

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT (CORRECTED)**  
**LB263**

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**Hearing Date:** Tuesday February 10, 2009  
**Committee On:** Agriculture  
**Introducer:** Rogert  
**One Liner:** Provide that state law preempts local law for the Nebraska Seed Law and the Nebraska Commercial Fertilizer and Soil Conditioner Act

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

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**Vote Results:**  
**Aye:** 7 Senators Carlson, Council, Dierks, Karpisek, Price, Schilz, Wallman  
**Nay:**  
**Absent:**  
**Present Not Voting:** 1 Senator Dubas

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**Proponents:**

Kent Rogert  
Tom Monke  
Robert C. Andersen  
Craig Head  
Jack Moors  
Duane Gangwish

**Representing:**

Introducer  
Nebraska Agri-Business Association  
Nebraska Cooperative Council  
Nebraska Farm Bureau  
Nebraska Corn Growers  
Nebraska Cattlemen

**Opponents:**

Adam Hintz  
Kenneth Winston  
Michael Henry  
Amy Brt

**Representing:**

Self  
Nebraska Sierra Club  
Open Harvest Cooperative Grocery  
Self

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 263 declares and defines the extent of state preemption of local regulation of commercial seeds, fertilizers and soil conditioners as follows:

\*Section 1 declares that state law and any regulations promulgated under the Nebraska Seed Law preempt any ordinance, rule, regulation or resolution regarding regulation of seeds by local subdivisions of the state and expressly prohibits local subdivisions from enacting local regulations pertaining to the registration, labeling or sale of seeds based upon the type, nature or genetic makeup of seeds. The section further prohibits local governments from regulating other aspects of commerce in seeds that conflict with or are in addition to regulatory requirements of state law.

\*Section 3 inserts a similar preemption within the Nebraska Fertilizer and Soil Conditioners Act. The bill adds a new section to the Act containing express declaration that state law and regulations preempt and supersede local regulation of fertilizers and soil conditioners and that any regulation by political subdivisions may not conflict with or be in addition to state law and regulation promulgated there under.

In both cases, LB 263 clarifies that the preemption does not preempt or limit city or county zoning regulations.

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**Explanation of amendments:**

The committee amendment (AM 354) restores local regulation of the registration, labeling and sale of seeds to the list of aspects of regulation in commerce in seeds that may not conflict with or be in addition to the Nebraska Seed Law or its regulations to correct an inadvertent omission in the bill as drafted. The amendment also adds that natural resource district enforcement of the Nebraska Groundwater Management and Protection Act is expressly excluded from the preemption of the Nebraska Fertilizer & Soil Conditioners Act and its regulations.

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Tom Carlson, Chairperson