Water Insoluble Nitrogen

17 (Specialty products only).....percent

18 Available Phosphate (P205).....percent

19 Soluble Potash (K20).....percent

20 Unacidulated mineral phosphatic materials and basic slag shall be  
21 guaranteed as to both total available phosphate and the degree of  
22 fineness. Plant nutrients, other than nitrogen, phosphorus, and  
23 potassium, shall be guaranteed when present in significant quantities as  
24 determined by the director. ~~Such~~ ~~which~~ guarantees shall be expressed in  
25 elemental form. The director may also request that the sources of such  
26 nutrients be included on the label. ~~Other beneficial substances,~~  
27 ~~determinable by chemical methods, may be guaranteed only by permission of~~  
28 ~~the director by and with the advice of the University of Nebraska~~  
29 ~~Institute of Agriculture and Natural Resources;~~

30 (e) The sources from which the nitrogen, available phosphate (P205),  
31 and potash (K20) are derived; and

1 (f) The grade stated in whole numbers in the same terms, order, and  
2 percentages as in the guaranteed analysis, except as follows:

3 (i) Specialty products may be guaranteed in fractional units of less  
4 than one percent of the total nitrogen, available phosphate, and soluble  
5 potash; and

6 (ii) The director may allow types of fertilizer materials, bone  
7 meal, or manures to be guaranteed in fractional units.

8 (2) If distributed in bulk, a written or printed statement of the  
9 information required by subdivisions (a), (b), (c), and (d) of subsection  
10 (1) of this section shall accompany delivery and be supplied to the  
11 purchaser.

12 (3) Whenever a commercial fertilizer is so comprised as to be  
13 recognized by a name commonly understood by ordinary individuals, such  
14 name shall be prominently and conspicuously displayed on the label.

15 (4) Custom-blended products shall bear a tag or invoice stating the  
16 name and principal address of the manufacturer, the name and address of  
17 the purchaser, and the net weight or measure and the composition of the  
18 product by weight or percentage of ingredients used. A duplicate copy of  
19 such information shall be kept by the manufacturer for use by the  
20 department for sampling and inspection purposes.

21 **Sec. 16.** Section 81-2,162.06, Reissue Revised Statutes of Nebraska,  
22 is amended to read:

23 81-2,162.06 (1) There shall be paid to the director, for all  
24 commercial fertilizers and beneficial substances ~~soil conditioners~~  
25 distributed in this state to the ultimate user, except custom-blended  
26 products, an inspection fee at the rate fixed by the director but not  
27 exceeding fifteen cents per ton. The fee shall be paid by the person  
28 distributing the product to the ultimate user.

29 (2) The director may increase or decrease the inspection fee each  
30 July 1, but such fee shall not exceed the maximum rate established in  
31 subsection (1) of this section. The director shall determine the fee

1 based on the estimated annual revenue and fiscal year-end fund balance  
2 determined as follows:

3 (a) The estimated annual revenue shall not be greater than one  
4 hundred seven percent of the program cash fund appropriations allocated  
5 for the Nebraska Commercial Fertilizer and Beneficial Substances Soil  
6 ~~Conditioner~~ Act; and

7 (b) The estimated fiscal year-end cash fund balance shall not be  
8 greater than seventeen percent of the program cash fund appropriations  
9 allocated for the Nebraska Commercial Fertilizer and Beneficial  
10 Substances Soil Conditioner Act.

11 (3) Payment of the inspection fee shall be evidenced by a statement  
12 made with documents showing that fees corresponding to the tonnage were  
13 received by the director.

14 (4) Every person who distributes any commercial fertilizer or  
15 beneficial substance soil conditioners to the ultimate user in this state  
16 shall file, not later than the last day of January and July of each year,  
17 a semiannual tonnage report on forms provided by the department setting  
18 forth the number of net tons of commercial fertilizer and beneficial  
19 substances soil conditioners distributed in this state during the  
20 preceding six-month period, which report shall cover the periods from  
21 July 1 to December 31 and January 1 to June 30, and such other  
22 information as the director shall deem necessary. All persons required to  
23 be licensed pursuant to the Nebraska Commercial Fertilizer and Beneficial  
24 Substances Soil Conditioner Act shall file such report regardless of  
25 whether any inspection fee is due. Upon filing the report, such person  
26 shall pay the inspection fee at the rate prescribed pursuant to  
27 subsection (1) of this section. The minimum inspection fee required  
28 pursuant to this section shall be ten ~~five~~ dollars, and no inspection fee  
29 shall be paid more than once for any one product.

