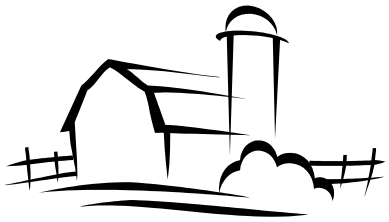
COMMITTEE ON AGRICULTURE

ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

2025



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Agriculture Committee Members

Senator Barry DeKay, Chair
Senator Teresa Ibach, Vice-Chair
Senator Ben Hansen
Senator Rick Holdcroft
Senator Kathleen Kauth
Senator Dan McKeon
Senator Jane Raybould
Senator Jared Storm

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STATUS REPORT BY BILL NUMBER

(Bills/Resolutions introduced in the 2025 session)

LB #	Primary Introducer	One-Line Description	Hearing Date	Disposition	Amends Adopted	Amends Pending	Comment
LB 7	DeKay	Change provisions relating to real estate and the Foreign-owned Real Estate National Security Act	1/28/25	Enacted	AM77 AM310 ER22		
LB 145	Ibach	Require the Director of Agriculture to administer a grant program relating to noxious weeds and to state legislative intent regarding appropriations	1/28/25	Held			
LB 245	DeKay	Change provisions of the Nebraska Pure Food Act	2/4/25	Enacted	AM501 AM759. ER28		Agriculture Committee 2025 session priority bill.. Enacted version incorporates provisions / purposes of LB 394
LB 246	DeKay at request of Governor	Prohibit cultivated protein food products under the Pure Food Act and provide for a deceptive trade practice	2/18/25	Enacted	AM226 ER38		Agriculture Committee 2025 session priority bill
LB 372	McKeon	Eliminate the Agricultural Suppliers Lease Protection Act, provisions relating to grain inspections, the Nebraska Origin and Premium Quality Grain Cash Fund, and a labeling requirement for honey	2/28/25	Enacted	AM81 ER20		
LB 375	Ibach	Adopt the Grocers Reinvestment Option Act	2/4/25	Held			
LB 394	DeKay	Change provisions of the Weights & Measures Act	2/4/25	Held			Provisions/purposes of LB 394 enacted by incorporation in to LB 245 by AM501
LB 476	Guereca	Provide exemptions under the Foreign-owned Real Estate National Security Act	2/25/25	Held			
LB 502	Meyer	Provide a penalty under the Farm Labor Contractors Act	2/25/25	Held			

LB #	Primary Introducer	One-Line Description	Hearing Date	Disposition	Amends Adopted	Amends Pending	Comment
LB 540	Holdcroft	Change provisions of the Nebraska Apiary Act and create the Apiary Advisory Board	2/25/25	Held			
LB 638	Ibach	Change provisions of the Nitrogen Reduction Incentive Act	2/25/25	Held			
LB 646	Ibach	Provide for exempt feedlots under the Livestock Brand Act	2/11/25	Final Reading	AM638 AM829 AM1558 FA271		Ibach 2025 session personal priority bill
LB 658	Andersen	Provide labeling and advertising requirements for manufactured protein food products	2/18/25	General File		AM568	
LB 665	Storer	Prohibit the use of certain electronic identification devices under the Animal Health and Disease Control Act	2/11/25	Held			

BILLS ENACTED AND SIGNED BY THE GOVERNOR

LB 7 (DeKay) Change provisions of the Foreign-owned Real Estate National Security Act

Date of Public Hearing: 1/28/2025
Date Reported from Committee: 2/10/2025
Committee Amendment: AM77
Other Adopted Amendments: AM310, ER22
Effective Date: Sept. 3, 2025

LB 7 is a clean-up bill to clarify provisions of the Foreign-owned Real Estate National Security Act and to correct a reference in a separate but related provision regarding affidavits filed with certain transfers of real property.

Section-by-section description (as introduced):

Sec. 1: Amends §76-2,141 which requires the filing of an affidavit upon the conveyance of real estate located within military sensitive locations in the state. The affidavit attests that the purchaser is not an agent for a foreign government or actor designated a foreign adversary by 15 CFR 7.4. LB 7 updates the CFR reference to its current location at 15 CFR 791.4

Sec. 2: Amends §76-3702 which defines terms utilized in the Foreign-owned Reals Estate National Security Act. LB 7 inserts three new defined terms:

- "Foreign government" defined to clarify that the term excludes tribal governments. The term is utilized throughout the Act to avoid repetitious listing of domestic governments excluded from various provisions
- "Indian tribe" defined to include tribes located in Nebraska recognized by federal law or state acknowledgement
- "Person" defined to include individuals and enumerated legal entities. This term is utilized throughout the act to avoid repetition of phrasing that the Act's provisions apply to individuals and other entities.

Sec. 3: Amends §76-3703 with Revisor's office changes to utilize the term "foreign government"

Secs 4 & 5: Amends §76-3704 & §76-3708 which provides for a general exemption on restrictions against foreign real estate holdings provided the real estate interest is used for gas or oil development, or operations of railroad, public utilities or common carriers. These sections currently provide that this exemption does not apply to restricted entities. LB 7 inserts Revisors office revisions to both sections for style and clarity.

Sec 6: Amends §76-3709 which provides for a general exemption on restrictions against foreign real estate holdings used for manufacturing, other industrial purpose, or gas and oil distribution and retailing unless the entity is a restricted entity. This section currently provides for a safe harbor shield from the divestment remedies of the Act for restricted entities provided the restricted entity's acquisition and holding of property interests has been reviewed by the Committee on Foreign Investment in the U.S. (CFIUS) and the entity has entered and maintains compliance with a national security agreement with CFIUS, and annually certifies its compliance. LB 7 inserts

citation to the federal regulation which provide for CFIUS determinations and would in effect expand the safe harbor provision to also include properties holdings CFIUS has determined are not a national security concern.
Sec. 7: Amends §76-3710 with a Revisor's Office to add inadvertently omitted text

Sec.s 8 & 9: Amends §76-3712 and §76-3715 with Revisor's Office revision for clarity. Section 9 would also add the Legislature as a recipient of notifications of court-ordered divestments pursuant to the Act.

