

**FISCAL NOTE**

**LEGISLATIVE FISCAL ANALYST ESTIMATE**

Revised per AM1976

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)					
EXPENDITURES	GENERAL	CASH	FEDERAL	REVOLVING	TOTAL
FY2025-2026	0	0	0	0	0
FY2026-2027	0	(118,484)	0	0	(118,484)
FY2027-2028	0	(118,879)	0	0	(118,879)
FY2028-2029	0	(118,879)	0	0	(118,879)
REVENUE	GENERAL	CASH	FEDERAL	REVOLVING	TOTAL
FY2025-2026	0	0	0	0	0
FY2026-2027	0	739,102	0	0	739,102
FY2027-2028	0	739,102	0	0	739,102
FY2028-2029	0	739,102	0	0	739,102

**Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.**

LB947 would make amendments to the Noxious Weed Cash Fund, Plant Protection and Plant Pest Act, Nebraska Potato Development Act, Pesticide Act, and duties of the Department of Agriculture related to the Weeds of the Great Plains publication.

- Strikes eligible use of the Noxious Weed Cash Fund fund for administration of the Nebraska Hemp Farming Act;
- Makes the following amendments to the Plant Protection and Plant Pest Act:
  - Strikes the requirement to increase or decrease the assessment of fees via rules and regulations;
  - Requires inspection time to be determined on any portion of a whole hour;
  - Strikes “license fees” and replaces with “fees”, and increases the floor of applicable fees to be due on January 1, 2027. Fees due on January 1, 2028 may be set by the Director on or before July 1 on each year, but below or at the cap;
  - Amends the fee schedule under the act as follows:

Fees	Current floor	Current Levy	Current Cap
Nursery stock distributor license for the first acre	\$115	\$140	\$140
Fee for additional acres	\$5	\$5	\$6
Distributing without obtaining a nursery stock distributor license fee	25% of the fee per month up to 100% of the license fee		
Certification fee for nursery stock growing acres as set forth in section 2-1095	Included in license fee		
Late applications for certification of nursery stock growing acres	\$24/hr, \$.42/mile	\$24/hr, \$.42/mile	\$27/hr, \$.50/mile
Reinspection or requested inspections for nursery stock	\$24/hr, \$.42/mile		\$27/hr, \$.50/mile

Phytosanitary or export certificates set forth in section 2-1091	\$30/certificate and \$7/taking an application by telephone	\$30/certificate and \$7/taking an application by telephone	\$40/certificate and \$10/for taking an application by telephone
Phytosanitary or export certificate inspections and reinspection	\$24/hr, \$.42/mile	\$24/hr, \$.42/mile	\$27/hr, \$.50/mile
European corn borer quarantine certification license set forth in section 2-1091	\$50/license annually	\$50/license annually	\$65/license annually
European corn borer certificate	\$6.25/packet of 25	\$6.25/packet of 25	\$10/packet of 25
Quarantine compliance agreements as set forth in 2-1091	\$50/agreement annually	\$50/agreement annually	\$65/agreement annually
Quarantine compliance agreement inspections and reinspection	\$24/hr, \$.42/mile	\$24/hr, \$.42/mile	\$27/hr, \$.50/mile

**Fees**                      **Assessed January 1, 2027**      **Cap of assessment on January 1, 2028**

Nursery stock distributor license for the first acre	\$140	\$180
Fee for additional acres	\$39	\$50
Distributing without obtaining a nursery stock distributor license fee	25% of the fee per month up to 100% of the license distributor license fee	
Certification fee for nursery stock growing acres as set forth in section 2-1095	Struck	Struck
Inspection fees due under section 2-1091 or 2-1095	\$39/hour, \$.70/mile	\$50/hour, \$1/mile
Reinspection or requested inspections for nursery stock	Struck	Struck
Phytosanitary or export certificates	\$60/certificate	\$106/certificate

set forth in  
section 2-1091

Phytosanitary or  
export certificate  
inspections and  
reinspection

Struck

Struck

European corn  
borer quarantine  
certification  
license set forth in  
section 2-1091

