

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 947

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 the Department of Agriculture; to amend
- 2 sections 2-1091, 2-1091.02, 2-1095, 2-10,117, 2-1808, 2-2634, and
- 3 81-201, Reissue Revised Statutes of Nebraska, and section 2-958,
- 4 Revised Statutes Cumulative Supplement, 2024; to change fees under
- 5 the Plant Protection and Plant Pest Act; to change provisions
- 6 relating to the Plant Protection and Plant Pest Cash Fund; to change
- 7 certain fees under the Pesticide Act; to change powers of the
- 8 Department of Agriculture relating to the Weeds of the Great Plains
- 9 book; to eliminate the Weed Book Cash Fund; to provide for a
- 10 transfer of funds as prescribed; to terminate the Nebraska Potato
- 11 Development Fund and provide for the transfer of funds; to eliminate
- 12 obsolete provisions; to harmonize provisions; to repeal the original
- 13 sections; to outright repeal section 81-201.05, Reissue Revised
- 14 Statutes of Nebraska; and to declare an emergency.
- 15 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	License Fees	A	B
15	Nursery stock		
16	distributor license		
17	as set forth in		
18	section 2-1091.01		
19	<u>for the first acre</u>	<u>\$140</u>	<u>\$180</u>
20	for the first acre	\$115	\$140
21	<u>Fee for additional acres</u>	<u>\$39 per acre</u>	<u>\$50 per acre</u>
22	Fee for additional acres	\$5.00 per acre	\$6.00 per acre
23	Distributing without	25% of the fee	
24	obtaining a nursery	per month up to	
25	stock distributor	100% of the	
26	license fee	license fee	

27 (4) ~~Other fees for the Plant Protection and Plant Pest Act under~~
28 ~~subsection (5) of this section in effect on January 1, 2014, shall be the~~
29 ~~amount in column A of such subsection. The department may increase or~~
30 ~~decrease such fees by rules or regulations adopted and promulgated by the~~

1 ~~department. Such increases shall not result in fees greater than the~~
 2 ~~amount in column B of subsection (5) of this section.~~

3 ~~(5) Other Fees.~~

4	Other Fees	A	B
5	Certification fee for		
6	nursery stock growing		
7	acres as set forth in	Included in	
8	section 2-1095	license fee	
9	Inspection fees due		
10	under section	\$39 per hour	\$50 per hour
11	2-1091 or 2-1095	\$0.70 per mile	\$1.00 per mile
12	Late applications for		
13	certification of nursery	\$24 per hour	\$27 per hour
14	stock growing acres	\$0.42 per mile	\$0.50 per mile
15	Reinspections or		
16	requested inspections	\$24 per hour	\$27 per hour
17	for nursery stock	\$0.42 per mile	\$0.50 per mile
18	Phytosanitary or	\$60 per certificate	\$106 per certificate
19	export certificates		
20	set forth in section 2-1091		
21	Phytosanitary or	\$30 per certificate	\$40 per
22	export certificates	and \$7 for taking	certificate and
23	set forth in	an application	\$10 for taking
24	section 2-1091	by telephone	an application
25			by telephone
26	Phytosanitary or		
27	export certificate		
28	inspections and	\$24 per hour	\$27 per hour
29	reinspections	\$0.42 per mile	\$0.50 per mile
30	European corn borer		

1	quarantine certification		
2	<u>license set forth in</u>	<u>\$65 per license,</u>	<u>\$80 per license,</u>
3	license set forth in	\$50 per license,	\$65 per license,
4	section 2-1091	annually	annually
5	<u>European corn borer</u>	<u>\$25 for</u>	<u>\$35 for</u>
6	European corn borer	\$6.25 for	\$10.00 for
7	certificate	packet of 25	packet of 25
8	Quarantine compliance		
9	<u>agreements as set</u>	<u>\$65 per agreement,</u>	<u>\$80 per agreement,</u>
10	agreements as set	\$50 per agreement	\$65 per agreement
11	forth in section 2-1091	annually	annually
12	Quarantine compliance		
13	agreement inspections	\$24 per hour	\$27 per hour
14	and reinspections	\$0.42 per mile	\$0.50 per mile

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

19 (5) (6) Any fee remaining unpaid for more than one month shall be
 20 considered delinquent and the person owing the fee shall pay an
 21 additional administrative fee of twenty-five percent of the delinquent
 22 amount for each month it remains unpaid, not to exceed one hundred
 23 percent of the original amount due. The department may waive the
 24 additional administrative fee based upon the existence and extent of any
 25 mitigating circumstances that have resulted in the late payment of such
 26 fee. The purpose of the additional administrative fee is to cover the
 27 administrative costs associated with collecting fees, and all money
 28 collected as an additional administrative fee shall be remitted to the
 29 State Treasurer for credit to the Plant Protection and Plant Pest Cash
 30 Fund.

