

E AND R AMENDMENTS TO LB 948

Introduced by Guereca, 7, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments thereto and
2 insert the following new 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 <u>Nursery stock</u>		
21 <u>distributor license</u>		
22 <u>as set forth in</u>		
23 <u>section 2-1091.01</u>		
24 <u>for the first acre</u>	<u>\$140</u>	<u>\$180</u>
25 <u>Fee for additional acres</u>	<u>\$39 per acre</u>	<u>\$50 per acre</u>
26 <u>Inspection fees due</u>		
27 <u>under section</u>	<u>\$39 per hour</u>	<u>\$50 per hour</u>
28 <u>2-1091 or 2-1095</u>	<u>\$0.70 per mile</u>	<u>\$1.00 per mile</u>
29 <u>Phytosanitary or</u>		
30 <u>export certificates</u>		

1	<u>set forth in section 2-1091</u>	<u>\$60 per certificate</u>	<u>\$106 per certificate</u>
2	<u>European corn borer</u>		
3	<u>quarantine certification</u>		
4	<u>license set forth in</u>	<u>\$65 per license,</u>	<u>\$80 per license,</u>
5	<u>section 2-1091</u>	<u>annually</u>	<u>annually</u>
6	<u>European corn borer</u>	<u>\$25 for</u>	<u>\$35 for</u>
7	<u>certificate</u>	<u>packet of 25</u>	<u>packet of 25</u>
8	<u>Quarantine compliance</u>		
9	<u>agreements as set</u>	<u>\$65 per agreement,</u>	<u>\$80 per agreement,</u>
10	<u>forth in section 2-1091</u>	<u>annually</u>	<u>annually</u>
11	<u>License Fees</u>	<u>A</u>	<u>B</u>
12	<u>Nursery stock</u>		
13	<u>distributor license</u>		
14	<u>as set forth in</u>		
15	<u>section 2-1091.01</u>		
16	<u>for the first acre</u>	<u>\$115</u>	<u>\$140</u>
17	<u>Fee for additional acres</u>	<u>\$5.00 per acre</u>	<u>\$6.00 per acre</u>
18	<u>Distributing without</u>	<u>25% of the fee</u>	
19	<u>obtaining a nursery</u>	<u>per month up to</u>	
20	<u>stock distributor</u>	<u>100% of the</u>	
21	<u>license fee</u>	<u>license fee</u>	

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

28 ~~(5) Other Fees.~~

1	Other Fees	A	B
2	Certification fee for		
3	nursery stock growing		
4	acres as set forth in	Included in	
5	section 2-1095	license fee	
6	Late applications for		
7	certification of nursery	\$24 per hour	\$27 per hour
8	stock growing acres	\$0.42 per mile	\$0.50 per mile
9	Reinspections or		
10	requested inspections	\$24 per hour	\$27 per hour
11	for nursery stock	\$0.42 per mile	\$0.50 per mile
12	Phytosanitary or	\$30 per certificate	\$40 per
13	export certificates	and \$7 for taking	certificate and
14	set forth in	an application	\$10 for taking
15	section 2-1091	by telephone	an application
16			by telephone
17	Phytosanitary or		
18	export certificate		
19	inspections and	\$24 per hour	\$27 per hour
20	reinspections	\$0.42 per mile	\$0.50 per mile
21	European corn borer		
22	quarantine certification		
23	license set forth in	\$50 per license,	\$65 per license,
24	section 2-1091	annually	annually
25	European corn borer	\$6.25 for	\$10.00 for
26	certificate	packet of 25	packet of 25
27	Quarantine compliance		
28	agreements as set	\$50 per agreement	\$65 per agreement
29	forth in section 2-1091	annually	annually

1	Quarantine compliance		
2	agreement inspections	\$24 per hour	\$27 per hour
3	and reinspections	\$0.42 per mile	\$0.50 per mile

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

8 (5) (6) Any fee remaining unpaid for more than one month shall be
9 considered delinquent and the person owing the fee shall pay an
10 additional administrative fee of twenty-five percent of the delinquent
11 amount for each month it remains unpaid, not to exceed one hundred
12 percent of the original amount due. The department may waive the
13 additional administrative fee based upon the existence and extent of any
14 mitigating circumstances that have resulted in the late payment of such
15 fee. The purpose of the additional administrative fee is to cover the
16 administrative costs associated with collecting fees, and all money
17 collected as an additional administrative fee shall be remitted to the
18 State Treasurer for credit to the Plant Protection and Plant Pest Cash
19 Fund.

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

22 2-1095 (1) All nursery stock distributors that distribute any
23 nursery stock that they grow shall apply for a certification ~~an~~
24 ~~additional inspection for the certification~~ of the Nebraska-grown nursery
25 stock as provided in this section. The nursery stock distributor shall
26 receive ~~apply for~~ such certification inspection of the Nebraska-grown
27 nursery stock as part of the ~~application for the~~ nursery stock
28 distributor license described in section 2-1091.01.

29 (2)(a) Applications for certification inspection of Nebraska-grown
30 nursery stock that are due on January 1 pursuant to section 2-1091.01 and

1 are not received prior to February 1 and initial applications not
2 received prior to beginning of distribution shall be considered
3 delinquent. Such applications shall be accompanied with the ~~have an~~
4 inspection fee that is ~~as~~ set forth in section 2-1091.02.

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

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

12 (4) All growing areas within the state shall be inspected by the
13 department at least once per year for certification and compliance with
14 the Plant Protection and Plant Pest Act.

