

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 948

FINAL READING

Introduced by Agriculture Committee: DeKay, 40, Chairperson; Hansen, 16;
Holdcroft, 36; Kauth, 31; McKeon, 41; Storm, 23.

Read first time January 09, 2026

Committee: Agriculture

1 A BILL FOR AN ACT relating to agriculture; to amend sections 2-1091,
2 2-1091.02, 2-1095, 2-10,117, 2-2634, 2-3401, 2-4323, 2-4324,
3 49-1499.02, 81-201, 81-2,162.01, 81-2,162.02, 81-2,162.03,
4 81-2,162.04, 81-2,162.05, 81-2,162.06, 81-2,162.07, 81-2,162.11,
5 81-2,162.12, 81-2,162.13, 81-2,162.14, 81-2,162.15, 81-2,162.16,
6 81-2,162.17, 81-2,162.18, 81-2,162.20, 81-2,162.21, 81-2,162.22,
7 81-2,162.23, 81-2,162.25, 81-2,162.26, 81-2,162.27, and 81-2,162.28,
8 Reissue Revised Statutes of Nebraska, and section 2-958, Revised
9 Statutes Cumulative Supplement, 2024; to change provisions and fees
10 under the Plant Protection and Plant Pest Act; to provide for the
11 transfer of funds from the Nebraska Potato Development Fund; to
12 change fees under the Pesticide Act; to change powers of the
13 Department of Agriculture relating to the Weeds of the Great Plains
14 book; to provide for the transfer of funds and the elimination of
15 the Weed Book Cash Fund; to terminate the Nebraska Poultry and Egg
16 Resources Act; to change the Nebraska Commercial Fertilizer and Soil
17 Conditioner Act to the Nebraska Commercial Fertilizer and Beneficial
18 Substances Act; to define and redefine terms; to provide for the use
19 of beneficial substances; to change and provide provisions of the
20 Nebraska Commercial Fertilizer and Beneficial Substances Act
21 relating to registration of products, package labeling, fees,

1 distribution, and manufacturing; to change the Fertilizers and Soil
2 Conditioners Administrative Fund to the Fertilizers and Beneficial
3 Substances Administrative Fund and change provisions relating to
4 such fund; to eliminate references to soil conditioners; to
5 eliminate provisions relating to certain agricultural associations
6 or societies, certain qualifying organizations, the Nebraska
7 Dairymen's Association, the State Horticultural Society, the
8 Nebraska Livestock Feeders and Breeders Association, the Nebraska
9 Home Economics Association of Organized Agriculture, the Western
10 Nebraska Organized Agriculture Association, the Nebraska Poultry
11 Improvement Association, the Nebraska Potato Council, and certain
12 appropriations authorization; to eliminate obsolete provisions; to
13 harmonize provisions; to repeal the original sections; to outright
14 repeal sections 2-2801, 2-2802, 2-2803, 2-2804, 2-2805, 2-2806,
15 2-2807, 2-2809, 2-2810, 2-2811, 2-2812, and 81-201.05, Reissue
16 Revised Statutes of Nebraska; and to declare an emergency.
17 Be it enacted by the people of the State of Nebraska,

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

3 2-958 (1) A noxious weed control fund may be established for each
4 control authority, which fund shall be available for expenses authorized
5 to be paid from such fund, including necessary expenses of the control
6 authority in carrying out its duties and responsibilities under the
7 Noxious Weed Control Act. The weed control superintendent within the
8 county shall (a) ascertain and tabulate each year the approximate amount
9 of land infested with noxious weeds and its location in the county, (b)
10 ascertain and prepare all information required by the county board in the
11 preparation of the county budget, including actual and expected revenue
12 from all sources, cash balances, expenditures, amounts proposed to be
13 expended during the year, and working capital, and (c) transmit such
14 information tabulated by the control authority to the county board not
15 later than June 1 of each year.