30 (5) If a person fails to report and pay the fee required by  
31 subsection (4) of this section by January 31 and July 31, the fee shall

1 be considered delinquent and the person owing the fee shall pay an  
2 additional administrative fee of twenty-five percent of the delinquent  
3 amount for each month it remains unpaid, not to exceed one hundred  
4 percent of the original amount due. The department may waive the  
5 additional administrative fee based upon the existence and extent of any  
6 mitigating circumstances that have resulted in the late payment of such  
7 fee. The purpose of the additional administrative fee is to cover the  
8 administrative costs associated with collecting fees and all money  
9 collected as an additional administrative fee shall be remitted to the  
10 State Treasurer for credit to the Fertilizers and Beneficial Substances  
11 ~~Soil Conditioners~~ Administrative Fund. Failure to make an accurate  
12 statement of tonnage or to pay the inspection fee or comply as provided  
13 in this subsection shall constitute sufficient cause for the cancellation  
14 of all product registrations, licenses, or both on file for such person.

15 (6) No information furnished to the department under this section  
16 shall be disclosed in such a way as to reveal the operation of any  
17 person.

18 **Sec. 17.** Section 81-2,162.07, Reissue Revised Statutes of Nebraska,  
19 is amended to read:

20 81-2,162.07 (1) To enforce the Nebraska Commercial Fertilizer and  
21 Beneficial Substances ~~Soil Conditioner~~ Act or the rules and regulations  
22 adopted pursuant to the act, the director may:

23 (a) For purposes of inspection, enter any location, vehicle, or both  
24 in which commercial fertilizer or beneficial substance is ~~fertilizers and~~  
25 ~~soil conditioners~~ are manufactured, processed, packed, transported, or  
26 held for distribution during normal business hours, except that in the  
27 event that any such location or vehicle is ~~such locations and vehicles~~  
28 ~~are~~ not open to the public, the director shall present his or her  
29 credentials and obtain consent before making entry to such location or  
30 vehicle ~~thereto~~ unless a search warrant has previously been obtained.  
31 Credentials shall not be required for each entry made during the period

1 covered by the inspection. The person in charge of the location or  
2 vehicle shall be notified of the completion of the inspection. If the  
3 owner of such location or vehicle or his or her agent refuses to admit  
4 the director to inspect pursuant to this section, the director may obtain  
5 a search warrant from a court of competent jurisdiction directing such  
6 owner or agent to submit the location, vehicle, or both as described in  
7 such search warrant to inspection;

8 (b) Inspect any location or vehicle described in this subsection,  
9 all pertinent equipment, finished and unfinished materials, containers  
10 and labeling, all records, books, papers, and documents relating to the  
11 distribution and production of commercial fertilizers and beneficial  
12 substances ~~soil conditioners~~, and other information necessary for the  
13 enforcement of the act;

14 (c) Obtain samples of commercial fertilizers and beneficial  
15 substances ~~soil conditioners~~. The owner, operator, or agent in charge  
16 shall be given a receipt describing the samples obtained; and

17 (d) Make analyses of and test samples obtained pursuant to  
18 subdivision (c) of this subsection to determine whether such commercial  
19 fertilizers and beneficial substances ~~soil conditioners~~ are in compliance  
20 with the act.

21 For purposes of this subsection, location shall include a factory,  
22 warehouse, or establishment.

23 (2) Sampling and analysis shall be conducted in accordance with  
24 methods published by the AOAC International or in accordance with other  
25 generally recognized methods.

26 (3) The director, in determining for administrative purposes whether  
27 any product is deficient in plant nutrients, shall be guided solely by  
28 the official sample ~~as defined in subdivision (11) of section 81-2,162.02~~  
29 and obtained and analyzed as provided for in subsection (2) of this  
30 section.

31 (4) The results of official analysis of any official sample shall be

1 forwarded by the director to the person named on the label when the  
2 official sample is not in compliance with the act or the rules and  
3 regulations adopted pursuant to the act. Upon request made within ninety  
4 days of the analysis, the director shall furnish to the person named on  
5 the label a portion of the official sample. Following expiration of the  
6 ninety-day period, the director may dispose of such sample.