Sec. 10: Inserts a severability clause

Sec. 11: Repealers

AM77 (Committee Amendment as revised by AM310):

The Committee amendment (AM77) as amended by AM310 struck the original provisions and became the bill. The bill as revised retained the provisions of LB 7 as introduced but with additional clarifications as follows:

- Amended section 1 to provide that the citation to 31 CFR 802.211(b)(3). is that section as it existed on January 1, 2025 and to 15 CFR 791.4 as that section existed on February 7, 2025.
- Struck original section 2 but reinserted a new section 2 revising §76-3702 retaining new defined terms added by the original bill with two revisions. First, AM 77 inserted a new defined term for "foreign corporation". The term is defined term to mean a business corporation formed under the laws of a jurisdiction outside of the U.S. and to expressly provide that entities incorporated under the laws of any state, territory or tribe are not a foreign corporation. Secondly, the term "resident alien" was revised to clarify that it refers to individuals.
- Amends section 3 of the bill by inserting a new subsection (3) to §76-3703 which provides that persons, governments or entities of countries designated by the Committee on Foreign Investment in the US as an "excepted real estate foreign state" pursuant to 31 C.F.R. 802.1001(a) and 802.21 (UK, Canada, Austrailia, New Zealand) are excluded from the Foreign-Owned Real Estate National Security Act unless a restricted entity.
- Specifies that notifications to the Legislature of court ordered divestments of real estate inserted by Section 8 of the bill be submitted to the Clerk of the Legislature

LB 245 (DeKay) Change provisions of the Nebraska Pure Food Act

Date of Public Hearing: 2/4/2025
Date Reported from Committee: 3/10/2025
Committee Amendment: AM501
Other Adopted Amendments: AM759
Effective Date: 4/30/2025

* Agriculture Committee 2025 session priority bill
** Enacted version contains provisions/purposes of LB 394

LB 245 is introduced at the request of the Department of Agriculture. It amends the Nebraska Pure Food Act to incorporate the 2022 recommendations of the Food Code, a publication of the Food and Drug Administration, which sets forth model regulations for sanitation, storage, preparation, serving and presentation of foods to mitigate risks of

food borne illness from foods sold or served by commercial food establishments. Nebraska currently incorporates the 2017 edition of the Food Code. The bill also adopts the current Good Manufacturing regulation. LB 245 further revises the schedule of license and inspection fees with the intent to fully cash fund the Department's licensure and inspection program under the Act. Finally, LB 245 would enact series of clarifications to terms and procedures to aid in the administration of the Act as described in the section-by-section summary.

Section-by-section description (as introduced):

Sec. 1**:** Amends §81-2,239 correcting the title of a federal regulation reference

Sec. 2: Amends §81-2,244.01 defining the term "Food Code" incorporated by reference into the Pure Food Act to include the described FDA publication Food Code except for sections excluded. LB 245 would discontinue exclusions of a number of sections cited.

Sec. 3: Amends §81-2,245.01 which defines the term "food establishment" to exclude operations that deliver food.

Sec. 4: Amends §81-2,254 to expand the limitation of single event food venders to serving only at one annual even lasting no more than 2 days. LB 245 increases the event duration to 4 days.

Sec. 5: Amends §81-2,257 to strike references to sections of the Pure Food Act that designate priority items. This section corresponds to sections outright repealed in Section 13 and would eliminate Pure Food Act variances from Food Code designation.

Sec. 6: Amends §81-2,259 to correct a reference to federal regulations establishing sanitary standards in food manufacturing operation titled Current Good Manufacturing Practice

Sec. 7: Amends §81-2,268. This section provides that facilities and equipment utilized by regulated entities that were in place prior to Sept. 13, 1997 must meet current food temperature requirements.

Sec. 8: Amends §81-2,270 which requires a valid permit to operate a food establishment, processing plant or salvage operation and establishes a schedule of permit and annual inspection fees. LB 245 revises this section as follows:

- Increase the statutory maximum fees that may be charged across all permit categories and changes the designation of the annual "inspection" fee to an "annual "fee
- Provides that commercial food service providers utilized by institutional entities to provide food service to residents and or patrons are subject to the permit and fee requirements of this section even though the institutional entity is exempt.

Sec. 9: Amends §81-2271 to strike a requirement a permit holder to return the permit if the food establishment for which the permit is issued is permanently closed.

Sec. 10: Amends §81-2,274 to strike certain parties designated for serving notices or orderst

Sec. 11: Corrects a reference to federal regulations establishing sanitary standards in food manufacturing operation titled Current Good Manufacturing Practice

Sec. 12: Repealers

Sec 13: Outright repealed sections.

Sec 14: E-clause

AM501 (Committee Amendment) as revised by AM759:

The Committee Amendment (AM501) adopted on general file is a white copy amendment which becomes the bill. AM501 retains the provisions of LB 245 unchanged except for two revisions described below. The amendment also incorporates revised provisions of LB 394 which, similarly to LB 245, incorporates current editions of model publications utilized as standards for purposes of the Weights and Measures Act and revises the schedule of permit and inspection fees paid by weighing and measuring establishments which partially support the Department of Agriculture's inspection program.