15 (5) Following the certification inspection of Nebraska-grown nursery
16 stock, the department shall provide a copy of the plant inspection report
17 to the nursery stock distributor specifying any area of the nursery from
18 which nursery stock cannot be distributed or any plants which may not be
19 distributed as nursery stock. When deemed necessary to maintain
20 compliance with the purposes of the Plant Protection and Plant Pest Act,
21 the department shall require the nursery stock distributor to withdraw
22 from distribution any variety or amount of nursery stock. A reinspection
23 may be conducted by the department at the nursery stock distributor's
24 request and cost. The department may also reinspect to determine
25 compliance with the act. To determine the cost of any reinspection, the
26 department shall use fees as outlined in subsection (2) of this section.
27 The nursery stock distributor shall comply with the recommendations of
28 the department as to the treatment or destruction of nursery stock.

29 (6) The department may require the treatment or destruction of any
30 nursery stock that is infested or infected with plant pests, nonviable,
31 damaged, or desiccated to the point of not being reasonably capable of

1 growth.

2 (7) Any nursery stock on which a withdrawal-from-distribution order
3 has been issued shall be released for distribution only by authorized
4 department employees or after written permission has been obtained from
5 the department. Each nursery stock distributor shall promptly report to
6 the department, in writing, the amount and type of plants treated or
7 destroyed under requirements on withdrawal-from-distribution orders. The
8 department may withhold a license or certification of Nebraska-grown
9 nursery stock until conditions have been met by the nursery stock
10 distributor as specified in the plant inspection report or any other
11 order issued by the department. A certification of Nebraska-grown stock
12 may be issued covering portions of the nursery which are not infested or
13 infected if the nursery stock distributor agrees to treat, destroy, or
14 remove as specified by the department those plants found to be infested
15 or infected.

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

18 2-10,117 All money received from any source pursuant to the Plant
19 Protection and Plant Pest Act shall be remitted by the department to the
20 State Treasurer and by the State Treasurer credited to the Plant
21 Protection and Plant Pest Cash Fund which is hereby created. ~~The fund~~
22 ~~also shall include funds transferred pursuant to section 81-201.05.~~ The
23 fund shall be used by the department to aid in defraying the expenses of
24 administering the act. Any money in the fund available for investment
25 shall be invested by the state investment officer pursuant to the
26 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
27 Act. The State Treasurer shall transfer any money in the Nebraska Potato
28 Development Fund upon the termination of such fund to the Plant
29 Protection and Plant Pest Cash Fund.

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

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

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

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

12 (b) Fifty dollars of such fee to the Buffer Strip Incentive Fund as
13 provided in section 2-5106;

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

16 (d) The remainder of such fee to the Pesticide Administrative Cash
17 Fund.

18 (3) If a person fails to apply for renewal of registration before
19 January 1 of any year, such person, as a condition to renewal, shall pay
20 a late registration fee equal to twenty-five percent of the fee due and
21 owing per month, not to exceed one hundred percent, for each product to
22 be renewed in addition to the renewal fee. The purpose of the late
23 registration fee is to cover the administrative costs associated with
24 collecting fees, and all money collected as a late registration fee shall
25 be remitted to the State Treasurer for credit to the Pesticide
26 Administrative Cash Fund.

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

29 2-3413 (1) The State Treasurer is hereby directed to establish in
30 the treasury of the State of Nebraska a fund to be known as the Nebraska
31 Poultry and Egg Development, Utilization, and Marketing Fund, to which

1 shall be credited all fees collected by the department pursuant to the
2 Nebraska Poultry and Egg Resources Act. After appropriation, the Director
3 of Administrative Services shall, upon receipt of proper vouchers
4 approved by the director, issue warrants on such fund ~~including refund~~
5 ~~payments authorized by section 2-3409~~ and the State Treasurer shall pay
6 the warrants out of the money credited to such fund. Any money in the
7 fund available for investment shall be invested by the state investment
8 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
9 State Funds Investment Act.

10 (2) The department may accept grants, contributions, or other funds
11 from any private or federal, state, or other public source to be used to
12 administer the Nebraska Poultry and Egg Resources Act and to conduct
13 programs under such act.

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

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

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

21 2-4323 (1) Every retailer licensee shall file, not later than the
22 last day of January and July of each year, a semiannual tonnage report on
23 forms provided by the department, setting forth the number of net tons of
24 each agricultural liming material sold in Nebraska during the preceding
25 six-month period, which report shall cover the periods from July 1 to
26 December 31 and January 1 to June 30, and such other information as the
27 director shall deem necessary. All persons required to be licensed
28 pursuant to the Agricultural Liming Materials Act shall file such report
29 regardless of whether any inspection fee is due. Upon filing the report,
30 such person shall pay the inspection fee at the rate prescribed pursuant
31 to this section. The inspection fee shall be at the rate fixed by the

1 director but not exceeding ten cents per ton. The fee shall be set at an
2 amount to cover the expenses of the inspection provided in section 2-4325
3 and the costs of administering this section. The minimum inspection fee
4 required pursuant to this section shall be five dollars, and no
5 inspection fee shall be paid more than once for any one product. In the
6 case of agricultural lime slurry, the fee shall be paid on the base lime
7 material only.

8 (2) If a person fails to report and pay the fee required by
9 subsection (1) of this section by January 31 and July 31, the fee shall
10 be considered delinquent and the person owing the fee shall pay an
11 additional administrative fee of twenty-five percent of the delinquent
12 amount for each month it remains unpaid, not to exceed one hundred
13 percent of the original amount due. The department may waive the
14 additional administrative fee based upon the existence and extent of any
15 mitigating circumstances that have resulted in the late payment of such
16 fee. The purpose of the additional administrative fee is to cover the
17 administrative costs associated with collecting fees, and all money
18 collected as an additional administrative fee shall be remitted to the
19 State Treasurer for credit to the Fertilizers and Beneficial Substances
20 ~~Soil Conditioners~~ Administrative Fund. Failure to make an accurate
21 statement of tonnage or to pay the inspection fee or comply as provided
22 in this subsection shall constitute sufficient cause for the cancellation
23 of all product registrations or licenses on file for such person.

