

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT
LB93

Hearing Date: Tuesday January 20, 2015
Committee On: Agriculture
Introducer: Johnson
One Liner: Change provisions of the Nebraska Commercial Fertilizer and Soil Conditioner Act

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

Vote Results:
Aye: 7 Senators Chambers, Harr, Johnson, Kolterman, Larson, Riepe, Schilz
Nay:
Absent:
Present Not Voting: 1 Senator Bloomfield

Proponents:
Rick Leonard
Greg Ibach

Representing:
Introducer
Nebraska Department of Agriculture

Opponents:

Representing:

Neutral:
Tammy Zimmerman

Representing:
Nebraska Department of Agriculture

Summary of purpose and/or changes:

LB 93 makes a series of revisions to the Nebraska Fertilizer and Soil Conditioner Act, as follows:

Section 3 of the bill revises labeling disclosures required or allowed on commercial fertilizer product packaging pursuant to 81-2,162.05 to require the grade of the product (percentages of total nitrogen, available phosphate, and soluble potash) as verified in the guaranteed analysis. A new defined term for grade corresponding to the use of the term in this section is inserted into 81-1,162.02 by section 1 of the bill. 81-2,162.05 is further revised The bill also strikes an obsolete reference to ph, and clarifies that labeling requirements under the Act do not apply to commercial fertilizers that are also a pesticide and labeled in conformity with the Nebraska Pesticide Act.

The more accurate term available phosphate to refer to phosphorous nutrient content of a product is substituted for existing terminology throughout the act.

Revisions to 81-2,162.06 made by Section 3 of the bill modify the provisions for delinquent fee by imposing late payment fee of 25% of the delinquent fee for each month the fee remains unpaid, not to exceed 100% of the delinquent fee. The delinquent fee is defined as a recovery of additional administrative expense incurred in pursuing collection and delinquent fees are directed to the Fertilizer and Soil Conditioners Fund.

Amends 81-2,162.11 which currently assigns a duty to the Director to publish an annual report of commercial fertilizer and soil conditioner sales, a summary of analysis of official analysis of fertilizer and soil conditioner products. LB 93 would clarify this section to eliminate a requirement that the report be published, but

require that the Director shall annually make information available in a format selected by the Director and strikes inclusion of production and use data.

Amends 81-2,162.23 to eliminate a requirement that license applicants provide a social security number.

Amends 81,2,162.27 to insert new text to providing express harmonization with the Agricultural Liming Materials Act that the Fertilizers and Soil Conditioners Fund is the repository for funds received under the Agricultural Liming Materials Act.

The defined term soil conditioners in 81-1,162.02 is revised by section 1 of the bill to expressly exclude pesticides as defined in the Pesticide Act and liming materials as defined in the Agricultural Liming Materials Act.

Explanation of amendments:

The committee amendment strikes new subsection (5) to section 81-2,162.05 inserted by section 3 of the bill as introduced that would deem products that contain both fertilizer and pesticide components that meet labeling requirements of the Pesticide Act to be labeled in compliance with the Nebraska Commercial Fertilizer and Soil Conditioner Act.

Jerry Johnson, Chairperson