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

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

31 **Sec. 2.** Section 2-1091, Reissue Revised Statutes of Nebraska, is

1 amended to read:

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

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

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

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

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

25 (5) Issue a written or printed withdrawal-from-distribution order
26 and post signs to delineate sections not marked pursuant to subsection
27 (3) of section 2-1095 or sections of distribution locations and to notify
28 persons of any withdrawal-from-distribution order when the department has
29 reasonable cause to believe any lot of nursery stock is being distributed
30 in violation of the act or any rule or regulation;

31 (6) Apply for a restraining order, a temporary or permanent

1 injunction, or a mandatory injunction against any person violating or
2 threatening to violate the act or the rules and regulations. The district
3 court of the county where the violation is occurring or is about to occur
4 shall have jurisdiction to grant such relief upon good cause shown.
5 Relief may be granted notwithstanding the existence of any other remedy
6 at law and shall be granted without bond;

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

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

10 (9) Establish a restricted plant pest list to prohibit the movement
11 into the state of plant pests not known to occur in Nebraska and to
12 prohibit the movement of those plant pests present in the state but known
13 to be destructive to the plant industry;

14 (10) Issue European corn borer quarantine certificates,
15 phytosanitary certificates, and export certificates on plants for
16 individual shipment to other states or foreign countries if those plants
17 comply with the requirements or regulations of such state or foreign
18 country or issue quarantine compliance agreements or European corn borer
19 quarantine certification licenses;

20 (11) Inspect plants that any person desires to ship into another
21 state or country when such person has made an application to the
22 department for such inspection. The inspection shall determine the
23 presence of plant pests to determine the acceptance of the plants into
24 other states or countries. The department may accept the inspections of
25 laboratories authorized by the department or field inspectors of the
26 department;

27 (12) Certify plants or property to meet the requirements of specific
28 quarantines imposed on Nebraska or Nebraska plants. The quarantine
29 certification requirements shall be set forth in the rules and
30 regulations;

31 (13) ~~Assess Until increased or decreased by rules or regulations,~~

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

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

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

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

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

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

24 2-1091.02 (1) Fees under License fees ~~for~~ the Plant Protection and
25 Plant Pest Act that are due on January 1, 2027 ~~2014~~, shall be the amount
26 in column A of subsection (3) of this section.

27 (2) The license fees due January 1, 2028 ~~2015~~, and each January 1
28 thereafter shall be set by the director on or before July 1 of each year.
29 The director may raise or lower such fees each year to meet the criteria
30 in this subsection, but the fee shall not be greater than the amount in
31 column B of subsection (3) of this section. The same percentage shall be

1 applied to each category for all fee increases or decreases. The director
 2 shall use the fees in column A of subsection (3) of this section as a
 3 base for future fee increases or decreases. The director shall determine
 4 the fees based on estimated annual revenue and fiscal year-end cash fund
 5 balances as follows:

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

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

12 (3) ~~License Fees.~~

13	<u>Fees</u>	<u>A</u>	<u>B</u>
14	<u>Nursery stock</u>		
15	<u>distributor license</u>		
16	<u>as set forth in</u>		
17	<u>section 2-1091.01</u>		
18	<u>for the first acre</u>	<u>\$140</u>	<u>\$180</u>
19	<u>Fee for additional acres</u>	<u>\$39 per acre</u>	<u>\$50 per acre</u>
20	<u>Inspection fees due</u>		
21	<u>under section</u>	<u>\$39 per hour</u>	<u>\$50 per hour</u>
22	<u>2-1091 or 2-1095</u>	<u>\$0.70 per mile</u>	<u>\$1.00 per mile</u>
23	<u>Phytosanitary or</u>		
24	<u>export certificates</u>		
25	<u>set forth in section 2-1091</u>	<u>\$60 per certificate</u>	<u>\$106 per</u>
26	<u>European corn borer</u>		<u>certificate</u>
27	<u>quarantine certification</u>		
28	<u>license set forth in</u>	<u>\$65 per license,</u>	<u>\$80 per license,</u>
29	<u>section 2-1091</u>	<u>annually</u>	<u>annually</u>