\$65/license

\$80/license

European corn  
borer certificate

\$25/packet of 25

\$35/packet of 25

Quarantine  
compliance  
agreements as set  
forth in 2-1091

\$65/agreement annually

\$80/agreement annually

Quarantine  
compliance  
agreement  
inspections and  
reinspection

Struck

Struck

- Terminates the Nebraska Potato Development Fund on July 1, 2026, and transfers any money in the fund to the Plant Protection and Plant Pest Cash Fund upon the termination of the fund;
- Makes the following amendment to the fees collected under the Pesticide Act:
  - Increases the overall cap for pesticide registration fee from \$210 to \$250; and
  - Increases the distribution to the Noxious Weed Cash Fund from \$30 to \$50.
- Makes the Weeds of the Great Plains publication permissive upon the Department of Agriculture;
- Transfers the fund balance of the Weed Book Cash Fund to the Noxious Weed Cash Fund on January 1, 2027;
- Transfers the balance of the Nebraska Poultry and Egg Development, Utilization, and Marketing Fund to the Nebraska Agricultural Products Marketing Cash Fund on 12/31/2026 and repeals the fund on 1/1/2027
- Amends the name of the Fertilizers and Soil Conditioners Administrative Fund to the Fertilizers and Beneficial Substances Administrative Fund;
- Amends the name of the Nebraska Commercial Fertilizer and Soil Conditioner Act to the Nebraska Commercial Fertilizer and Beneficial Substances Act;
- Creates a definition for beneficial substance under the act;
- Strikes references to soil conditioner throughout the act, replaces with beneficial substance;
- Creates a definition for microorganism under the act;
- Strikes requirement for the Department of Agriculture to furnish a form for product registration, reduces the copy of the labeling required from two copies to one copy, and requires a fee of fifty dollars per product;
- Amends the application requirement to include commercial fertilizers;
- Creates requirements for packaged beneficial substances distributed in the state to include products which claim to contain any microorganism;
- Strikes the authority for the University of Nebraska Institute of Agriculture and Natural Resources to guarantee and permit other beneficial substances under the act; and
- Amends the Fertilizers and Beneficial Substances Administrative Fund to expand the eligible use of the fund to be used for any other plant health program that is administered by the department. Strikes reference to the Healthy Soils Task Force and an obsolete transfer; and
- Declares an emergency.

No basis to disagree with the Department of Agriculture's estimates for cash fund revenues and expenditures.

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2026

LB<sup>(1)</sup> 948 AM1976 AM 2169

FISCAL NOTE

State Agency OR Political Subdivision Name: <sup>(2)</sup> Department of Agriculture

Prepared by: <sup>(3)</sup> Kevin Shearman Date Prepared: <sup>(4)</sup> 2-23-26 Phone: <sup>(5)</sup> 402-580-1451

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2026-27</u>		<u>FY 2027-28</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS				
CASH FUNDS	(118,484)	739,102	(118,879)	739,102
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	<u>(118,484)</u>	<u>739,102</u>	<u>(118,879)</u>	<u>739,102</u>

Explanation of Estimate:

This bill increases fees under the Plant Protection and Plant Pest Act and the Pesticide Act to allow the programs to continue operations and offset program reliance on General Funds.

Under the bill the pesticide product registration fee would increase from \$160 to \$200 and raise the cap of the registration fee to \$250. The bill provides an additional \$20 to the Noxious Weed Cash Fund, and an additional \$20 dollars to the Pesticide Administrative Cash Fund.

The bill also strikes the department's authority to publish the Weeds of the Great Plains book and eliminates the associated Weed Book Cash Fund, transferring the funds of approximately \$30,000 to the Noxious Weed Cash Fund, reducing expenditures by \$19,743 for FY 26-27 and \$20,138 for FY 27-28, as well as reducing revenue by \$8,244 for both FY 26-27 and FY 27-28.

The bill changes the Nebraska Commercial Fertilizer and Soil Conditioners Act to the Nebraska Commercial Fertilizer and Beneficial Substances Act (Act). The bill increases fees by adding a registration fee of \$50 per product to cover the department's costs of reviewing product labels which would result in additional revenue of \$63,000 for FY 26-27 and 27-28, increases the minimum tonnage inspection fee from \$5 to \$10 resulting in additional revenue of \$2,640 for FY 26-27 and FY27-28, and increases the licensing fee for the manufacturing and distribution of products from \$15 to \$25 resulting in additional revenue of \$19,450 for FY 26-27 and 27-28. The bill also amends the associated Cash Fund so the fund can also be used for other plant health programs administered by the department.

The bill outright repeals the Nebraska Poultry and Egg Resources Act resulting in the reduction of roughly \$98,741 in expenditures for both FY 26-27 and FY27-28 and the reduction of roughly \$88,750 in revenue for both FY 26-27 and 27-28 and transfers remaining funds in the Nebraska Poultry and Egg Development, Utilization, and Marketing Fund to the Nebraska Agricultural Products Marketing Cash Fund.

	Expenditures	
	FY 2026-27	FY 2027-28
Poultry and Egg Development	(98,741)	(98,741)
Weed Book	(19,743)	(20,138)
	<b>(118,484)</b>	<b>(118,879)</b>

	Revenue	
	FY 2026-27	FY 2027-28
Poultry and Egg Development	(88,750)	(88,750)
Weed Book	(8,244)	(8,244)
Commercial Fertilizer & Beneficial Substances Fees	85,090	85,090
Plant Protection and Plant Pest Fees	219,806	219,806
Pesticide Product Fees	531,200	531,200
	<b>739,102</b>	<b>739,102</b>

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**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

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**Personal Services:**

POSITION TITLE	NUMBER OF POSITIONS		2026-27 <u>EXPENDITURES</u>	2027-28 <u>EXPENDITURES</u>
	<u>26-27</u>	<u>27-28</u>		
Benefits.....				
Operating.....			(118,484)	(118,879)
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
<b>TOTAL.....</b>			<b>(118,484)</b>	<b>(118,879)</b>

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 948	AM: 1976, 2169	AGENCY/POLT. SUB: Department of Agriculture
REVIEWED BY: Taten Raml	DATE: 2/25/2026	PHONE: (531) 310-4102
COMMENTS: Concur with the Department of Agriculture's assessment of fiscal impact from LB948 AM 1976, AM 2169.		