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

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

30 2-4324 All fees paid to the department pursuant to the Agricultural
31 Liming Materials Act shall be remitted to the State Treasurer for credit

1 to the Fertilizers and Beneficial Substances ~~Soil Conditioners~~
2 Administrative Fund. All money credited to the fund shall be used by the
3 department to aid in defraying expenses of administering the Agricultural
4 Liming Materials Act and the Nebraska Commercial Fertilizer and
5 Beneficial Substances ~~Soil Conditioner~~ Act.

6 **Sec. 10.** Section 49-1499.02, Reissue Revised Statutes of Nebraska,
7 is amended to read:

8 49-1499.02 (1) An official or employee of the executive branch of
9 state government who would be required to take any action or make any
10 decision in the discharge of his or her official duties that may cause
11 financial benefit or detriment to him or her, a member of his or her
12 immediate family, or a business with which he or she is associated, which
13 is distinguishable from the effects of such action on the public
14 generally or a broad segment of the public, shall take the following
15 actions as soon as he or she is aware of such potential conflict or
16 should reasonably be aware of such potential conflict, whichever is
17 sooner:

18 (a) Prepare a written statement describing the matter requiring
19 action or decision and the nature of the potential conflict; and

20 (b) Deliver a copy of the statement to the commission and to his or
21 her immediate superior, if any, who shall assign the matter to another.
22 If the immediate superior does not assign the matter to another or if
23 there is no immediate superior, the official or employee shall take such
24 action as the commission shall advise or prescribe to remove himself or
25 herself from influence over the action or decision on the matter.

26 (2) This section does not prevent such a person from (a) making or
27 participating in the making of a governmental decision to the extent that
28 the individual's participation is legally required for the action or
29 decision to be made or (b) making or participating in the making of a
30 governmental decision if the potential conflict of interest is based upon
31 a business association and the business association exists only as the

1 result of his or her position on a commodity board. A person acting
2 pursuant to subdivision (a) of this subsection shall report the
3 occurrence to the commission.

4 (3) For purposes of this section, commodity board means only the
5 following:

6 (a) Corn Development, Utilization, and Marketing Board;

7 (b) Nebraska Dairy Industry Development Board;

8 (c) Grain Sorghum Development, Utilization, and Marketing Board;

9 (d) Nebraska Wheat Development, Utilization, and Marketing Board;

10 (e) Dry Bean Commission;

11 (f) Nebraska Potato Development Committee; and

12 ~~(g) Nebraska Poultry and Egg Development, Utilization, and Marketing~~
13 ~~Committee; and~~

14 ~~(g) (h) Dry Pea and Lentil Commission.~~

15 **Sec. 11.** Section 81-201, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 81-201 The Department of Agriculture may: ~~shall have power~~

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

20 (2) Promote ~~to promote~~ methods of conducting the industry of
21 agriculture with a view to increasing the production and facilitating the
22 distribution thereof at the least cost;

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

28 (4) Distribute or dispose of any remaining ~~to publish and distribute~~
29 ~~the Weeds of the Great Plains~~ books ~~book~~ and supplemental inserts thereto
30 that are in the possession of the department. By January 1, 2027, the
31 State Treasurer shall transfer all money in the Weed Book Cash Fund to

1 ~~the Noxious Weed Cash Fund. , for sale and distribution to the public.~~
2 All money collected from the sale of the publications shall be remitted
3 to the State Treasurer and credited to the Noxious Weed Cash Fund as
4 ~~provided in section 81-201.05;~~

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

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

11 (7) Employ ~~to employ~~ special investigators who shall be appointed
12 deputy state sheriffs by the Governor and who shall, upon qualifying for
13 such office, possess all the powers which attach to such office, except
14 that their powers and duties shall be restricted to the enforcement of
15 the laws of the State of Nebraska within the jurisdiction of the
16 Department of Agriculture;

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

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

21 **Sec. 12.** Section 81-2,162.01, Reissue Revised Statutes of Nebraska,
22 is amended to read:

23 81-2,162.01 The Nebraska Commercial Fertilizer and Beneficial
24 Substances Soil Conditioner Act shall be administered by the Director of
25 Agriculture.

26 **Sec. 13.** Section 81-2,162.02, Reissue Revised Statutes of Nebraska,
27 is amended to read:

28 81-2,162.02 For purposes of the Nebraska Commercial Fertilizer and
29 Beneficial Substances Soil Conditioner Act, unless the context otherwise
30 requires:

31 (1) Beneficial substance means any claimed or advertised substance

1 that can be demonstrated by scientific research to be beneficial to soil,
2 media, or at least one species of plant. Beneficial substance:

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

6 (b) Does not include any primary or secondary nutrient for plants,
7 plant micronutrient, pesticide, unmanipulated animal or plant manure, or
8 commercial fertilizer;

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

11 (2) Department means the Department of Agriculture;

12 (3) Commercial fertilizer means any formula or product distributed
13 for further distribution or ultimate use as a plant nutrient, intended to
14 promote plant growth, containing one or more plant nutrients recognized
15 by the Association of American Plant Food Control Officials in its
16 official publication. The term commercial fertilizer shall not be deemed
17 to include unmanipulated animal and vegetable manures but shall be deemed
18 to include both finished products and fertilizer ingredients capable of
19 being used in the formulation of a finished product;

