

ONE HUNDRED NINTH LEGISLATURE - SECOND SESSION - 2026
COMMITTEE STATEMENT
LB948

Hearing Date: Tuesday January 27, 2026
Committee On: Agriculture
Introducer: Agriculture
One Liner: Rename and change provisions of the Nebraska Commercial Fertilizer and Soil Conditioner Act, eliminate the Nebraska Poultry and Egg Resources Act, terminate a fund, and eliminate provisions relating to certain associations and societies

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

Vote Results:

Aye:	7	Senators DeKay, Hansen, Holdcroft, Ibach, Kauth, Meyer, F., Raybould
Nay:	1	Senator Storm
Absent:		
Present Not Voting:		

Testimony:

Proponents:

Rick Leonard, for Senator Barry DeKay
Sherry Vinton

Representing:

Opening Presenter
Nebraska Department of Agriculture

Opponents:

Julie M. Kelly, DVM

Representing:

Nebraska Poultry Industries

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 948 renames the Nebraska Commercial Fertilizer and Soil Conditioner Act and incorporates "beneficial substances" as regulated products under the Act and also revises fees collected under the Act. LB 948 further repeals the Nebraska Poultry and Egg Resources Act and directs a transfer of funds remaining in an associated cash fund. Additionally, the bill repeals long dormant statutes pertaining to the support of certain agricultural associations.

Section-by-section summary:

Sec. 1: Amends §2-3413 which creates the Nebraska Poultry and Egg Development, Utilization and Marketing Fund. LB 948 terminates this section on January 1, 2027, and directs the transfer of any money remaining in the fund to the Nebraska Agricultural Products Marketing Cash Fund. All other sections of the Nebraska Poultry and Egg Resources Act are outright repealed in section 28 of the bill.



Secs. 2 - 3: Amends §2-4323 and §2-4324 of the Agricultural Liming Materials Act to correct a reference to harmonize with the change of the name of the Nebraska Commercial Fertilizer and Soil Conditioner Act in section 21 of the bill and the Fertilizers and Soil Conditioners Administrative Fund in section 25 of the bill.

Sec. 4: Amends §81-2,162.01 to harmonize this section to the change of the name of the Nebraska Commercial Fertilizer and Soil Conditioner Act to the Nebraska Commercial Fertilizer and Beneficial Substances Act in section 21 of the bill.

Sec. 5: Amends §81-2,162.02 which defines terms for purposes of the Nebraska Commercial Fertilizer and Soil Conditioner Act. LB 948 revises this section to harmonize with the change of the name of the Act. The term "soil conditioners" is stricken and new defined terms for "beneficial substance" and "microorganism" are inserted.

Sec. 6: Amends §81-2,162.03 which requires fertilizers and soil conditioner products distributed in the state to be registered and sets out the process of application for registration and the information to be provided by the applicant. LB 948 would impose a new application fee of \$50 and clarify the documentation to be provided with the application.

Sec. 7: Amends §81-2,162.04 which prescribes product labeling disclosures for soil conditioners. LB 948 conforms this section to apply its requirements to beneficial substances and inserts a new requirement that products claiming microorganism content include an expiration date and recommended storage conditions.

Sec. 8: Amends §81-2,162.05 which prescribes nutrient content disclosures and guarantees for fertilizer products. The law currently allows labeling claims of other beneficial substances present only if permitted. Since beneficial substances labeling is made mandatory under section 7 of the bill, permissive beneficial substance labeling language contained in this section is eliminated.

Sec. 9: Amends §81-2,162.06 which establishes an inspection fee based upon the tonnage of fertilizer and soil conditioner products distributed in the state, with a minimum inspection fee of \$5. LB 948 revises this section to incorporate all beneficial substances and increases the minimum inspection fee to \$10.

Secs. 10-20: Amend sections of the Nebraska Commercial Fertilizer and Soil Conditioner Act to harmonize with the change in the name of the Act to the Nebraska Commercial Fertilizer and Beneficial Substances Act in section 21 of the bill and the incorporation of beneficial substances as regulated products.

Sec. 21: Amends §81-2,162.22 to change the name of the Nebraska Commercial Fertilizer and Soil Conditioner Act to the Nebraska Commercial Fertilizer and Beneficial Substances Act.

Secs 22: Amends §81-2,162.23 which prohibits distribution of products regulated under the Act without a license and imposes a license application fee of \$15 annually. LB 948 amends this section to harmonize with the renaming of the Act and increases the license application fee to \$25 annually.

Secs. 23 - 24: Amend sections of the Nebraska Commercial Fertilizer and Soil Conditioner Act to harmonize with the change in the name of the Act in section 21 of the bill and replace references to "soil conditioner" with "beneficial substances".