7 **Sec. 18.** Section 81-2,162.11, Reissue Revised Statutes of Nebraska,  
8 is amended to read:

9 81-2,162.11 The director shall annually make available, in such form  
10 as he or she may deem proper, information concerning the sales of  
11 commercial fertilizers and beneficial substances ~~soil conditioners~~ and a  
12 report of the results of the analysis based on official samples of  
13 commercial fertilizers and beneficial substances ~~soil conditioners~~  
14 distributed within the state as compared with the analyses guaranteed  
15 under the provisions of the Nebraska Commercial Fertilizer and Beneficial  
16 Substances ~~Soil Conditioner~~ Act.

17 **Sec. 19.** Section 81-2,162.12, Reissue Revised Statutes of Nebraska,  
18 is amended to read:

19 81-2,162.12 For the enforcement of the Nebraska Commercial  
20 Fertilizer and Beneficial Substances ~~Soil Conditioner~~ Act, the director  
21 is authorized to prescribe rules and regulations, after public hearing  
22 following due public notice, relating to the distribution of commercial  
23 fertilizers and beneficial substances ~~soil conditioners~~ as he or she may  
24 find necessary to carry into effect the full intent and meaning of the  
25 act.

26 **Sec. 20.** Section 81-2,162.13, Reissue Revised Statutes of Nebraska,  
27 is amended to read:

28 81-2,162.13 The director is authorized and empowered to cancel the  
29 registration or license of any person manufacturing or distributing any  
30 commercial fertilizer or beneficial substance ~~soil conditioner~~ or to  
31 refuse to register any beneficial substance ~~soil conditioner~~ upon

1 satisfactory evidence that the registrant, licensee, or guarantor has  
2 used fraudulent or deceptive practices in the evasions or attempted  
3 evasions of the provisions of the Nebraska Commercial Fertilizer and  
4 Beneficial Substances Soil-Conditioner Act or any rules and regulations  
5 promulgated thereunder. No license or registration shall be revoked or  
6 refused until the registrant, licensee, or guarantor has been given the  
7 opportunity to appear for a hearing before the director.

8 **Sec. 21.** Section 81-2,162.14, Reissue Revised Statutes of Nebraska,  
9 is amended to read:

10 81-2,162.14 The director may issue and enforce a written or printed  
11 stop-sale, stop-use, or removal order to the owner or custodian of any  
12 lot of commercial fertilizer or beneficial substance soil-conditioner and  
13 may require the owner or custodian to hold any lot at a designated place  
14 when the director has reason to believe the product is being offered or  
15 exposed for sale in violation of any of the provisions of the Nebraska  
16 Commercial Fertilizer and Beneficial Substances Soil-Conditioner Act  
17 until the law has been complied with and such product is released in  
18 writing by the director or the violation has been otherwise legally  
19 disposed of by written authority. The director shall release the product  
20 so withdrawn when the requirements of the act have been complied with and  
21 all costs and expenses incurred in connection with the withdrawal have  
22 been paid.

23 **Sec. 22.** Section 81-2,162.15, Reissue Revised Statutes of Nebraska,  
24 is amended to read:

25 81-2,162.15 Any lot of commercial fertilizer or beneficial substance  
26 soil-conditioner not in compliance with the provisions of the Nebraska  
27 Commercial Fertilizer and Beneficial Substances Soil-Conditioner Act  
28 shall be subject to seizure on complaint of the director to a court of  
29 competent jurisdiction in the area in which such product is located. In  
30 the event the court finds such product to be in violation of the  
31 provisions of such act and orders the condemnation of such product, it

1 shall be disposed of in any manner consistent with the quality of the  
2 product and the laws of the state. In no instance shall the disposition  
3 of such product be ordered by the court without first giving the claimant  
4 an opportunity to apply to the court for release of such product or for  
5 permission to process or relabel such product to bring it into compliance  
6 with the provisions of the act.

