

AMENDMENTS TO LB948

(Amendments to Standing Committee amendments, AM1976)

Introduced by DeKay, 40.

1 1. Strike original sections 12, 34, 37, and 38 and insert the
2 following new section:

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

5 81-2,162.02 For purposes of the Nebraska Commercial Fertilizer and
6 Beneficial Substances Soil Conditioner Act, unless the context otherwise
7 requires:

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

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

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

17 (2) Bulk means nonpackaged; (1) Director means the Director of
18 Agriculture or his or her duly authorized agent;

19 (2) Department means the Department of Agriculture;

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

1 being used in the formulation of a finished product;

2 ~~(4) Bulk means nonpackaged;~~

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

9 (5) Department means the Department of Agriculture;

10 (6) Director means the Director of Agriculture or his or her duly
11 authorized agent;

12 ~~(7) (6)~~ Distribute means to offer for sale, sell, barter, or
13 otherwise supply commercial fertilizers or beneficial substances soil
14 conditioners;

15 ~~(8) (7)~~ Fineness means the percentage of weight of the material
16 which will pass United States standard sieves of specified sizes;

17 ~~(9) (8)~~ Grade means the percentage of total nitrogen, available
18 phosphate, and soluble potash;

19 ~~(10) (9)~~ Label means a display of written, printed, or other graphic
20 matter upon the container in which a commercial fertilizer or beneficial
21 substance soil conditioner is distributed, or a statement accompanying
22 such product;

23 ~~(11) (10)~~ Labeling means the label and all other written, printed,
24 or graphic matter accompanying the commercial fertilizer or beneficial
25 substance soil conditioner at any time or to which reference is made on
26 the label;

27 (12) Microorganism means any microbiological organism or mixture of
28 microbiological organisms intended to produce any physical, chemical,
29 biochemical, or biological change, or any other change, in soil and is
30 recognized by the Association of American Plant Food Control Officials in
31 its official publication;

1 ~~(13) (11)~~ Official sample means any sample of commercial fertilizer
2 or beneficial substance soil conditioner taken by the director or his or
3 her agent;

4 ~~(12) Product means both commercial fertilizers and soil~~
5 conditioners;

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

7 (14) Percent or percentage means the percentage by weight;

8 (15) Person includes individual, cooperative, partnership, limited
9 liability company, association, firm, and corporation;

10 (16) Product means both commercial fertilizers and soil
11 conditioners;

12 (17) (16) Sell or sale includes exchange;

13 (18) (17) Soil conditioner means any formula or product distributed,
14 except unmanipulated animal and vegetable manures, which, when added to
15 the soil, is intended to (a) change the physical condition of the soil or
16 (b) produce a favorable growth, yield, or quality of crops or other soil
17 characteristics but shall not mean a commercial fertilizer, a pesticide
18 as defined in the Pesticide Act, or an agricultural liming material as
19 defined in the Agricultural Liming Materials Act; ~~and~~

20 (19) (18) Specialty product means a product for nonfarm use; and -

21 (20) Ton means a net weight of two thousand pounds avoirdupois.

22 **Sec. 34.** Section 37 of this act becomes operative on January 1,
23 2027. Sections 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,
24 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 35 of this act become
25 operative three calendar months after the adjournment of this legislative
26 session. The other sections of this act become operative on their
27 effective date.

28 **Sec. 37.** The following sections are outright repealed: Sections
29 2-3401, 2-3402, 2-3403, 2-3404, 2-3405, 2-3406, 2-3407, 2-3411, 2-3415,
30 and 2-3416, Reissue Revised Statutes of Nebraska.

31 **Sec. 38.** The following sections are outright repealed: Sections

1 2-2801, 2-2802, 2-2803, 2-2804, 2-2805, 2-2806, 2-2807, 2-2809, 2-2810,
2 2-2811, 2-2812, 2-3408, 2-3409, 2-3410, 2-3412, 2-3414, and 81-201.05,
3 Reissue Revised Statutes of Nebraska.

4 2. On page 11, lines 23 and 24, strike "including refund payments
5 authorized by section 2-3409" and show as stricken.

6 3. On page 17, line 15, strike "All products" and insert "Prior to
7 January 1, 2027, each" and reinstate the stricken "soil conditioner"; and
8 in line 16 after the period insert "Beginning on and after January 1,
9 2027, all products shall be registered before being distributed in this
10 state.".

11 4. On page 18, line 29, strike "Any", show as stricken, and insert
12 "Beginning on and after January 1, 2027, any".

13 5. On page 21, strike beginning with "(1)" in line 23 through line
14 28, show the old matter as stricken, and insert the following new
15 subsection:

16 "(1)(a) An inspection fee shall be paid to the director at the rate
17 fixed by the director but not exceeding fifteen cents per ton for:

18 (i) Prior to January 1, 2027, commercial fertilizers and soil
19 conditioners; and

20 (ii) Beginning on and after January 1, 2027, commercial fertilizers
21 and beneficial substances.

22 (b) Such inspection fee shall be paid by the person distributing the
23 product to the ultimate user.".

24 6. On page 22, line 14, strike "(4) Every", show as stricken, and
25 insert "(4)(a) Prior to January 1, 2027, every"; in line 15 strike the
26 new matter and reinstate the stricken matter; in line 16 strike "the last
27 day of January and July of each year", show as stricken, and insert "July
28 31, 2026, and December 31, 2026"; strike beginning with "which" in line
29 20 through the comma in line 21 and show as stricken; and in line 22
30 after the period insert paragraphing and "(b) Beginning on and after
31 January 1, 2027, any person who distributes any commercial fertilizer or

1 beneficial substance to the ultimate user in the state shall file, not
2 later than July 31, 2027, and each July 31 thereafter, and January 31,
3 2028, and January 31 of each year thereafter, a semiannual tonnage report
4 on forms provided by the department setting forth the number of net tons
5 of commercial fertilizer and beneficial substances distributed in this
6 state during the preceding six-month period and such other information as
7 the director deems necessary."