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

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

23 ~~(5) Other Fees.~~

24	<u>Other Fees</u>	<u>A</u>	<u>B</u>
25	<u>Certification fee for</u>		
26	<u>nursery stock growing</u>		
27	<u>acres as set forth in</u>	<u>Included in</u>	
28	<u>section 2-1095</u>	<u>license fee</u>	
29	<u>Late applications for</u>		
30	<u>certification of nursery</u>	<u>\$24 per hour</u>	<u>\$27 per hour</u>

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

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

30 (5) (6) Any fee remaining unpaid for more than one month shall be

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

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

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

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

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

31 (3) Each nursery stock distributor shall post signs delineating

1 sections of all growing areas. A section shall be not larger than five
2 acres.

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

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

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

24 (7) Any nursery stock on which a withdrawal-from-distribution order
25 has been issued shall be released for distribution only by authorized
26 department employees or after written permission has been obtained from
27 the department. Each nursery stock distributor shall promptly report to
28 the department, in writing, the amount and type of plants treated or
29 destroyed under requirements on withdrawal-from-distribution orders. The
30 department may withhold a license or certification of Nebraska-grown
31 nursery stock until conditions have been met by the nursery stock

1 distributor as specified in the plant inspection report or any other
2 order issued by the department. A certification of Nebraska-grown stock
3 may be issued covering portions of the nursery which are not infested or
4 infected if the nursery stock distributor agrees to treat, destroy, or
5 remove as specified by the department those plants found to be infested
6 or infected.

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

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

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

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

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

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

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

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

7 (d) The remainder of such fee to the Pesticide Administrative Cash
8 Fund.

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

18 **Sec. 7.** Section 2-3401, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 2-3401 Sections 2-3401 to 2-3416 shall be known and may be cited as
21 the Nebraska Poultry and Egg Resources Act. The Nebraska Poultry and Egg
22 Resources Act terminates on December 31, 2027.

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

25 2-4323 (1) Every retailer licensee shall file, not later than the
26 last day of January and July of each year, a semiannual tonnage report on
27 forms provided by the department, setting forth the number of net tons of
28 each agricultural liming material sold in Nebraska during the preceding
29 six-month period, which report shall cover the periods from July 1 to
30 December 31 and January 1 to June 30, and such other information as the
31 director shall deem necessary. All persons required to be licensed

1 pursuant to the Agricultural Liming Materials Act shall file such report
2 regardless of whether any inspection fee is due. Upon filing the report,
3 such person shall pay the inspection fee at the rate prescribed pursuant
4 to this section. The inspection fee shall be at the rate fixed by the
5 director but not exceeding ten cents per ton. The fee shall be set at an
6 amount to cover the expenses of the inspection provided in section 2-4325
7 and the costs of administering this section. The minimum inspection fee
8 required pursuant to this section shall be five dollars, and no
9 inspection fee shall be paid more than once for any one product. In the
10 case of agricultural lime slurry, the fee shall be paid on the base lime
11 material only.

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

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

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

3 2-4324 All fees paid to the department pursuant to the Agricultural
4 Liming Materials Act shall be remitted to the State Treasurer for credit
5 to the Fertilizers and Beneficial Substances ~~Soil—Conditioners~~
6 Administrative Fund. All money credited to the fund shall be used by the
7 department to aid in defraying expenses of administering the Agricultural
8 Liming Materials Act and the Nebraska Commercial Fertilizer and
9 Beneficial Substances ~~Soil—Conditioner~~ Act.

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

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

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

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

30 (2) This section does not prevent such a person from (a) making or
31 participating in the making of a governmental decision to the extent that

1 the individual's participation is legally required for the action or
2 decision to be made or (b) making or participating in the making of a
3 governmental decision if the potential conflict of interest is based upon
4 a business association and the business association exists only as the
5 result of his or her position on a commodity board. A person acting
6 pursuant to subdivision (a) of this subsection shall report the
7 occurrence to the commission.