<u>LB 245 revisions:</u>

Sections 1 – 11 of AM501 contain provisions of LB 245 as introduced with the following revisions:

- Replaces the new statutory maximum food establishment fees in the bill as introduced with a revised fee schedule found in section 8 of AM501. The revised fee authority contained in the amendment would be sufficient to continue funding the Pure Food Act inspection program at the current policy of approximately 50% cash funds and 50% general funds.
- inserts a revision in subsection (11) of §81-2,244.01 found in section 3 of AM 501, which currently excludes pharmacies that sell only non-potentially hazardous pharmaceutical, medicinal or health supplement foods from the definition of a food establishment**.** The revision would expand the exemption to facilities similar to existing pharmacies.

<u>LB 394 provisions</u>:

AM 501 sections 12 – 15 incorporate revised provisions of LB 394. LB 394 adopts current publications of the National Conference on Weights and Measures utilized as standards enforced under the Act and revises the schedule of permit and inspection fees which support the Department of Agriculture's permitting and inspection duties assigned by the Weights and Measures Act. Any differences between LB 394 as introduced and as contained in AM 501 are noted in the following summary of sections 12 – 15 of AM501:

Sec. 12: Amends §89-186 to incorporate current publications (2025 editions) of the National Institute of Standards and Technology (Handbook 44 –Specifications, Tolerances and other Technical Requirements for Weighing and Measuring Devices; Handbook 130 –Uniform Regulation for the Method of Sale of Commodities, Uniform Packaging and Labeling Regulation, and Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality; and Handbook 133 – Checking the Net Contents of Packaged Goods). Current law incorporates the 2019 versions of these publications.

Sec. 13: Amends §89-187 which assigns duties and authorities to the Department of Agriculture under the Act. Subsection (19) authorizes the Department to require a permit to operate a weighing and measuring establishment and to collect a permit application fee of $5. Subsection (20) authorizes the assessment and collection of annual inspection fees for various categories of devices, designating an initial fee and annual adjustments to the fee within prescribed fee setting limitations, up to a maximum fee amount.

This section eliminates the permit application fee and prescribes a new schedule of beginning year and maximum inspection fees. LB 394 as introduced proposed a schedule of fees providing sufficient fee authority to fully cash fund the Department of Agriculture's permitting and inspection activities assigned by the Weights and Measures Act. The fee revisions contained in AM501 provide only sufficient fee authority to continue funding the inspection program at current policy of approximately 50% cash and 50% general funds. LB 394 as introduced and as contained in AM501 inserted an instruction that the fees charged be rounded to the nearest dollar. AM759 to AM 501 adopted on select file amended this provision to provide that the fee be rounded to the nearest half-dollar. Section 13 further provides that a delinquency in paying the annual fee voids the device permit.

As introduced, LB 394 would have created a new fee category for EV vehicle chargers which are now included as regulated devices under current editions of Handbooks 44 and 130 adopted in section 11. This new fee category is omitted from AM501.

Sec. 14: Amends §89-187.02 to eliminate a permit application fee

Sec. 15: Amends §89-187.05 to strike a duty of establishment permit holders to return the permit if the establishment is permanently closed.

The remaining sections of AM 501 correlate repealed and outright repealed sections to accommodate the incorporation of LB 394. The Amendment retains the emergency clause to enable the new fee authorities to be in effect for the annual fees that are due August 1, 2025.

LB 246 (DeKay at request of the Governor) Prohibit cultivated-protein food products

Date of Public Hearing: 2/18/2025
Date Reported from Committee: 3/17/2025
Committee Amendment: AM226
Other Adopted Amendments: ER38
Effective Date: September 3, 2025

* Agriculture Committee 2025 session priority bill

LB 246 defines cultivated protein foods and declares foods that are or contain cultivated food proteins as adulterated for purposes of the Nebraska Pure Food Act. Acts of commercial sale or distribution of cultivated protein food products would be enforceable as a deceptive trade practice.

Sec. 1**:** Amends §81-2,239 to incorporate new section 3 of the bill within the Nebraska Pure Food Act

Sec. 2: Amends §81-2,240 to incorporate the definition of "cultivated protein food product" in section 3 as a defined term for purposes of the Pure Food Act.

Sec. 3: Inserts a new section defining "cultivated protein food product as a product having sensory resemblance to tissues of harvested food animals but are derived from a manufacturing process involving the isolation and propagation of stem cells or other non animal source.

Sec. 4: Amends §81-2,282 which prohibits adulterating food, and the manufacture and sale of adulterated Food, and lists conditions under which food is deemed adulterated. LB 246 expands prohibited acts to include additional activities associated with marketing of adulterated products and deems cultivated protein food products to be adulterated. LB 246 further declares violation of this section shall additionally and separately constitute a Deceptive Trade Practices Act violation and that this section does not limit deceptive trade practices liability.

Sec. 5: Amends §87-302 by inserting violation of the adulteration provisions of the Pure Food Act as amended by section 3 among deceptive trade practices enumerated in this section.

Sec. 6: Repealer

AM226 (Committee Amendment):

AM226 adopted on general file debate struck original section 3 containing the definition of "cultivated protein" and inserted a new section 3 containing a revised definition. The amendment strikes the phrase "or other nonanimal source" referring to sourcing of cellular material utilized in the cell-culturing process to avoid interpretation that the bill could apply to plant-based foods.

LB 372 (McKeon) Eliminate the Agricultural Suppliers Lease Protection Act, provisions relating to Nebraska origin and grain quality certifications, and labeling requirements for honey

Date of Public Hearing: 1/28/2025
Date Reported from Committee: 2/10/2025
Committee Amendment: AM81
Other Adopted Amendments: ER20
Effective Date: September 3, 2025

LB 372 outright repeals the Agricultural Suppliers Lease Protection Act, a statute providing for an identity standard for honey, and statutes authorizing the Department of Agriculture to provide grain quality and origin certification services.