Sec. 25: Amends §81-2,162.27 which creates the Fertilizers and Soil Conditioners Administrative Fund. LB 948 renames the fund the Fertilizers and Beneficial Substances Administrative Fund and strikes obsolete or expired authorized transfers from the fund or use of the fund. LB 948 further authorizes the fund to be used for any plant health program administered by the Department.



Sec. 26: Amends §81-2,162.28 to harmonize with the renaming of the Act and changing "soil conditioners" to "beneficial substances".

Sec. 27: Repealer

Sec. 28: Outright repeals §2-2801 through §2-2812 except for §2-2808. These sections provide for the organization and/or support of qualifying agricultural organizations formed to improve agriculture and rural communities and households. Retained section §2-2808 names the Nebraska Crop Improvement Association as a qualifying organization. This provision is retained since it is the only active association among those named in the repealed sections. LB 948 also outright repeals the Nebraska Poultry and Egg Resources Act (§§2-3401 through 2-3416) except for §2-3413 which is amended by section 1 of the bill.

Explanation of amendments:

The committee amendment (AM1976) replaces the original sections and becomes the bill. The amendment retains the provisions of LB 948 as introduced without revision and adds the provisions of LB 947.

LB 948 -- Sections 7 - 9 and 11 - 33 of AM1976

The original provisions of LB 948 as introduced remain unchanged.

LB 947 -- Sections 1-6 and section 10 of AM1976.

LB 947, introduced by the Agriculture Committee, revises the schedule of fees under the Plant Protection and Plant Pest Act and the Nebraska Pesticide Act, terminates certain cash funds and directs transfers of funds, removes obsolete and expired fund transfers and authorizations for use of certain cash funds, and removes a duty to publish a weed book.

LB 947 was amended into LB 948 on an 8 - 0 vote

Aye - Senators DeKay, Ibach, Hansen, Holdcroft, Kauth, Meyer, Raybould, Storm; Nay - none

A public hearing for LB 947 was held on January 27, 2026 with the following testimony:

Proponents:

Rick Leonard - Presenter on behalf of the Agriculture Committee

Sherry Vinton - Department of Agriculture

Opponents: None

Neutral: None

Section-by-Section Summary of AM1976.

Sec. 1: Amends §2-958 which creates the Noxious Weed Cash Fund. AM1976 eliminates an expired authorized use of the fund to carry out the Hemp Farming Act. (LB 947)

Sec. 2: Amends §2-1091 which enumerates duties and authorities of the Department of Agriculture to carry out the Plant Protection and Plant Pest Act. Currently this section authorizes the Department to assess fees set forth under §2-1091.02 by rule and regulation. AM1976 strikes the requirement to follow a rule and reg process to avoid conflict with revisions to §2-1091.02 that prescribe by statute fees beginning January 1, 2027, and that authorize the director to adjust fees annually thereafter within a statutory cap. This section as amended by AM1976 also clarifies the



calculation of the hourly charge component of fees charged. (LB 947)

Sec. 3: Amends §2-1091.02 which sets out a new schedule of fees for nursery stock distributor license fees and inspection fees and various certificate issuance fees charged under the Plant Protection and Plant Pest Act. The amendment combines all fees under one table and reorganizes the section for readability and clarity. (LB947)

Sec. 4: Amends §2-1095 which sets out procedures for annual certification inspections for growers of nursery stock. AM1976 provides that an application for inspection is included in the annual license application and clarifies that the hourly charge component of the inspection fee is based on the whole or partial hour. (LB 947)

Sec. 5: Amends §81-10,117 which creates the Plant Protection and Plant Pest Cash Fund. AM1976 deletes what becomes an obsolete transfer of funds from sales of the "Weeds of the Great Plains" publication due to outright repeal of §81-201.05 which currently assigns a duty to publish that book. This section also provides that any money remaining in the Nebraska Potato Development Fund when that fund is terminated be transferred to the Plant Protection and Plant Pest Cash Fund. (LB 947)

Sec. 6: Amends §2-2634 of the Pesticide Act which sets out fees for initial and annual registration of pesticide products distributed in the state. The registration fee would increase from \$160 to \$200 and raise the cap of the registration fee to \$250. This section increases the allocation of the registration fee to the Noxious Weed Cash Fund from \$30 to \$50, and to the Pesticide Administrative Cash Fund from \$25 to \$45. (LB 947)