20 (4) Bulk means nonpackaged;

21 (4) (5) Custom-blended product means any individually compounded
22 commercial fertilizer or beneficial substance that is soil conditioner
23 mixed, blended, offered for sale, or sold in Nebraska to a person's
24 specifications, when such person is the ultimate consumer, if the
25 ingredients used in such product which are subject to the registration
26 requirements of section 81-2,162.03 have been so registered;

27 (5) Department means the Department of Agriculture;

28 (6) Director means the Director of Agriculture or his or her duly
29 authorized agent;

30 (7) (6) Distribute means to offer for sale, sell, barter, or
31 otherwise supply commercial fertilizers or beneficial substances soil

1 conditioners;

2 ~~(8)~~ (7) Fineness means the percentage of weight of the material
3 which will pass United States standard sieves of specified sizes;

4 ~~(9)~~ (8) Grade means the percentage of total nitrogen, available
5 phosphate, and soluble potash;

6 ~~(10)~~ (9) Label means a display of written, printed, or other graphic
7 matter upon the container in which a commercial fertilizer or beneficial
8 substance soil conditioner is distributed, or a statement accompanying
9 such product;

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

14 ~~(12)~~ Microorganism means any microbiological organism or mixture of
15 microbiological organisms intended to produce any physical, chemical,
16 biochemical, or biological change, or any other change, in soil and is
17 recognized by the Association of American Plant Food Control Officials in
18 its official publication;

19 ~~(13)~~ (11) Official sample means any sample of commercial fertilizer
20 or beneficial substance soil conditioner taken by the director or his or
21 her agent;

22 ~~(12)~~ Product means both commercial fertilizers and soil
23 conditioners;

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

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

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

28 ~~(16)~~ Product means both commercial fertilizers and beneficial
29 substances;

30 ~~(17)~~ (16) Sell or sale includes exchange;

31 ~~(18)~~ (17) Soil conditioner means any formula or product distributed,

1 except unmanipulated animal and vegetable manures, which, when added to
2 the soil, is intended to (a) change the physical condition of the soil or
3 (b) produce a favorable growth, yield, or quality of crops or other soil
4 characteristics but shall not mean a commercial fertilizer, a pesticide
5 as defined in the Pesticide Act, or an agricultural liming material as
6 defined in the Agricultural Liming Materials Act; ~~and~~

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

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

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

11 81-2,162.03 (1) Prior to January 1, 2027, each ~~Each~~ soil conditioner
12 shall be registered before being distributed in this state. Beginning on
13 and after January 1, 2027, all products shall be registered before being
14 distributed in this state. The distributor who first causes the
15 distribution of the product into or within this state shall be
16 responsible for compliance with the product registration requirements of
17 this section. The application for registration shall be submitted to the
18 director on forms prescribed ~~furnished~~ by the director and shall be
19 accompanied by one copy ~~two copies~~ of the labeling for such product and a
20 fee of fifty dollars per product. If the product is approved by the
21 director, the department shall notify the applicant of such approval.
22 ~~Upon approval by the director, a copy of the registration shall be~~
23 ~~furnished to the applicant.~~ All registrations shall expire on December 31
24 of each year. The application shall include the following information:

25 (a) The name and principal address of the person registering the
26 product;

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

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

31 (d) The name and principal address of the person whose name appears

1 on the label, if different than the registrant;

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

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

6 (ii) For commercial fertilizers, the percentage of every nutrient
7 guarantee.

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

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

24 **Sec. 15.** Section 81-2,162.04, Reissue Revised Statutes of Nebraska,
25 is amended to read:

26 81-2,162.04 (1) Beginning on and after January 1, 2027, any Any
27 packaged beneficial substance soil conditioner distributed in this state,
28 except custom-blended products, shall have placed on or affixed to the
29 package a label stating clearly and conspicuously (a) the net weight or
30 measure of the product, (b) the information required by subdivisions (1)
31 (c) and (d) of section 81-2,162.03, (c) the total percentage of all

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

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

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

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

27 **Sec. 16.** Section 81-2,162.05, Reissue Revised Statutes of Nebraska,
28 is amended to read:

29 81-2,162.05 (1) Any packaged commercial fertilizer distributed in
30 this state, except custom-blended products, shall have placed on or
31 affixed to the package a label stating clearly and conspicuously:

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

2 (b) The name and principal address of the manufacturer or
3 distributor;

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

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

8 Total Nitrogen.....percent

9 Ammoniacal Nitrogen

10 (Specialty products only).....percent

11 Nitrate Nitrogen

12 (Specialty products only).....percent

13 Water Insoluble Nitrogen

14 (Specialty products only).....percent

15 Available Phosphate (P205).....percent

16 Soluble Potash (K20).....percent

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

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

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

31 (i) Specialty products may be guaranteed in fractional units of less

1 than one percent of the total nitrogen, available phosphate, and soluble
2 potash; and

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

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

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

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

18 **Sec. 17.** Section 81-2,162.06, Reissue Revised Statutes of Nebraska,
19 is amended to read:

20 81-2,162.06 (1)(a) An inspection fee shall be paid to the director
21 at the rate fixed by the director but not exceeding fifteen cents per ton
22 for:

23 (i) Prior to January 1, 2027, commercial fertilizers and soil
24 conditioners; and

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

27 (b) Such inspection fee shall be paid by the person distributing the
28 product to the ultimate user. (1) There shall be paid to the director,
29 for all commercial fertilizers and soil conditioners distributed in this
30 state to the ultimate user, except custom-blended products, an inspection
31 fee at the rate fixed by the director but not exceeding fifteen cents per