Section-by-Section Description (as introduced):

Sec. 1: Amends §75-190 to strike what becomes an obsolete reference the Agricultural Suppliers Lease Protection Act which is outright repealed by section 3

Sec. 2: Repealer

Sec. 3: Outright repeals the following statutes: §§2-3813 & 2-3814, §§2-5501 – 2-5508, and §81-2-181

AM 81 (Committee Amendment):

The Committee amendment (AM81) struck §2-5501 to §2-5508 (Agricultural Suppliers Lease Protection Act) from the listing of outright repealed statutes in section 3 as introduced. With the retention of the Ag Suppliers Lease Protection Act, section's 1 and 2 of LB 372 as introduced become obsolete and are also stricken by the committee amendment.

ILLS INCORPORATED INTO OTHER ENACTED BILLS

LB 394 (DeKay) Change provisions of the Weights & Measures Act

Date of Public Hearing: 2/742024
Date Reported from Committee: Held
Committee Amendment:

* Provisions/purposes of 394 were incorporated into and enacted as sections 12-15 of LB 245

LB 394 is introduced at the request of the Department of Agriculture to incorporate current publications of the National Conference on Weights and Measures utilized as standards enforced under the Nebraska Weights and Measures Act. The bill further revises the schedule of license and inspection fees with the intent to fully cash fund the Department's duties under the Act

Section-by-Section description:

Sec. 1**:** Amends §89-186 to incorporate current publications (2025 editions) of the National Institute of Standards and Technology (Handbook 44 –Specifications, Tolerances and other Technical Requirements for Weighing and Measuring Devices; Handbook 130 – Uniform Regulation for the Method of Sale of Commodities, Uniform Packaging and Labeling Regulation, and Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality; Handbook 133 – Checking the Net Contents of Packaged Goods);

Sec. 2: Amends §89-187 which assigns duties and authorities of the Department of Agriculture under the Act. Subsection (19) authorizes the Department to require a permit to operate a weighing and measuring establishment and to collect a permit application fee of $5. Subsection (20) authorizes the assessment and collection of annual inspection fees for various categories of weighing and measuring devices, designating an initial fee and annual adjustments to the fee within prescribed fee setting limitations, up to a maximum fee amount.

LB 394 would eliminate s the permit application fee and prescribe a new schedule of beginning year and maximum inspection fees. Additionally, a new fee category for electric vehicle chargers is added to reflect that commercial vehicle charging devices are a regulated weighing and measuring device under the current editions of the Handbooks incorporated by Section 1. The bill further provides that a delinquency in paying the annual fee voids the device permit.

Note – The fee provisions of LB 394 added to LB 245 were revised to only increase fee authority sufficient to continue matching general funds to support the Department's inspection program and a new fee category for EV chargers was omitted.

Sec. 3: Amends §89-187.02 which prescribes the permit application requirements. LB 394 eliminates the permit application fee.

Sec. 4: Amends §89-187.05 to strike a duty of establishment permit holders to return the permit if the establishment is permanently closed.

Sec. 5: Repealers

Sec. 6: Emergency clause

BILLS ADVANCED BUT NOT ENACTED

LB 658 (Andersen) Provide labeling requirements for manufactured protein food products

Date of Public Hearing: 2/18/2025
Date Reported from Committee: 3/14/2025
Committee Amendment: AM568
Pending Amendments: none

LB 658 would establishes labeling and advertising requirements for manufactured protein foods which are derived from cell-cultured proteins or other plant-based and insect-sourced meat analogue food items

Section-by-Section Description (as introduced)**:**

Sec. 1**:** Amends §81-2,239 to incorporate new sections 3-9, 11, and 12 of the bill within the Nebraska Pure Food Act

Sec. 2: Amends §81-2,240 to incorporate the definitions contained in section 3-9 of the bill as defined terms for purposes of the Pure Food Act.

Secs. 3 – 9: Insert new defined terms for "agricultural food animal", "cultivated protein food product", "identifying meat term", "insect protein food product", "manufactured protein food product", "plant-protein food product", and "qualifying term".

Sec. 10: Amends §81-2,283 which prohibits misbranding of food and declares misbranding to include food packaging labeling that lacks an identifier of the product, the net quantity of the product, and the name and address of the manufacturer or distributor, or labeling that is false or misleading. LB 658 inserts new provisions describing acts that are mislabeling for purposes of this section;

- For manufactured protein product, identifying the product by an identifying meat term unless the meat term is accompanied by a conspicuous and prominent qualifying term
- For manufactured protein products offered for sale in a food establishment, if the product is labeled with an identifying meat term but does not distinguish the item from meat derived from animal tissue.

Sec. 11: Inserts a new section declaring manufactured protein foods as falsely advertised if:

- The advertising utilizes an identifying meat term without a conspicuous qualifying term in proximity
- The item is offered for sale at a food establishment unless stored/displayed separate from meat from animal tissue and with shelf tagging that distinguishes the item from meat from animal tissues.

Sec. 12: Inserts a new section authorizing the Department of Agriculture to investigate complaints of product misbranding or false advertising notwithstanding another agency or local jurisdiction is the regulatory authority for food establishments.