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

- 10 (a) Corn Development, Utilization, and Marketing Board;
- 11 (b) Nebraska Dairy Industry Development Board;
- 12 (c) Grain Sorghum Development, Utilization, and Marketing Board;
- 13 (d) Nebraska Wheat Development, Utilization, and Marketing Board;
- 14 (e) Dry Bean Commission;
- 15 (f) Nebraska Potato Development Committee;
- 16 (g) Prior to January 1, 2028, Nebraska Poultry and Egg Development,
17 Utilization, and Marketing Committee; and
- 18 (h) Dry Pea and Lentil Commission.

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

21 81-201 The Department of Agriculture may: ~~shall have power~~

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

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

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

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

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

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

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

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

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

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

27 81-2,162.01 The Nebraska Commercial Fertilizer and Beneficial
28 Substances Soil Conditioner Act shall be administered by the Director of
29 Agriculture.

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

1 81-2,162.02 For purposes of the Nebraska Commercial Fertilizer and
2 Beneficial Substances Soil Conditioner Act, unless the context otherwise
3 requires:

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

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

10 (b) Does not include any primary or secondary nutrient for plants,
11 plant micronutrient, pesticide, unmanipulated animal or plant manure, or
12 commercial fertilizer;

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

15 (2) Department means the Department of Agriculture;

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

24 (4) Bulk means nonpackaged;

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

31 (5) Department means the Department of Agriculture;

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

3 (7) (6) Distribute means to offer for sale, sell, barter, or
4 otherwise supply commercial fertilizers or beneficial substances soil
5 conditioners;

6 (8) (7) Fineness means the percentage of weight of the material
7 which will pass United States standard sieves of specified sizes;

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

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

14 (11) (10) Labeling means the label and all other written, printed,
15 or graphic matter accompanying the commercial fertilizer or beneficial
16 substance soil conditioner at any time or to which reference is made on
17 the label;

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

23 (13) (11) Official sample means any sample of commercial fertilizer
24 or beneficial substance soil conditioner taken by the director ~~or his or~~
25 her agent;

26 ~~(12) Product means both commercial fertilizers and soil~~
27 ~~conditioners;~~

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

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

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

1 (16) Product means both commercial fertilizers and beneficial
2 substances;

3 (17) (16) Sell or sale includes exchange;

4 (18) (17) Soil conditioner means any formula or product distributed,
5 except unmanipulated animal and vegetable manures, which, when added to
6 the soil, is intended to (a) change the physical condition of the soil or
7 (b) produce a favorable growth, yield, or quality of crops or other soil
8 characteristics but shall not mean a commercial fertilizer, a pesticide
9 as defined in the Pesticide Act, or an agricultural liming material as
10 defined in the Agricultural Liming Materials Act; and

11 (19) (18) Specialty product means a product for nonfarm use; and -

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

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

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

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

31 (b) The name and principal address of the person guaranteeing the

1 product, if different than the registrant;

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

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

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

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

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

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

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

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

30 81-2,162.04 (1) Beginning on and after January 1, 2027, any Any
31 packaged beneficial substance soil conditioner distributed in this state,

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

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

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

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

31 **Sec. 16.** Section 81-2,162.05, Reissue Revised Statutes of Nebraska,

1 is amended to read:

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

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

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

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

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

12 Total Nitrogen.....percent

13 Ammoniacal Nitrogen

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

15 Nitrate Nitrogen

16 (Specialty products only).....percent

17 Water Insoluble Nitrogen

18 (Specialty products only).....percent

19 Available Phosphate (P205).....percent

20 Soluble Potash (K20).....percent

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

31 (e) The sources from which the nitrogen, available phosphate (P205),

1 and potash (K2O) are derived; and

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

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

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

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

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

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

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

24 81-2,162.06 (1)(a) An inspection fee shall be paid to the director
25 at the rate fixed by the director but not exceeding fifteen cents per ton
26 for:

27 (i) Prior to January 1, 2027, commercial fertilizers and soil
28 conditioners; and

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

31 (b) Such inspection fee shall be paid by the person distributing the

1 ~~product to the ultimate user. (1) There shall be paid to the director,~~
2 ~~for all commercial fertilizers and soil conditioners distributed in this~~
3 ~~state to the ultimate user, except custom-blended products, an inspection~~
4 ~~fee at the rate fixed by the director but not exceeding fifteen cents per~~
5 ~~ton. The fee shall be paid by the person distributing the product to the~~
6 ~~ultimate user.~~

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

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

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

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

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

1 information as the director shall deem necessary.