1 ~~ton. The fee shall be paid by the person distributing the product to the~~
2 ~~ultimate user.~~

3 (2) The director may increase or decrease the inspection fee each
4 July 1, but such fee shall not exceed the maximum rate established in
5 subsection (1) of this section. The director shall determine the fee
6 based on the estimated annual revenue and fiscal year-end fund balance
7 determined as follows:

8 (a) The estimated annual revenue shall not be greater than one
9 hundred seven percent of the program cash fund appropriations allocated
10 for the Nebraska Commercial Fertilizer and Beneficial Substances Soil
11 Conditioner Act; and

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

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

19 (4)(a) Prior to January 1, 2027, every ~~(4) Every~~ person who
20 distributes any commercial fertilizer or soil conditioners to the
21 ultimate user in this state shall file, not later than July 31, 2026, and
22 December 31, 2026 ~~the last day of January and July of each year,~~ a
23 semiannual tonnage report on forms provided by the department setting
24 forth the number of net tons of commercial fertilizer and beneficial
25 substances soil conditioners distributed in this state during the
26 preceding six-month period, ~~which report shall cover the periods from~~
27 ~~July 1 to December 31 and January 1 to June 30,~~ and such other
28 information as the director shall deem necessary.

29 (b) Beginning on and after January 1, 2027, any person who
30 distributes any commercial fertilizer or beneficial substance to the
31 ultimate user in this state shall file, not later than July 31, 2027, and

1 each July 31 thereafter, and January 31, 2028, and January 31 of each
2 year thereafter, a semiannual tonnage report on forms provided by the
3 department setting forth the number of net tons of commercial fertilizer
4 and beneficial substances distributed in this state during the preceding
5 six-month period and such other information as the director deems
6 necessary. All persons required to be licensed pursuant to the Nebraska
7 Commercial Fertilizer and Beneficial Substances ~~Soil Conditioner~~ Act
8 shall file such report regardless of whether any inspection fee is due.
9 Upon filing the report, such person shall pay the inspection fee at the
10 rate prescribed pursuant to subsection (1) of this section. The minimum
11 inspection fee required pursuant to this section shall be ten five
12 dollars, and no inspection fee shall be paid more than once for any one
13 product.

14 (5) If a person fails to report and pay the fee required by
15 subsection (4) of this section by January 31 and July 31, the fee shall
16 be considered delinquent and the person owing the fee shall pay an
17 additional administrative fee of twenty-five percent of the delinquent
18 amount for each month it remains unpaid, not to exceed one hundred
19 percent of the original amount due. The department may waive the
20 additional administrative fee based upon the existence and extent of any
21 mitigating circumstances that have resulted in the late payment of such
22 fee. The purpose of the additional administrative fee is to cover the
23 administrative costs associated with collecting fees and all money
24 collected as an additional administrative fee shall be remitted to the
25 State Treasurer for credit to the Fertilizers and Beneficial Substances
26 ~~Soil Conditioners~~ Administrative Fund. Failure to make an accurate
27 statement of tonnage or to pay the inspection fee or comply as provided
28 in this subsection shall constitute sufficient cause for the cancellation
29 of all product registrations, licenses, or both on file for such person.

30 (6) No information furnished to the department under this section
31 shall be disclosed in such a way as to reveal the operation of any

1 person.

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

4 81-2,162.07 (1) To enforce the Nebraska Commercial Fertilizer and
5 Beneficial Substances Soil Conditioner Act or the rules and regulations
6 adopted pursuant to the act, the director may:

7 (a) For purposes of inspection, enter any location, vehicle, or both
8 in which commercial fertilizer or beneficial substance is fertilizers and
9 soil conditioners are manufactured, processed, packed, transported, or
10 held for distribution during normal business hours, except that in the
11 event that any such location or vehicle is such locations and vehicles
12 are not open to the public, the director shall present his or her
13 credentials and obtain consent before making entry to such location or
14 vehicle ~~there~~ unless a search warrant has previously been obtained.
15 Credentials shall not be required for each entry made during the period
16 covered by the inspection. The person in charge of the location or
17 vehicle shall be notified of the completion of the inspection. If the
18 owner of such location or vehicle or his or her agent refuses to admit
19 the director to inspect pursuant to this section, the director may obtain
20 a search warrant from a court of competent jurisdiction directing such
21 owner or agent to submit the location, vehicle, or both as described in
22 such search warrant to inspection;

23 (b) Inspect any location or vehicle described in this subsection,
24 all pertinent equipment, finished and unfinished materials, containers
25 and labeling, all records, books, papers, and documents relating to the
26 distribution and production of commercial fertilizers and beneficial
27 substances soil conditioners, and other information necessary for the
28 enforcement of the act;

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

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

5 For purposes of this subsection, location shall include a factory,
6 warehouse, or establishment.

7 (2) Sampling and analysis shall be conducted in accordance with
8 methods published by the AOAC International or in accordance with other
9 generally recognized methods.

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

15 (4) The results of official analysis of any official sample shall be
16 forwarded by the director to the person named on the label when the
17 official sample is not in compliance with the act or the rules and
18 regulations adopted pursuant to the act. Upon request made within ninety
19 days of the analysis, the director shall furnish to the person named on
20 the label a portion of the official sample. Following expiration of the
21 ninety-day period, the director may dispose of such sample.