AM568 (pending committee amendment)
The pending committee amendment would make the following changes:

- Replaces the definition of "cultivated protein food product" in section 4. The revision omits a reference to "non-animal sources" of cellular materials utilized in the process to avoid interpretation that the definition could include plant based products.
- Replaces section 8 which defines plant-protein food product. The revision in AM568 provides that a plant-protein food product is substantially made from plant parts and does not include any part of a slaughtered animal.
- Replaces Section 7 which defines manufactured protein food product as a cultivated protein, plant protein or insect based food product. The revision omits a qualification that defines plant protein food products as containing more than a trace amount of plant-proteins. This is no longer necessary with the clarification to the term plant protein food product.
- The requirement in section 11 of the bill that a manufactured protein food item is falsely advertised if offered for sale at a food establishment unless stored separate from meat from animal tissue is revised to require only that the product be displayed separately.

LB 646 (Ibach) Provide for exempt feedlots under the Livestock Brand Law

Date of Public Hearing: 2/11/2025
Date Reported from Committee: 3/18/2025
Committee Amendment: AM638 (as revised by AM829)
Other Adopted Amendments: AM829, AM1558 (as revised by FA271)

* Ibach 2025 session personal priority bill

As introduced, LB 646 proposed creating a new classification of feedlots within the brand inspection that are exempt from brand inspection compliance.

Section-by-Section Description (as introduced):

Sec. 1**:** Amends §54-170 which identifies sections contained in the Livestock Brand Act. LB 646 incorporates sections 3 – 5 of the bill into the Act.

Secs. 2 - 3: Amends §54-171 to include the definition of "exempt feedlot" in Section 3 as a defined term for purposes of the Act. Section 3 inserts a new section defining the term "exempt feedlot" to mean a feedlot exempt from audit and brand inspection.

Sec. 4: Subsection (1) declares that registered feedlots are exempt unless the feedlot requests to remain a registered feedlot. Registered feedlots shall have 180 days from the bill's passage to submit a form notifying the Brand Committee of the feedlot's election and the Brand Committee would have a duty to provide an exemption certificate within 15 days of receiving an exemption form. Subsection (2) prescribes procedures for feedlots that are not exempt under subsection (1) to apply for exemption. Such application is to be on a form provided by the Brand Committee upon request. Information to be entered by the applicant is prescribed and shall include an application fee of $500. Provides for a 30-day review period during which the Brand Committee would determine if the applicant meets requirements for exemption prescribed in this subsection. Qualified applications for exemption would be issued an exempt certificate which remains valid unless rescinded for cause.

Sec. 5: Declares that cattle entering an exempt feedlot are not subject to inspection or fees and cattle leaving an exempt feedlot are not subject to inspection or fees if sent directly to slaughter.

Sec. 6: Amends §54-1,119 which provides for the designation of open markets (auction markets or packing plants where brand inspection is maintained) and provides for exemption from inspection at the point of origin of cattle that are transported to an open market destination. LB 646 inserts an additional exemption from point-of-origin inspection and associated audit or inspection fees if transported from an exempt feedlot direct to slaughter.

Sec. 7: Repealer

AM638 (Committee amendment as revised by AM829)

The Committee amendment (AM638) adopted on general file was a white copy amendment that became the bill. The committee amendment added additional requirements to acquire and maintain exempt certification, added additional circumstances that are exempt from brand inspection, changed certain fee authorities under the Livestock Brand Act, and made additional harmonizations throughout the Act. AM829 made a number of substantive revisions to the committee amendment. (see table)

Comparison of versions of LB 646

LB 646 (Introduced)	AM638	AM829
Inserts new defined term for exempt feedlot to mean a feedlot exempt from inspection and audit	Rewrites the definition of "exempt feedlot" to mean a feedlot holding a valid exemption certificate. This definition becomes section 8 under AM638. AM638 further inserts new defined terms for "affiliated grow yard" "affiliated transfer" , "audit", "Brand Committee", and "documentation"	Omits the definition of "exermpt feedlot" Retains new defined terms for "affiliated grow yard" "affiliated transfer" , "audit", "Brand Committee", and "documentation"
Created a new category of exempt feedlots. Existing registered feedlots were declared exempt by statute. Provided for an application and approval process for all other feedlots seeking exemption. Such application is to be on a form provided by the Brand Committee upon request. Information to be entered by the applicant is prescribed and shall include an application fee of $500. Provides for a 30-day review period during which the Brand Committee would determine if the applicant meets requirements for exemption prescribed in this subsection. Qualified applications for exemption would be issued an exempt certificate which remains valid unless rescinded for cause.	Eliminates the automatic exemption status for existing registered feedlots. Provides that the process for applying for exempt certification under this subsection applies to all feedlots. As introduced, this process for seeking exemption, the application fee and ability to rescind for cause only applied to feedlots that ae not currently registered feedlots. Section 4 of the bill as introduced becomes section 9 of AM638.	Eliminates creation of a new exempt feedlot category.
Inserts a new section providing that cattle entering an exempt feedlot are not subject to inspection or associated fees and are subject to inspection when leaving an exempt lot only if transported other than direct to slaughter	Qualifies the inspection and audit exemption: A) Exempt feedlots to maintain cattle inventory records,B) Feedlots remain subject to inspection & audit upon probable cause of brand law violations, C) incorporates exempt feedlots into provisions of 54-1.121 for purposes of inspections for cattle not going direct to slaughter, and D) allows Brand Committee to audit up to 4 times annually until Jan 1, 2029.	With the elimination of the new exempt feedlot category, these qualifications are obsolete and omitted