7 **Sec. 23.** Section 81-2,162.16, Reissue Revised Statutes of Nebraska,  
8 is amended to read:

9 81-2,162.16 If it shall appear from the examination of any  
10 commercial fertilizer or beneficial substance soil conditioner that any  
11 of the provisions of the Nebraska Commercial Fertilizer and Beneficial  
12 Substances Soil Conditioner Act or the rules and regulations issued  
13 thereunder have been violated, the director shall cause notice of the  
14 violations to be given to the person from whom the sample was taken. Any  
15 person so notified shall be given opportunity to be heard under such  
16 rules and regulations as may be prescribed by the director. If it appears  
17 after such hearing, either in the presence or absence of the person so  
18 notified, that any of the provisions of the act or rules and regulations  
19 issued thereunder have been violated, the director may certify the facts  
20 to the county attorney of the county in which the violation occurred or  
21 to the Attorney General, as the case may be.

22 **Sec. 24.** Section 81-2,162.17, Reissue Revised Statutes of Nebraska,  
23 is amended to read:

24 81-2,162.17 Any person violating any provisions of the Nebraska  
25 Commercial Fertilizer and Beneficial Substances Soil Conditioner Act or  
26 the rules and regulations issued thereunder, or who shall impede,  
27 obstruct, hinder, or otherwise prevent or attempt to prevent the director  
28 in the performance of his or her duty pursuant to the act, shall be  
29 guilty of a Class II misdemeanor.

30 **Sec. 25.** Section 81-2,162.18, Reissue Revised Statutes of Nebraska,  
31 is amended to read:

1           81-2,162.18 Nothing in the Nebraska Commercial Fertilizer and  
2 Beneficial Substances Soil-Conditioner Act shall be construed as  
3 requiring the director to report for prosecution or for the institution  
4 of seizure proceedings for minor violations of such act when he or she  
5 believes that the public interest will be best served by a suitable  
6 notice of warning in writing.

7           **Sec. 26.** Section 81-2,162.20, Reissue Revised Statutes of Nebraska,  
8 is amended to read:

9           81-2,162.20 The director is hereby authorized to apply for and the  
10 court to grant a temporary or permanent injunction restraining any person  
11 from violating or continuing to violate any of the provisions of the  
12 Nebraska Commercial Fertilizer and Beneficial Substances Soil-Conditioner  
13 Act, or any rules or regulations promulgated under the act,  
14 notwithstanding the existence of other remedies at law. The injunction  
15 shall be issued without bond.

16           **Sec. 27.** Section 81-2,162.21, Reissue Revised Statutes of Nebraska,  
17 is amended to read:

18           81-2,162.21 Nothing in the Nebraska Commercial Fertilizer and  
19 Beneficial Substances Soil-Conditioner Act shall be construed to restrict  
20 or avoid sales or exchanges of commercial fertilizers or beneficial  
21 substances soil-conditioners to each other by importers, manufacturers,  
22 or manipulators who mix commercial fertilizers or beneficial substances  
23 soil-conditioners for sale or as preventing the free and unrestricted  
24 shipments of commercial fertilizers and beneficial substances soil  
25 conditioners to manufacturers or manipulators who have met the provisions  
26 of the act.

27           **Sec. 28.** Section 81-2,162.22, Reissue Revised Statutes of Nebraska,  
28 is amended to read:

29           81-2,162.22 Sections 81-2,162.01 to 81-2,162.28 shall be known and  
30 may be cited as the Nebraska Commercial Fertilizer and Beneficial  
31 Substances Soil-Conditioner Act.

1           **Sec. 29.** Section 81-2,162.23, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3           81-2,162.23 (1) No person shall manufacture or distribute any  
4 commercial fertilizer or beneficial substance fertilizers or soil  
5 conditioners in this state unless such person holds a valid license for  
6 each ~~manufacturing and distribution~~ facility in this state where such  
7 person manufactures or distributes such commercial fertilizer or  
8 beneficial substance. Any out-of-state manufacturer or distributor who  
9 has no distribution facility within this state shall obtain a license for  
10 his or her principal out-of-state office if he or she markets or  
11 distributes any commercial fertilizer or beneficial substance soil  
12 conditioners in the State of Nebraska.

13           (2) An applicant for a license shall make application to the  
14 department on forms furnished by the department. Application forms shall  
15 be submitted to the department accompanied by an annual license fee of  
16 twenty-five ~~fifteen~~ dollars. Licenses shall be renewed on or before  
17 January 1 of each year.