22 **Sec. 19.** Section 81-2,162.11, Reissue Revised Statutes of Nebraska,
23 is amended to read:

24 81-2,162.11 The director shall annually make available, in such form
25 as he or she may deem proper, information concerning the sales of
26 commercial fertilizers and beneficial substances ~~soil conditioners~~ and a
27 report of the results of the analysis based on official samples of
28 commercial fertilizers and beneficial substances ~~soil conditioners~~
29 distributed within the state as compared with the analyses guaranteed
30 under the provisions of the Nebraska Commercial Fertilizer and Beneficial
31 Substances Soil Conditioner Act.

1 **Sec. 20.** Section 81-2,162.12, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-2,162.12 For the enforcement of the Nebraska Commercial
4 Fertilizer and Beneficial Substances Soil Conditioner Act, the director
5 is authorized to prescribe rules and regulations, after public hearing
6 following due public notice, relating to the distribution of commercial
7 fertilizers and beneficial substances soil conditioners as he or she may
8 find necessary to carry into effect the full intent and meaning of the
9 act.

10 **Sec. 21.** Section 81-2,162.13, Reissue Revised Statutes of Nebraska,
11 is amended to read:

12 81-2,162.13 The director is authorized and empowered to cancel the
13 registration or license of any person manufacturing or distributing any
14 commercial fertilizer or beneficial substance soil conditioner or to
15 refuse to register any beneficial substance soil conditioner upon
16 satisfactory evidence that the registrant, licensee, or guarantor has
17 used fraudulent or deceptive practices in the evasions or attempted
18 evasions of the provisions of the Nebraska Commercial Fertilizer and
19 Beneficial Substances Soil Conditioner Act or any rules and regulations
20 promulgated thereunder. No license or registration shall be revoked or
21 refused until the registrant, licensee, or guarantor has been given the
22 opportunity to appear for a hearing before the director.

23 **Sec. 22.** Section 81-2,162.14, Reissue Revised Statutes of Nebraska,
24 is amended to read:

25 81-2,162.14 The director may issue and enforce a written or printed
26 stop-sale, stop-use, or removal order to the owner or custodian of any
27 lot of commercial fertilizer or beneficial substance soil conditioner and
28 may require the owner or custodian to hold any lot at a designated place
29 when the director has reason to believe the product is being offered or
30 exposed for sale in violation of any of the provisions of the Nebraska
31 Commercial Fertilizer and Beneficial Substances Soil Conditioner Act

1 until the law has been complied with and such product is released in
2 writing by the director or the violation has been otherwise legally
3 disposed of by written authority. The director shall release the product
4 so withdrawn when the requirements of the act have been complied with and
5 all costs and expenses incurred in connection with the withdrawal have
6 been paid.

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

9 81-2,162.15 Any lot of commercial fertilizer or beneficial substance
10 ~~soil conditioner~~ not in compliance with the provisions of the Nebraska
11 Commercial Fertilizer and Beneficial Substances ~~Soil Conditioner~~ Act
12 shall be subject to seizure on complaint of the director to a court of
13 competent jurisdiction in the area in which such product is located. In
14 the event the court finds such product to be in violation of the
15 provisions of such act and orders the condemnation of such product, it
16 shall be disposed of in any manner consistent with the quality of the
17 product and the laws of the state. In no instance shall the disposition
18 of such product be ordered by the court without first giving the claimant
19 an opportunity to apply to the court for release of such product or for
20 permission to process or relabel such product to bring it into compliance
21 with the provisions of the act.

22 **Sec. 24.** Section 81-2,162.16, Reissue Revised Statutes of Nebraska,
23 is amended to read:

24 81-2,162.16 If it shall appear from the examination of any
25 commercial fertilizer or beneficial substance ~~soil conditioner~~ that any
26 of the provisions of the Nebraska Commercial Fertilizer and Beneficial
27 Substances ~~Soil Conditioner~~ Act or the rules and regulations issued
28 thereunder have been violated, the director shall cause notice of the
29 violations to be given to the person from whom the sample was taken. Any
30 person so notified shall be given opportunity to be heard under such
31 rules and regulations as may be prescribed by the director. If it appears

1 after such hearing, either in the presence or absence of the person so
2 notified, that any of the provisions of the act or rules and regulations
3 issued thereunder have been violated, the director may certify the facts
4 to the county attorney of the county in which the violation occurred or
5 to the Attorney General, as the case may be.

6 **Sec. 25.** Section 81-2,162.17, Reissue Revised Statutes of Nebraska,
7 is amended to read:

8 81-2,162.17 Any person violating any provisions of the Nebraska
9 Commercial Fertilizer and Beneficial Substances ~~Soil-Conditioner~~ Act or
10 the rules and regulations issued thereunder, or who shall impede,
11 obstruct, hinder, or otherwise prevent or attempt to prevent the director
12 in the performance of his or her duty pursuant to the act, shall be
13 guilty of a Class II misdemeanor.

14 **Sec. 26.** Section 81-2,162.18, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 81-2,162.18 Nothing in the Nebraska Commercial Fertilizer and
17 Beneficial Substances ~~Soil-Conditioner~~ Act shall be construed as
18 requiring the director to report for prosecution or for the institution
19 of seizure proceedings for minor violations of such act when he or she
20 believes that the public interest will be best served by a suitable
21 notice of warning in writing.

22 **Sec. 27.** Section 81-2,162.20, Reissue Revised Statutes of Nebraska,
23 is amended to read:

24 81-2,162.20 The director is hereby authorized to apply for and the
25 court to grant a temporary or permanent injunction restraining any person
26 from violating or continuing to violate any of the provisions of the
27 Nebraska Commercial Fertilizer and Beneficial Substances ~~Soil-Conditioner~~
28 Act, or any rules or regulations promulgated under the act,
29 notwithstanding the existence of other remedies at law. The injunction
30 shall be issued without bond.