LB 646 (Introduced)	AM638	AM829
	Inserts fee revisions. / Hd inspection fee cap increased from current $1.10 to $1.50. Statutory cap for brand renewals increased from $200 to $400. Brand Committee currently charges $50.	Retains / hd and brand renewal fee revisions contained in the Committee Amendment. Revises the registered feedlot fees to $1000 for initial and annual renewal (eliminates the current fee which essentially replicates the / hd fee charged against feedlot average daily inventory). Inserts a new requirement for the Brand Committee to provide a report on status of e-inspection implementation
	Inserts a new section providing that cattle transferred from an growyard affiliated with an exempt or registered feedlot are not subject to inspection provided: •100% of the transferred cattle are owned by the feedlot •Cattle are accompanied by satisfactory evidence of ownership •The grow yard is fenced.	Retains the exemption from inspection for movements between an affiliated feedyard and a registerred feedyard
	Amends §54-1,110 which generally requires inspection at the point of origin for cattle originating within the brand area and moved to a point outside the brand area. AM638 adds an additional exemption if cattle are transferred without a change of ownership to a location where the animals will be under the care of another person provided the entity having custody for care of the animals can show documentation verifying the arrangement.	Retains the exemption from inspection for animals moved from the brand area and placed in the temporary care of a third party without change of ownerwship
	Amends §54-1,111 which generally requires inspection of cattle originating in the brand area upon transfer of ownership unless otherwise exempted. AM638 inserts an additional exemption for cattle shipped from a qualified dairy or dairy development facility.	Retains the exemption for movements of dairy animals.

AM1558 (as revised by FA271)

AM1558 adopted during select file debate was a white copy amendment which replaced the original provisions of the bill and all previously adopted amendments. As amended by AM1158, the enacted version of LB 546 contained only the following revisions to the Livestock Brand Law.

- Increased the inspection fee cap to $1.50 (the actual fee to be set by the Brand Committee)
- Revised the initial and annual registered feedlot fees to be an amount that is 50 cents / hd multiplied by the feedlot capacity.
- Exempts movements of cattle to and from a qualified (licensed as a milk production facility under the Nebraska Milk Act) dairy
- Replaced the current actual mileage charge for country inspections to a flat $20 surcharge per stop.

BILLS HELD BY THE COMMITTEE

LB 145 (Ibach) Require the Department of Agriculture to administer a grant program and change appropriation intent for a riparian vegetation management program.

Date of Public Hearing: 1/28/2025

LB 145 would compel the Department of Agriculture to award grants authorized under the Noxious Weed Act and would increase the legislative intent regarding the level of funding for a riparian vegetation management program from $3 million annually to $6 million beginning FY2023-24.

Section-by-Section summary:

Sec. 1: Amends §2-958.02 which creates the Noxious Weed and Invasive Plant Species Assistance Fund and prescribes criteria applied to determine eligibility for, and to prioritize recipients of, grants awarded from the fund. Currently, this section provides that that the Director of Agriculture may implement a grant process from available funding for that purpose. LB 145 provides that the Director shall award grants when funds are available in the associated cash fund.

Subsection (4) creates a subcategory of eligible grant awards for projects advancing objectives and priorities of the Riparian Vegetation Management Task Force. Currently, subsection (4) states legislative intent to appropriate $3 million annually for projects eligible under this subsection beginning FY2022-23. LB 145 increases the intended appropriation to $6 million annually beginning FY2025-26.

Sec. 2: Repealer

LB 375 (Ibach) Adopt the Grocer Reinvestment Act

Date of Public Hearing: 2/4/2025

LB 375 establishes a program to provide financial assistance to stimulate investment to expand grocery services serving underserved areas.

Section-by-Section Description:

Sec 1: Names sections 1-7 of the bill the Grocer Reinvestment Option Act

Sec 2: Lists defined terms for purposes of the Act

Sec 3: Creates the Grocer Reinvestment Option Program administered by the Dept. of Economic Development. This section assigns a duty to the Department to develop eligibility criteria to qualify for grant assistance offered under the program and prescribes minimal eligibility criteria and criteria for evaluation and prioritizing

applications. The Department is authorized to contract with non-profit or community development financial institutions to administer the program.
Sec. 4: Creates the Grocer Reinvestment Revolving Fund as a repository of any funds transferred by the Legislature or other funds acquired by gift or grant. This section authorizes use of the fund for purposes of the Act, but limits administrative expense to 15% of the fund. The bill as introduced includes intent to appropriate an unspecified amount to the fund in each of the next two fiscal years.

Sec. 5: Assigns a duty to the Department of Economic Development to submit an annual report to the Legislature beginning October 31, 2025 detailing the projects funded and new investment stimulated by the grant assistance.

Sec 6: Requires grant funds dispersed to recipients to be expended within three years and authorizes the Department to recover funds not spent or not spent for purposes authorized by the Act. Any recovered funds are remitted to the general fund.

Sec. 7: Delegates rule and reg authority to the Department of Agriculture.

LB 476 (Guereca) Provide exermptions under the Foreign-Held Real Estate National Security Act

Date of Public Hearing: 2/25/2025

LB 476 Inserts an exemption to the Foreign-Held Real Estate National Security Act for property interests acquired or held by certain non-resident aliens.

Section-by-Section Description:

Sec. 1**:** Amends §76-3701 to incorporate section 3 of the bill into the Foreign-owned Real Estate National Security Act

Sec. 2: Amends §76-3712 which authorizes the Department of Agriculture to investigate real estate interests reasonably suspected to be held in violation of the Act, to authorize counsel retained by the Department or the Attorney General to initiate proceedings to divest or terminate such real estate interests, and directs disposition of liquidated proceeds of properties divested by court order. LB 476 inserts a new subsection declaring this section does not apply to property interests described in Section 3 of the bill and that such interests are not in violation of the Act.