18           (3) A copy of the valid license shall be posted in a conspicuous  
19 place in each manufacturing or distribution facility.

20           (4) Persons distributing custom-blended products shall maintain  
21 records of purchase orders received for custom-blended products from the  
22 date such orders are received until such products are distributed, which  
23 records shall be sufficient to show the product ordered, date of such  
24 order, purchaser, and quantity of product ordered.

25           (5) The provisions of this section shall not apply to any retail  
26 store which sells or offers for sale less than a five-ton volume of  
27 commercial fertilizer or beneficial substances ~~soil conditioners~~  
28 annually.

29           **Sec. 30.** Section 81-2,162.25, Reissue Revised Statutes of Nebraska,  
30 is amended to read:

31           81-2,162.25 No person shall distribute any misbranded commercial

1 ~~fertilizer or beneficial substance fertilizers or soil conditioners.~~ A  
2 commercial fertilizer or beneficial substance ~~soil conditioner~~ shall be  
3 deemed to be misbranded if:

4 (1) Its labeling is false or misleading in any particular;

5 (2) It is distributed under the name of another commercial  
6 fertilizer or beneficial substance ~~soil conditioner~~;

7 (3) It is not labeled as required by the Nebraska Commercial  
8 Fertilizer and Beneficial Substances ~~Soil Conditioner~~ Act or the rules  
9 and regulations adopted and promulgated under the act;

10 (4) It purports to be or is represented as a commercial fertilizer  
11 or beneficial substance ~~soil conditioner~~ or as containing an ingredient,  
12 for which a definition of identity or standard of quality has been  
13 prescribed by rules and regulations adopted and promulgated by ~~regulation~~  
14 ~~of~~ the department, unless it conforms to such definition and standard; or

15 (5) Any word, statement, or other information required by the act or  
16 the rules and regulations adopted and promulgated under the act to appear  
17 on the label is not prominently displayed with such conspicuousness, as  
18 compared with other words, statements, designs, or devices, on the label,  
19 and in such terms as to render it likely to be read and understood by an  
20 individual under customary conditions of purchase and use.

21 **Sec. 31.** Section 81-2,162.26, Reissue Revised Statutes of Nebraska,  
22 is amended to read:

23 81-2,162.26 No person shall distribute any adulterated commercial  
24 fertilizer or beneficial substance ~~fertilizers or soil conditioners.~~ A  
25 commercial fertilizer or beneficial substance ~~soil conditioner~~ shall be  
26 deemed to be adulterated if:

27 (1) It contains any toxic materials, other than pesticides  
28 registered pursuant to law, in quantities injurious to plant or animal  
29 health;

30 (2) Any valuable constituent has been in whole or in part omitted or  
31 subtracted therefrom or any less valuable substance substituted therefor;

1 (3) Its composition or quality falls below or differs from that  
2 which it is purported or is represented to possess by its label;

3 (4) Warning statements or directions for use, as prescribed by the  
4 director to be shown on the label, are not displayed thereon; or

5 (5) It contains amounts of crop seed, weed seed, or other foreign  
6 materials in excess of tolerances as may be adopted and promulgated  
7 ~~established~~ by rules and regulations of the department.

8 **Sec. 32.** Section 81-2,162.27, Reissue Revised Statutes of Nebraska,  
9 is amended to read:

10 81-2,162.27 (1) All money received under the Nebraska Commercial  
11 Fertilizer and Beneficial Substances Soil Conditioner Act and the  
12 Agricultural Liming Materials Act shall be remitted to the State  
13 Treasurer for credit to the Fertilizers and Beneficial Substances Soil  
14 Conditioners Administrative Fund.