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

3 2-1095 (1) All nursery stock distributors that distribute any
4 nursery stock that they grow shall apply for a certification ~~an~~
5 ~~additional inspection for the certification~~ of the Nebraska-grown nursery
6 stock as provided in this section. The nursery stock distributor shall
7 receive ~~apply for~~ such certification inspection of the Nebraska-grown
8 nursery stock as part of the ~~application for the~~ nursery stock
9 distributor license described in section 2-1091.01.

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

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

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

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

26 (5) Following the certification inspection of Nebraska-grown nursery
27 stock, the department shall provide a copy of the plant inspection report
28 to the nursery stock distributor specifying any area of the nursery from
29 which nursery stock cannot be distributed or any plants which may not be
30 distributed as nursery stock. When deemed necessary to maintain
31 compliance with the purposes of the Plant Protection and Plant Pest Act,

1 the department shall require the nursery stock distributor to withdraw
2 from distribution any variety or amount of nursery stock. A reinspection
3 may be conducted by the department at the nursery stock distributor's
4 request and cost. The department may also reinspect to determine
5 compliance with the act. To determine the cost of any reinspection, the
6 department shall use fees as outlined in subsection (2) of this section.
7 The nursery stock distributor shall comply with the recommendations of
8 the department as to the treatment or destruction of nursery stock.

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

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

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

29 2-10,117 All money received from any source pursuant to the Plant
30 Protection and Plant Pest Act and section 81-2,162.23 shall be remitted
31 by the department to the State Treasurer and by the State Treasurer

1 credited to the Plant Protection and Plant Pest Cash Fund which is hereby
2 created. ~~The fund also shall include funds transferred pursuant to~~
3 ~~section 81-201.05.~~ The fund shall be used by the department to aid in
4 defraying the expenses of administering the act. Any money in the fund
5 available for investment shall be invested by the state investment
6 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
7 State Funds Investment Act.

8 **Sec. 6.** Section 2-1808, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 2-1808 The State Treasurer is hereby directed to establish and set
11 up in the treasury of the State of Nebraska a fund to be known as the
12 Nebraska Potato Development Fund, to which fund shall be credited, for
13 the uses and purposes of the Nebraska Potato Development Act and its
14 enforcement, all taxes and fees collected by the Department of
15 Agriculture. After appropriation, the Director of Administrative
16 Services, upon receipt of proper vouchers approved by the director of the
17 department, shall issue his or her warrants on such funds and the State
18 Treasurer shall pay the same out of the money credited to the fund. Any
19 money in the fund available for investment shall be invested by the state
20 investment officer pursuant to the Nebraska Capital Expansion Act and the
21 Nebraska State Funds Investment Act. The fund terminates on July 1, 2026,
22 and the State Treasurer shall transfer any money in the fund to the Plant
23 Protection and Plant Pest Cash Fund as soon as administratively
24 practicable.

25 **Sec. 7.** Section 2-2634, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 2-2634 (1) As a condition to registration or renewal of registration
28 as required by sections 2-2628 to 2-2633, an applicant shall pay to the
29 department a fee of two hundred ~~one hundred sixty~~ dollars for each
30 pesticide to be registered, except that the fee may be increased or
31 decreased by rules and regulations adopted and promulgated pursuant to

1 the Pesticide Act. In no event shall such fee exceed two hundred fifty
2 ~~two hundred ten~~ dollars for each pesticide to be registered.

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

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

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

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

11 (d) The remainder of such fee to the Pesticide Administrative Cash
12 Fund.

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

22 **Sec. 8.** Section 81-201, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 81-201 The Department of Agriculture may: ~~shall have power~~

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

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

30 (3) Collect ~~to collect~~ and publish statistics relating to the
31 production and marketing of agricultural products, so far as such

1 statistical information may be of value to the agricultural and allied
2 interests of the state, and to cooperate with the federal government in
3 the matter of collecting and publishing such statistical information;

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

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

15 (6) Execute to execute and enforce all laws relating to matters
16 within its jurisdiction and to adopt necessary rules and regulations for
17 the administration and enforcement of such laws;

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

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

26 (9) Enforce to enforce the Foreign-owned Real Estate National
27 Security Act.

28 **Sec. 9.** Original sections 2-1091, 2-1091.02, 2-1095, 2-10,117,
29 2-1808, 2-2634, and 81-201, Reissue Revised Statutes of Nebraska, and
30 section 2-958, Revised Statutes Cumulative Supplement, 2024, are
31 repealed.

1 **Sec. 10.** The following section is outright repealed: Section
2 81-201.05, Reissue Revised Statutes of Nebraska.

3 **Sec. 11.** Since an emergency exists, this act takes effect when
4 passed and approved according to law.