

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 263

FINAL READING

Introduced by Rogert, 16.

Read first time January 14, 2009

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 81-2,147
2 and 81-2,162.22, Reissue Revised Statutes of Nebraska;
3 to provide that state law preempts local law for the
4 Nebraska Seed Law and the Nebraska Commercial Fertilizer
5 and Soil Conditioner Act; to harmonize provisions; and to
6 repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Nebraska Seed Law and any rules and
2 regulations adopted and promulgated thereunder shall supersede and
3 preempt any ordinance, rule, regulation, or resolution enacted by
4 any political subdivision of the state regarding the regulation
5 of seeds. No political subdivision shall prohibit or in any other
6 manner regulate any matter relating to the registration, labeling,
7 or sale of seeds based upon the type, nature, or genetic makeup of
8 such seeds. No political subdivision shall prohibit or in any other
9 manner regulate any matter relating to the registration, labeling,
10 sale, storage, transportation, distribution, notification of use,
11 planting, or cultivation of seeds that is in addition to or in
12 conflict with the Nebraska Seed Law and any rules and regulations
13 adopted and promulgated thereunder. Nothing in this section shall
14 be construed to preempt or otherwise limit the authority of any
15 city or county to adopt and enforce zoning regulations.

16 Sec. 2. Section 81-2,147, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 81-2,147 Sections 81-2,147 to 81-2,147.11 and section 1
19 of this act shall be known and cited as the Nebraska Seed Law.

20 Sec. 3. The Nebraska Commercial Fertilizer and Soil
21 Conditioner Act and any rules and regulations adopted and
22 promulgated thereunder shall supersede and preempt any ordinance,
23 rule, regulation, or resolution enacted by any political
24 subdivision of the state regarding the regulation of fertilizer and
25 soil conditioners. No political subdivision shall prohibit or in

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

12 Sec. 4. Section 81-2,162.22, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-2,162.22 Sections 81-2,162.01 to 81-2,162.27 and
15 section 3 of this act shall be known and may be cited as the
16 Nebraska Commercial Fertilizer and Soil Conditioner Act.

17 Sec. 5. Original sections 81-2,147 and 81-2,162.22,
18 Reissue Revised Statutes of Nebraska, are repealed.