31 **Sec. 28.** Section 81-2,162.21, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 81-2,162.21 Nothing in the Nebraska Commercial Fertilizer and
3 Beneficial Substances Soil Conditioner Act shall be construed to restrict
4 or avoid sales or exchanges of commercial fertilizers or beneficial
5 substances soil conditioners to each other by importers, manufacturers,
6 or manipulators who mix commercial fertilizers or beneficial substances
7 soil conditioners for sale or as preventing the free and unrestricted
8 shipments of commercial fertilizers and beneficial substances soil
9 conditioners to manufacturers or manipulators who have met the provisions
10 of the act.

11 **Sec. 29.** Section 81-2,162.22, Reissue Revised Statutes of Nebraska,
12 is amended to read:

13 81-2,162.22 Sections 81-2,162.01 to 81-2,162.28 shall be known and
14 may be cited as the Nebraska Commercial Fertilizer and Beneficial
15 Substances Soil Conditioner Act.

16 **Sec. 30.** Section 81-2,162.23, Reissue Revised Statutes of Nebraska,
17 is amended to read:

18 81-2,162.23 (1) No person shall manufacture or distribute any
19 commercial fertilizer or beneficial substance fertilizers or soil
20 conditioners in this state unless such person holds a valid license for
21 each manufacturing and distribution facility in this state where such
22 person manufactures or distributes such commercial fertilizer or
23 beneficial substance. Any out-of-state manufacturer or distributor who
24 has no distribution facility within this state shall obtain a license for
25 his or her principal out-of-state office if he or she markets or
26 distributes any commercial fertilizer or beneficial substance soil
27 conditioners in the State of Nebraska.

28 (2) An applicant for a license shall make application to the
29 department on forms furnished by the department. Application forms shall
30 be submitted to the department accompanied by an annual license fee of
31 twenty-five ~~fifteen~~ dollars. Licenses shall be renewed on or before

1 January 1 of each year.

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

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

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

13 **Sec. 31.** Section 81-2,162.25, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 81-2,162.25 No person shall distribute any misbranded commercial
16 fertilizer or beneficial substance ~~fertilizers or soil conditioners~~. A
17 commercial fertilizer or beneficial substance ~~soil conditioner~~ shall be
18 deemed to be misbranded if:

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

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

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

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

30 (5) Any word, statement, or other information required by the act or
31 the rules and regulations adopted and promulgated under the act to appear

1 on the label is not prominently displayed with such conspicuousness, as
2 compared with other words, statements, designs, or devices, on the label,
3 and in such terms as to render it likely to be read and understood by an
4 individual under customary conditions of purchase and use.

5 **Sec. 32.** Section 81-2,162.26, Reissue Revised Statutes of Nebraska,
6 is amended to read:

7 81-2,162.26 No person shall distribute any adulterated commercial
8 fertilizer or beneficial substance ~~fertilizers or soil conditioners~~. A
9 commercial fertilizer or beneficial substance ~~soil conditioner~~ shall be
10 deemed to be adulterated if:

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

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

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

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

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

23 **Sec. 33.** Section 81-2,162.27, Reissue Revised Statutes of Nebraska,
24 is amended to read:

25 81-2,162.27 (1) All money received under the Nebraska Commercial
26 Fertilizer and Beneficial Substances ~~Soil Conditioner~~ Act and the
27 Agricultural Liming Materials Act shall be remitted to the State
28 Treasurer for credit to the Fertilizers and Beneficial Substances ~~Soil~~
29 ~~Conditioners~~ Administrative Fund.

30 (2) The Fertilizers and Beneficial Substances Administrative Fund ~~7~~
31 ~~which fund~~ is hereby created. Money in the fund ~~so received~~ shall be used

1 by the department for defraying the expenses of administering the
2 Nebraska Commercial Fertilizer and Beneficial Substances Soil Conditioner
3 Act, and the Agricultural Liming Materials Act, and any other plant
4 health program that is administered by the department. ~~The fund may also~~
5 ~~be used to defray costs incurred by the department directly related to~~
6 ~~administrative and budgetary support of the Healthy Soils Task Force~~
7 ~~pursuant to sections 2-401 to 2-404, except that no more than ten~~
8 ~~thousand dollars may be expended by the department from the fund for such~~
9 ~~purpose.~~ Transfers may be made from the fund to the General Fund at the
10 direction of the Legislature. ~~The State Treasurer shall transfer two~~
11 ~~hundred seventy five thousand dollars from the Fertilizers and Soil~~
12 ~~Conditioners Administrative Fund to the General Fund on or before June~~
13 ~~30, 2019, on such dates and in such amounts as directed by the budget~~
14 ~~administrator of the budget division of the Department of Administrative~~
15 ~~Services.~~

16 (3) ~~(2)~~ Any unexpended balance in the Fertilizers and Beneficial
17 Substances Soil Conditioners Administrative Fund at the close of any
18 biennium shall, when reappropriated, be available for the uses and
19 purposes of the fund for the succeeding biennium. Any money in the fund
20 available for investment shall be invested by the state investment
21 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
22 State Funds Investment Act.