15 (2) The Fertilizers and Beneficial Substances Administrative Fund,  
16 ~~which fund is hereby created. Money in the fund so received shall be used~~  
17 ~~by the department for defraying the expenses of administering the~~  
18 ~~Nebraska Commercial Fertilizer and Beneficial Substances Soil Conditioner~~  
19 ~~Act, and the Agricultural Liming Materials Act, and any other plant~~  
20 ~~health program that is administered by the department. The fund may also~~  
21 ~~be used to defray costs incurred by the department directly related to~~  
22 ~~administrative and budgetary support of the Healthy Soils Task Force~~  
23 ~~pursuant to sections 2-401 to 2-404, except that no more than ten~~  
24 ~~thousand dollars may be expended by the department from the fund for such~~  
25 ~~purpose. Transfers may be made from the fund to the General Fund at the~~  
26 ~~direction of the Legislature. The State Treasurer shall transfer two~~  
27 ~~hundred seventy-five thousand dollars from the Fertilizers and Soil~~  
28 ~~Conditioners Administrative Fund to the General Fund on or before June~~  
29 ~~30, 2019, on such dates and in such amounts as directed by the budget~~  
30 ~~administrator of the budget division of the Department of Administrative~~  
31 ~~Services.~~

1           (3) ~~(2)~~ Any unexpended balance in the Fertilizers and Beneficial  
2 Substances Soil Conditioners Administrative Fund at the close of any  
3 biennium shall, when reappropriated, be available for the uses and  
4 purposes of the fund for the succeeding biennium. Any money in the fund  
5 available for investment shall be invested by the state investment  
6 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
7 State Funds Investment Act.

8           **Sec. 33.** Section 81-2,162.28, Reissue Revised Statutes of Nebraska,  
9 is amended to read:

10           81-2,162.28 The Nebraska Commercial Fertilizer and Beneficial  
11 Substances Soil Conditioner Act and any rules and regulations adopted and  
12 promulgated thereunder shall supersede and preempt any ordinance, rule,  
13 regulation, or resolution enacted by any political subdivision of the  
14 state regarding the regulation of any fertilizer or beneficial substance  
15 and soil conditioners. No political subdivision shall prohibit or in any  
16 other manner regulate any matter relating to the registration, labeling,  
17 or sale of any fertilizer or beneficial substance and soil conditioners.  
18 No political subdivision shall prohibit or in any other manner regulate  
19 any matter relating to the storage, transportation, distribution,  
20 notification of use, or use that is in addition to or in conflict with  
21 the Nebraska Commercial Fertilizer and Beneficial Substances Soil  
22 Conditioner Act and any rules and regulations adopted and promulgated  
23 thereunder. Nothing in this section shall be construed to preempt or  
24 otherwise limit the authority of any city or county to adopt and enforce  
25 zoning regulations or any natural resources district to enforce the  
26 Nebraska Ground Water Management and Protection Act.

27           **Sec. 34.** Sections 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,  
28 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, and 37 of this  
29 act become operative three calendar months after the adjournment of this  
30 legislative session. The other sections of this act become operative on  
31 their effective date.

1           **Sec. 35.**   Original sections 2-3413, 2-4323, 2-4324, 81-2,162.01,  
2 81-2,162.02,   81-2,162.03,   81-2,162.04,   81-2,162.05,   81-2,162.06,  
3 81-2,162.07,   81-2,162.11,   81-2,162.12,   81-2,162.13,   81-2,162.14,  
4 81-2,162.15,   81-2,162.16,   81-2,162.17,   81-2,162.18,   81-2,162.20,  
5 81-2,162.21,   81-2,162.22,   81-2,162.23,   81-2,162.25,   81-2,162.26,  
6 81-2,162.27, and 81-2,162.28, Reissue Revised Statutes of Nebraska, are  
7 repealed.

8           **Sec. 36.**   Original sections 2-1091, 2-1091.02, 2-1095, 2-10,117,  
9 2-2634, and 81-201, Reissue Revised Statutes of Nebraska, and section  
10 2-958, Revised Statutes Cumulative Supplement, 2024, are repealed.

11           **Sec. 37.**   The following sections are outright repealed: Sections  
12 2-2801, 2-2802, 2-2803, 2-2804, 2-2805, 2-2806, 2-2807, 2-2809, 2-2810,  
13 2-2812, 2-3401, 2-3402, 2-3403, 2-3404, 2-3405, 2-3406, 2-3407, 2-3408,  
14 2-3409, 2-3410, 2-3411, 2-3412, 2-3414, 2-3415, and 2-3416, Reissue  
15 Revised Statutes of Nebraska.

16           **Sec. 38.**   The following section is outright repealed: Section  
17 81-201.05, Reissue Revised Statutes of Nebraska.

18           **Sec. 39.**   Since an emergency exists, this act takes effect when  
19 passed and approved according to law.