Sec. 3: Inserts a wholly new section to provide that property interests acquired by nonresident aliens shall not be voided, held invalid, divested or otherwise subject to the Act if such interests are acquired by a person or entity:
a) while present in the United States pursuant to 8 CFR 274a.12 or
b) who is no longer a non-resident alien.
c) is currently a non-resident alien but acquired the property interest at a time the person was not a non-resident alien as defined.

The bill provides that this exemption does not apply to restricted entities.

Sec. 4: Repealer

LB 502 (Meyer) Provide a penalty under the Farm Labor Contractors Act

Date of Public Hearing: 2/25/2025

LB 502 would provide a penalty for seed corn producers to comply with reporting requirements relating to contract labor for detasseling or rogueing under the Farm Labor Contractors Act.

Sec. 1: Amends §48-1714 of the Farm Labor Standards Act which assigns criminal penalties for certain specified violations of the Act. LB 502 would insert a new subsection (3) declaring violations of seed corn producers in meeting reporting requirements in §48-1715 to be a Class IV misdemeanor.

Sec. 2: Repealer

LB 540 (Holdcroft) Change provisions of the Nebraska Apiary Act and create the Nebraska Apiary Advisory Board

Date of Public Hearing: 2/25/2025

LB 540 provides for an Apiary Advisory Board and assigns its membership and duties. The bill also directs the University of Nebraska to create an apiary extension educator position.

Section-by-Section description:

Sec. 1: Amends §81-2,165 to incorporate sections 3-6 within the Nebraska Apiary Act

Sec. 2: Amends §81-2,166 which defines terms for purposes of the Nebraska Apiary Act. LB 540 inserts a new defined term for "beekeeper"

Sec. 3: Inserts a new section creating the Nebraska Apiary Advisory Board. Prescribes membership on the board to include the Director of Agriculture, who serves as chair, and additional members appointed by the Director drawn from commercial and hobbyist beekeepers, beekeeping members of a beekeeping club or organization. The Director may also invite membership by an entomologist with apiary expertise representing the University of Nebraska. The bill authorizes the Director to fill vacancies on the Board by appointment. Members serve without compensation but are eligible for reimbursement of expenses.

Sec. 4: Inserts a new section assigning duties to the advisory board created in Section 3. The Board would be charged with examining existing policies, laws, regulations and practices relating to bee population and to make recommendations for understanding and responding to bee population losses, the impact bee population losses on agricultural productivity, and educational programs to promote public awareness of the impacts of bee population declines and mitigating measures.

Sec. 5: Directs the UNL Board of Regent to create a full-time extension service educator and prescribes qualification and duties of the position

Sec. 6: Repealer

LB 638 (Ibach) Change provisions of the Nitrogen Reduction Incentive Act

Date of Public Hearing: 2/25/2025

LB 638 extends the termination date of the Nitrogen Reduction Incentive Act, removes a statutory limit on annual obligations of payments under the Act, and directs the Dept. of Natural Resources to apply for a grant from the Nebraska Environmental Trust to be used for purposes of the Act.

Section-by-Section:

Sec 1: Amends §2-414 which sets out the general parameters and qualifying criteria for awarding incentive payments for reduction in commercial fertilizer use. Subsection (7) currently limits annual awards to the lesser of $5 million or the amount appropriated. LB 638 strikes subsection (7).

Sec 2: Amends §2-416 which creates the Nitrogen Reduction Incentive Cash Fund. LB 638 inserts new provisions directing the Department of Natural Resources apply for a grant from the Environmental Trust Fund of $25 million to be paid in 5 annual increments of $5 million. The bill further directs that any Environmental Trust Funds be maintained in a subaccount of the Nitrogen Reduction Incentive Cash Fund and that interest in the subaccount be transferred to the Environmental Trust Fund.

Sec 3: Amends §2-417 to extend the termination date of the Act from December 31, 2029 to December 31, 2030.

Sec 4: Repealer

Sec 5: Inserts the emergency clause

LB 665 (Storer) Prohibit the use of certain electronic animal identification devices under the Animal Health & Disease Control Act

Date of Public Hearing: 2/11/2025

LB 665 Prohibits the use of electronic IDs for animal identification manufactured by an entity with ties to a foreign adversary.

Section-by-Section Description:

Sec. 1**:** Amends §54-2,901 to incorporate section 3 of the bill into the Animal Health and Disease Ccontrol Act.

Sec. 2: Amends §54-2,902 to include the definition of "foreign adversary" in Section 3 as a defined term for purposes of the Act.

Sec. 3: Inserts a new section defining the term “foreign adversary”as a foreign government or foreign non-government person designated as a foreign adversary pursuant to 15 CFR 791.4.

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Sec. 4: Amends §54-2,939 to expand legislative findings and declarations of policy under the Animal Health and Disease Control Act to include protection of private property and to observe a potential that foreign adversaries may use technologies to disrupt the livestock industry.

Sec. 5: Amends §54-2948 which currently requires livestock imported into the state to be in compliance with the identification requirements of the federal disease traceability rule, as such rule existed on January 1, 2020. LB 665 prohibits the use of an electronic ID device manufactured by an entity with ties to a foreign adversary and prohibits the Department from requiring the use of any foreign manufactured electronic ID device for identifying animals or tracking their movements. .