23 **Sec. 34.** Section 81-2,162.28, Reissue Revised Statutes of Nebraska,
24 is amended to read:

25 81-2,162.28 The Nebraska Commercial Fertilizer and Beneficial
26 Substances Soil Conditioner Act and any rules and regulations adopted and
27 promulgated thereunder shall supersede and preempt any ordinance, rule,
28 regulation, or resolution enacted by any political subdivision of the
29 state regarding the regulation of any fertilizer or beneficial substance
30 ~~and soil conditioners.~~ No political subdivision shall prohibit or in any
31 other manner regulate any matter relating to the registration, labeling,

1 or sale of any fertilizer or beneficial substance ~~and soil conditioners~~.
2 No political subdivision shall prohibit or in any other manner regulate
3 any matter relating to the storage, transportation, distribution,
4 notification of use, or use that is in addition to or in conflict with
5 the Nebraska Commercial Fertilizer and Beneficial Substances Soil
6 ~~Conditioner~~ Act and any rules and regulations adopted and promulgated
7 thereunder. Nothing in this section shall be construed to preempt or
8 otherwise limit the authority of any city or county to adopt and enforce
9 zoning regulations or any natural resources district to enforce the
10 Nebraska Ground Water Management and Protection Act.

11 **Sec. 35.** Section 37 of this act becomes operative on January 1,
12 2027. The other sections of this act become operative on their effective
13 date.

14 **Sec. 36.** Original sections 2-1091, 2-1091.02, 2-1095, 2-10,117,
15 2-2634, 2-3413, 2-4323, 2-4324, 49-1499.02, 81-201, 81-2,162.01,
16 81-2,162.02, 81-2,162.03, 81-2,162.04, 81-2,162.05, 81-2,162.06,
17 81-2,162.07, 81-2,162.11, 81-2,162.12, 81-2,162.13, 81-2,162.14,
18 81-2,162.15, 81-2,162.16, 81-2,162.17, 81-2,162.18, 81-2,162.20,
19 81-2,162.21, 81-2,162.22, 81-2,162.23, 81-2,162.25, 81-2,162.26,
20 81-2,162.27, and 81-2,162.28, Reissue Revised Statutes of Nebraska, and
21 section 2-958, Revised Statutes Cumulative Supplement, 2024, are
22 repealed.

23 **Sec. 37.** The following sections are outright repealed: Sections
24 2-3401, 2-3402, 2-3403, 2-3404, 2-3405, 2-3406, 2-3407, 2-3411, 2-3415,
25 and 2-3416, Reissue Revised Statutes of Nebraska.

26 **Sec. 38.** The following sections are outright repealed: Sections
27 2-2801, 2-2802, 2-2803, 2-2804, 2-2805, 2-2806, 2-2807, 2-2809, 2-2810,
28 2-2811, 2-2812, 2-3408, 2-3409, 2-3410, 2-3412, 2-3414, and 81-201.05,
29 Reissue Revised Statutes of Nebraska.

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

1 2. On page 1, strike beginning with "2-3413" in line 1 through line
2 22 and insert "2-1091, 2-1091.02, 2-1095, 2-10,117, 2-2634, 2-3413,
3 2-4323, 2-4324, 49-1499.02, 81-201, 81-2,162.01, 81-2,162.02,
4 81-2,162.03, 81-2,162.04, 81-2,162.05, 81-2,162.06, 81-2,162.07,
5 81-2,162.11, 81-2,162.12, 81-2,162.13, 81-2,162.14, 81-2,162.15,
6 81-2,162.16, 81-2,162.17, 81-2,162.18, 81-2,162.20, 81-2,162.21,
7 81-2,162.22, 81-2,162.23, 81-2,162.25, 81-2,162.26, 81-2,162.27, and
8 81-2,162.28, Reissue Revised Statutes of Nebraska, and section 2-958,
9 Revised Statutes Cumulative Supplement, 2024; to change provisions and
10 fees under the Plant Protection and Plant Pest Act; to provide for the
11 transfer of funds from the Nebraska Potato Development Fund; to change
12 fees under the Pesticide Act; to change powers of the Department of
13 Agriculture relating to the Weeds of the Great Plains book; to provide
14 for the transfer of funds and the termination of the Weed Book Cash Fund;
15 to provide for the transfer of funds from and the termination of the
16 Nebraska Poultry and Egg Development, Utilization, and Marketing Fund; to
17 change the Nebraska Commercial Fertilizer and Soil Conditioner Act to the
18 Nebraska Commercial Fertilizer and Beneficial Substances Act; to define
19 and redefine terms; to provide for the use of beneficial substances; to
20 change and provide provisions of the Nebraska Commercial Fertilizer and
21 Beneficial Substances Act relating to registration of products, package
22 labeling, fees, distribution, and manufacturing; to change the
23 Fertilizers and Soil Conditioners Administrative Fund to the Fertilizers
24 and Beneficial Substances Administrative Fund and change provisions
25 relating to such fund; to eliminate references to soil conditioners; to
26 eliminate provisions relating to certain agricultural associations or
27 societies, certain qualifying organizations, the Nebraska Dairymen's
28 Association, the State Horticultural Society, the Nebraska Livestock
29 Feeders and Breeders Association, the Nebraska Home Economics Association
30 of Organized Agriculture, the Western Nebraska Organized Agriculture
31 Association, the Nebraska Poultry Improvement Association, the Nebraska

1 Potato Council, and certain appropriations authorization; to eliminate
2 the Nebraska Poultry and Egg Resources Act; to eliminate obsolete
3 provisions; to harmonize provisions; to repeal the original sections; to
4 outright repeal sections 2-2801, 2-2802, 2-2803, 2-2804, 2-2805, 2-2806,
5 2-2807, 2-2809, 2-2810, 2-2811, 2-2812, 2-3401, 2-3402, 2-3403, 2-3404,
6 2-3405, 2-3406, 2-3407, 2-3408, 2-3409, 2-3410, 2-3411, 2-3412, 2-3414,
7 2-3415, 2-3416, and 81-201.05, Reissue Revised Statutes of Nebraska; and
8 to declare an emergency."

9 3. On page 2, strike lines 1 through 11.