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

11 (c) All persons required to be licensed pursuant to the Nebraska
12 Commercial Fertilizer and Beneficial Substances Soil-Conditioner Act
13 shall file such report regardless of whether any inspection fee is due.
14 Upon filing the report, such person shall pay the inspection fee at the
15 rate prescribed pursuant to subsection (1) of this section. The minimum
16 inspection fee required pursuant to this section shall be ten five
17 dollars, and no inspection fee shall be paid more than once for any one
18 product.

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

1 statement of tonnage or to pay the inspection fee or comply as provided
2 in this subsection shall constitute sufficient cause for the cancellation
3 of all product registrations, licenses, or both on file for such person.

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

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

9 81-2,162.07 (1) To enforce the Nebraska Commercial Fertilizer and
10 Beneficial Substances Soil Conditioner Act or the rules and regulations
11 adopted pursuant to the act, the director may:

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

28 (b) Inspect any location or vehicle described in this subsection,
29 all pertinent equipment, finished and unfinished materials, containers
30 and labeling, all records, books, papers, and documents relating to the
31 distribution and production of commercial fertilizers and beneficial

1 substances soil conditioners, and other information necessary for the
2 enforcement of the act;

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

6 (d) Make analyses of and test samples obtained pursuant to
7 subdivision (c) of this subsection to determine whether such commercial
8 fertilizers and beneficial substances soil conditioners are in compliance
9 with the act.

10 For purposes of this subsection, location shall include a factory,
11 warehouse, or establishment.

12 (2) Sampling and analysis shall be conducted in accordance with
13 methods published by the AOAC International or in accordance with other
14 generally recognized methods.

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

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

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

29 81-2,162.11 The director shall annually make available, in such form
30 as he or she may deem proper, information concerning the sales of
31 commercial fertilizers and beneficial substances soil conditioners and a

1 report of the results of the analysis based on official samples of
2 commercial fertilizers and beneficial substances ~~soil-conditioners~~
3 distributed within the state as compared with the analyses guaranteed
4 under the provisions of the Nebraska Commercial Fertilizer and Beneficial
5 Substances Soil-Conditioner Act.

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

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

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

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

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

30 81-2,162.14 The director may issue and enforce a written or printed
31 stop-sale, stop-use, or removal order to the owner or custodian of any

1 lot of commercial fertilizer or beneficial substance ~~soil conditioner~~ and
2 may require the owner or custodian to hold any lot at a designated place
3 when the director has reason to believe the product is being offered or
4 exposed for sale in violation of any of the provisions of the Nebraska
5 Commercial Fertilizer and Beneficial Substances ~~Soil Conditioner~~ Act
6 until the law has been complied with and such product is released in
7 writing by the director or the violation has been otherwise legally
8 disposed of by written authority. The director shall release the product
9 so withdrawn when the requirements of the act have been complied with and
10 all costs and expenses incurred in connection with the withdrawal have
11 been paid.

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

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

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

29 81-2,162.16 If it shall appear from the examination of any
30 commercial fertilizer or beneficial substance ~~soil conditioner~~ that any
31 of the provisions of the Nebraska Commercial Fertilizer and Beneficial

1 Substances ~~Soil Conditioner~~ Act or the rules and regulations issued
2 thereunder have been violated, the director shall cause notice of the
3 violations to be given to the person from whom the sample was taken. Any
4 person so notified shall be given opportunity to be heard under such
5 rules and regulations as may be prescribed by the director. If it appears
6 after such hearing, either in the presence or absence of the person so
7 notified, that any of the provisions of the act or rules and regulations
8 issued thereunder have been violated, the director may certify the facts
9 to the county attorney of the county in which the violation occurred or
10 to the Attorney General, as the case may be.