Sec. 7: Amends §2-3413 which creates the Nebraska Poultry and Egg Development, Utilization, and Marketing Fund. AM1976 terminates this section on January 1, 2027, and directs the transfer of any money in the fund to the Nebraska Agricultural Products Marketing Cash Fund on or before December 31, 2026. All other sections of the Nebraska Poultry and Egg Resources Act are outright repealed in section 37 of AM1976. (LB 948)

Secs. 8 - 9: Amends §2-4323 and §2-4324 of the Agricultural Liming Materials Act to correct a reference to harmonize with the change of the name of the Nebraska Commercial Fertilizer and Soil Conditioner Act in section 28 of AM1976. (LB 948)

Sec. 10: Amends §81-201 which enumerates duties and authorities of the Department of Agriculture. This section currently directs the Department to publish a weed reference book entitled "Weeds of the Great Plains". AM1976 changes this duty to an authority to dispose of any remaining publications and directs any proceeds of the sale of the book be placed in the Noxious Weed Cash Fund. This section also directs that any funds in the Weed Book Cash Fund be transferred to the Noxious Weed Cash Fund by January 1, 2027. (LB 947)

Sec. 11: Amends §81-2,162.01 to harmonize this section to the change of the name of the Nebraska Commercial Fertilizer and Soil Conditioner Act to the Nebraska Commercial Fertilizer and Beneficial Substances Act in section 28 of AM1976. (LB 948)

Sec. 12: Amends §81-2,162.02 which defines terms for purposes of the Nebraska Commercial Fertilizer and Soil Conditioner Act. AM1976 revises this section to harmonize with the change of the name of the Act. The term "soil conditioners" is stricken and new defined terms for "beneficial substance" and "microorganism" are inserted. (LB 948)

Sec. 13: Amends §81-2,162.03 which requires fertilizers and soil conditioner products distributed in the state to be registered and sets out the process of application for registration. AM1976 would impose a new application fee of \$50 and clarify documentation to be provided with the application. (LB 948)



Sec. 14: Amends §81-2,162.04 which prescribes product labeling disclosures for soil conditioners. AM1976 conforms this section to apply its requirements to beneficial substances and inserts a new requirement that products claiming microorganism content include an expiration date and recommended storage conditions. (LB 948)

Sec. 15: Amends §81-2,162.05 which prescribes nutrient content disclosures and guarantees for fertilizer products. Current law allows labeling claims of other beneficial substances when present only if permitted. Since beneficial substances labeling is made mandatory under section 14 of AM1976, permissive beneficial substance labeling language contained in this section is eliminated. (LB 948)

Sec. 16: Amends §81-2,162.06 which establishes an inspection fee based upon the tonnage of fertilizer and soil conditioner products distributed in the state, with a minimum inspection fee of \$5. AM1976 revises this section to incorporate all beneficial substances and increases the minimum inspection fee to \$10. (LB 948)

Secs. 17-27: Amend sections of the Nebraska Commercial Fertilizer and Soil Conditioner Act to harmonize with the change of the name of the Act to the Nebraska Commercial Fertilizer and Beneficial Substances Act in section 28 of AM1976 and the incorporation of beneficial substances as regulated products. (LB 948)

Sec. 28: Amends §81-2,162.22 to change the name of the Nebraska Commercial Fertilizer and Soil Conditioner Act to the Nebraska Commercial Fertilizer and Beneficial Substances Act. (LB 948)

Secs 29: Amends §81-2,162.23 which prohibits distribution of products regulated under the Act without a license and imposes a license application fee of \$15 annually. AM1976 amends this section to harmonize with the renaming of the Act and increases the license application fee to \$25 annually. (LB 948)

Secs. 30-31: Amend sections of the Nebraska Commercial Fertilizer and Soil Conditioner Act to harmonize with the change in the name of the Act in section 28 of AM1976 and replaces references to "soil conditioner" with "beneficial substance". (LB 948)

Sec. 32: Amends §81-2,162.27 which creates the Fertilizers and Soil Conditioners Administrative Fund. AM1976 renames the fund the Fertilizers and Beneficial Substances Administrative Fund and strikes obsolete or expired authorized transfers from the fund or uses of the fund. AM1976 further authorizes the fund to be used for any plant health program administered by the Department. (LB 948)

Sec. 33: Amends §81-2,162.28 to harmonize with the change in the name of the Act and changing "soil conditioners" to "beneficial substance". (LB 948)

Sec. 34: Operative dates

Secs. 35 - 36: Correlates repealed sections to accommodate the incorporation of LB 947

Secs. 37 - 38: Correlates outright repealed sections to accommodate the incorporation of LB 947.

Sec. 39: Emergency clause



Barry DeKay, Chairperson