Sec. 6: Repealer

REPORT ON THE PRIORTIZING
OF INTERIM STUDY RESOLUTIONS

Pursuant to Rule 4, Section 3(c)

COMMITTEE: Agriculture DATE: June 9, 2025

The following resolutions were referred to the Committee on Agriculture. The committee has prioritized the resolutions in the following manner:

Resolution No.	Priority Category	Subject
LR 153	1	Interim study to gather information relating to electronic animal identification devices
LR 168	1	Interim study to the purposes and utility of the Noxious Weed and Invasive Species Assistance Fund and associated grants awarded relating to riparian vegetation management
LR 178	2	Interim study to examine issue within the jurisdiction of the Agriculture Committee that may arise during the interim``
LR 179	2	Interim study to review occupational regulations under the Nebraska Livestock Dealer Act for purposes of the Occupational Board Reform Act
LR 257	1	Interim study to examine foreign and domestic threats to Nebraska agriculture
LR 258	3	Interim study to examine creating a philanthropic endowment to provide a camp to learn about agriculture
LR 280	1	Interim study to examine alternatives for brand inspection and for administration of the Livestock Brand Act

1 – Committee Priority – Staff prepare research report, interim hearings, task force or combination of committee activities

2 – Chairman Priority – Staff to compile information and prepare memoranda

3 – Senator Priority – Staff to assist individual senator's research of issue

Senator Barry DeKay, Chair
Agriculture Committee

2024 Interim Study Resolutions Referred to the Agriculture Committee

LR 153 (Storer) The purpose of this resolution is to propose an interim study to gather information relating to electronic identification devices utilized as a method of identifying and managing animals for disease traceability, surveillance, and control regulations, for use by Nebraska livestock producers for compliance with such regulations, or for private herd management and marketing purposes. The study shall compile a list of electronic identification devices and related animal data collection and management equipment, services, and software available for purchase and use in Nebraska and shall identify manufacturers and vendors of such products and the brand names under which such products are sold.

The study shall also collect information regarding the locations of manufacturers and the final assembly of electronic identification devices as well as the manufacturing sources of chip components in such devices. The information compiled by this study can be used to assist future legislative deliberations regarding requirements for the sourcing of or limitations on the use of such devices and related data collection and management systems in order to mitigate any vulnerabilities to foreign interference in the livestock industry through the.

LR 168 (Ibach) The purpose of this resolution is to propose an interim study of the purposes, uses, and utility of the Noxious Weed and Invasive Plant Species Assistance Fund and associated grants awarded pursuant to the Noxious Weed Control Act. The study shall include a review of the history and accomplishments of riparian vegetation management projects funded in whole or in part through grants awarded under the act. This history shall include:

(1) A listing of recipients of grant awards;

(2) An overview of management objectives of projects awarded grants under the program;

(3) An overview of cooperating and participating state, federal, and local governmental entities or private entities providing cost-share funds, in-kind contributions, or other contributions;

(4) An overview of landowner participation; and

(5) A review of the role of the Riparian Vegetation Management Task Force.

The study shall identify and prioritize riparian vegetation management projects. Such identification and prioritization may include, along with other relevant considerations, the value and urgency of vegetation management projects to: Maintain Nebraska's compliance with obligations on compact streams and the Platte River Recovery Implementation Program; maintain stream conveyance for the efficient movement of water and to minimize consumptive losses; address riparian vegetation congestion in streambeds as a factor contributing to the frequency and severity of incidents of flooding; and mitigate degradation of wildlife habitats. The study shall also identify potential funding sources for riparian vegetation management projects.

LR 178 (DeKay) The purpose of this resolution is to propose an interim study to examine any issues within the jurisdiction of the Agriculture Committee of the Legislature that may arise in the interim.

LR 179 (DeKay) The purpose of this resolution is to propose an interim study to review occupational regulations under the Nebraska Livestock Dealer Licensing Act for purposes of the Occupational Board Reform Act.

LR 257 (Bostar) The purpose of this resolution is to propose an interim study to examine foreign and domestic threats to Nebraska agriculture, including foreign influence on the economic stability of the state and its agricultural industries, international policy trends undermining modern agricultural practices, and vulnerabilities of agricultural industries and critical infrastructure to influence from foreign adversaries..

LR 258 (Armendariz) The purpose of this resolution is to propose an interim study to examine a philanthropic endowment and location to host a week-long camp for children nine to twelve years of age who live in low-income urban areas in order to give them an opportunity to experience and learn about agriculture and agriculture careers to potentially address workforce issues in rural areas. The study shall focus on, but need not be limited to, the following:

(1) Assessing the educational, workforce, and social benefits of exposing urban youth to agriculture through camp programs;

(2) Identifying successful models of or partnerships with universities, non-profits, or local farms and ranches in Nebraska or other states;

(3) Evaluating options for curriculum development, accessibility, cultural inclusivity, and program delivery;

(4) Determining potential funding sources, including state support, federal grants, or private sector contributions; and

(5) Considering pilot program implementation in urban centers such as Omaha, Lincoln, or Grand Island.

LR 280 (Agriculture Committee) PURPOSE: The purpose of this resolution is to propose an interim study to examine the Livestock Brand Act and the role and mission of the Nebraska Brand Committee.
The study shall include, but not be limited to, the following:

(1) Comparing and describing similarities and differences between brand inspection services and mandates applied in Nebraska and those applied in other states, including identifying the entities responsible for brand inspections, comparing points in commerce where inspections are performed, and the costs for inspections;

(2) Gathering data, literature, and other information about whether the Livestock Brand Act is cost-effective, essential, valued, and has a continued commercial utility to all segments of the cattle industry;

(3) Determining whether the Livestock Brand Act imposes unnecessary or inequitable costs or burdens and how revisions could eliminate or mitigate those costs or burdens;

(4) Examining the long-term fiscal stability of the Nebraska Brand Committee;

(5) Examining the progress and obstacles to implementing e-inspections;

(6) Determining whether the Nebraska Brand Committee's mission should expand to provide other livestock identification services;

(7) Consulting with various stakeholders and interested parties; and

(8) Examining issues that arise during the study relating to the Livestock Brand Act or the Nebraska Brand Committee.