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

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

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

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

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

29 81-2,162.20 The director is hereby authorized to apply for and the
30 court to grant a temporary or permanent injunction restraining any person
31 from violating or continuing to violate any of the provisions of the

1 Nebraska Commercial Fertilizer and Beneficial Substances Soil Conditioner
2 Act, or any rules or regulations promulgated under the act,
3 notwithstanding the existence of other remedies at law. The injunction
4 shall be issued without bond.

5 **Sec. 28.** Section 81-2,162.21, Reissue Revised Statutes of Nebraska,
6 is amended to read:

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

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

18 81-2,162.22 Sections 81-2,162.01 to 81-2,162.28 shall be known and
19 may be cited as the Nebraska Commercial Fertilizer and Beneficial
20 Substances Soil Conditioner Act.

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

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

1 ~~conditioners~~ in the State of Nebraska.

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

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

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

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

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

20 81-2,162.25 No person shall distribute any misbranded commercial
21 fertilizer or beneficial substance ~~fertilizers or soil conditioners~~. A
22 commercial fertilizer or beneficial substance ~~soil conditioner~~ shall be
23 deemed to be misbranded if:

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

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

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

30 (4) It purports to be or is represented as a commercial fertilizer
31 or beneficial substance ~~soil conditioner~~ or as containing an ingredient,

1 for which a definition of identity or standard of quality has been
2 prescribed by rules and regulations adopted and promulgated by ~~regulation~~
3 ~~of~~ the department, unless it conforms to such definition and standard; or

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

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

12 81-2,162.26 No person shall distribute any adulterated commercial
13 fertilizer or beneficial substance ~~fertilizers or soil conditioners~~. A
14 commercial fertilizer or beneficial substance ~~soil conditioner~~ shall be
15 deemed to be adulterated if:

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

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

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

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

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

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

30 81-2,162.27 (1) All money received under the Nebraska Commercial
31 Fertilizer and Beneficial Substances ~~Soil Conditioner~~ Act and the

1 Agricultural Liming Materials Act shall be remitted to the State
2 Treasurer for credit to the Fertilizers and Beneficial Substances Soil
3 Conditioners Administrative Fund.

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

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

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

30 81-2,162.28 The Nebraska Commercial Fertilizer and Beneficial
31 Substances Soil Conditioner Act and any rules and regulations adopted and

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

16 **Sec. 35.** Original sections 2-1091, 2-1091.02, 2-1095, 2-10,117,
17 2-2634, 2-3401, 2-4323, 2-4324, 49-1499.02, 81-201, 81-2,162.01,
18 81-2,162.02, 81-2,162.03, 81-2,162.04, 81-2,162.05, 81-2,162.06,
19 81-2,162.07, 81-2,162.11, 81-2,162.12, 81-2,162.13, 81-2,162.14,
20 81-2,162.15, 81-2,162.16, 81-2,162.17, 81-2,162.18, 81-2,162.20,
21 81-2,162.21, 81-2,162.22, 81-2,162.23, 81-2,162.25, 81-2,162.26,
22 81-2,162.27, and 81-2,162.28, Reissue Revised Statutes of Nebraska, and
23 section 2-958, Revised Statutes Cumulative Supplement, 2024, are
24 repealed.

25 **Sec. 36.** The following sections are outright repealed: Sections
26 2-2801, 2-2802, 2-2803, 2-2804, 2-2805, 2-2806, 2-2807, 2-2809, 2-2810,
27 2-2811, 2-2812, and 81-201.05, Reissue Revised Statutes of Nebraska.

28 **Sec. 37.** Since an emergency exists, this act takes effect when
29 passed and approved according to law.