

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Revised for AM501

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2025-26		FY 2026-27	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS		See below		See below
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS		See below		See below

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB245 with AM501 would do the following:

- Updates the Food Code for the 2022 Recommendations of the United States Public Health Service, Food and Drug Administration, conforms state code with Federal code;
- Amends definitions to Food Establishment and pharmacy under the Pure Food Act;
- Updates the references to the federal Current Good Manufacturing Practice to conform with current federal code;
- Creates a temperature requirement for Food Establishments under the Pure Food Act;
- Updates fees under the Pure Food Act and Weights and Measures Act;
- Creates exemptions to the fees under the Pure Food Act;
- Updates the reference guidance for the Weights and Measures Act; and
- Declares an emergency.

Amendments to the fee schedules are as follows:

Permit Type	Pure Food Act Fees							
	Existing Statutory Maximum				Statutory Maximum as amended by AM501			
	Initial Permit Fee	Base Annual Fee	Secondary or Additional Food Preparation Area Annual Fee	Secondary Unity or Units Annual Fee	Initial Permit Fee	Base Annual Fee	Secondary or Additional Food Preparation Area Annual Fee	Secondary Unity or Units Annual Fee
Limited Retail Food Establishment	\$ 86.19	\$ 86.19	\$ 43.09	N/A	\$ 122.00	\$ 122.00	\$ 61.00	N/A
Itinerant Food Vendor	\$ 86.19	\$ 86.19	\$ 43.09	N/A	\$ 122.00	\$ 122.00	\$ 61.00	N/A
Limited Food Service Establishment	\$ 86.19	\$ 86.19	\$ 43.09	N/A	\$ 122.00	\$ 122.00	\$ 61.00	N/A
Mobile Food Unit	\$ 86.19	n/a	n/a	\$ 43.09	\$ 122.00	N/A	N/A	\$ 61
Pushcart	\$ 86.19	N/A	N/A	\$ 17.23	\$ 122.00	N/A	N/A	\$ 24
Vending Machine	\$ 86.19				\$ 122.00			
One to ten units		N/A	N/A	\$ 17.23		N/A	N/A	\$ 24
Eleven to twenty units		N/A	N/A	\$ 34.46		N/A	N/A	\$ 49
Twenty-one to thirty units		N/A	N/A	\$ 51.69		N/A	N/A	\$ 73
Thirty-one to forty units		N/A	N/A	\$ 86.15		N/A	N/A	\$ 98
Over forty units		N/A	N/A	\$ 86.15		N/A	N/A	\$ 122
Food Processing Plant	\$ 86.19	\$ 120.64	\$ 43.09	N/A	\$ 122.00	\$ 171.00	\$ 61.00	N/A
Salvage Operation	\$ 86.19	\$ 120.64	\$ 43.00		\$ 122.00	\$ 171.00	\$ 61.00	N/A
Commissary	\$ 86.19	\$ 120.64	\$ 43.00	N/A	\$ 122.00	\$ 171.00	\$ 61.00	N/A
All Other Food Establishment	\$ 86.19	\$ 120.64	\$ 43.09	N/A	\$ 122.00	\$ 171.00	\$ 61.00	N/A

Weights and Measures Fees				
	Current fee structure		AM501	
	Min	Max	Min	Max
Scales				
Up through 35 pounds capacity	\$ 7.96	\$ 14.34	\$ 15.00	\$ 20.00
Multiunit Scales	\$ 51.00	\$ 80.37	\$ 84.00	\$ 114.00
Over 35 through 1,000 pounds capacity	\$ 15.13	\$ 25.35	\$ 27.00	\$ 36.00
Over 1,000 through 4,000 pounds capacity	\$ 31.87	\$ 51.03	\$ 54.00	\$ 72.00
Over 4,000 through 50,000 pounds capacity	\$ 36.65	\$ 58.36	\$ 61.00	\$ 83.00
Over 50,000 through 150,000 pounds capacity	\$ 39.04	\$ 62.03	\$ 65.00	\$ 88.00
Over 150,000 pounds capacity	\$ 86.87	\$ 135.40	\$ 142.00	\$ 192.00
Length Measuring Devices:				
Cordage or fabric	\$ 16.56	\$ 27.55	\$ 29.00	\$ 40.00
Pumps				
Service Station Dispensers—per measuring element	\$ 5.09	\$ 9.94	\$ 10.00	\$ 14.00
High-capacity service station dispensers over 20 gallons per minute—per dispensing element	\$ 17.52	\$ 29.02	\$ 30.00	\$ 41.00
Compressed natural gas—per dispensing element	\$ 91.65	\$ 142.74	\$ 150.00	\$ 202.00
Meters				
Vehicle tank meters	\$ 14.17	\$ 23.88	\$ 25.00	\$ 34.00
Loading rack meters	\$ 31.87	\$ 51.03	\$ 54.00	\$ 72.00
Liquid petroleum gas meters	\$ 40.00	\$ 63.50	\$ 67.00	\$ 90.00
Liquid fertilizer and herbicide meters	\$ 36.65	\$ 58.36	\$ 61.00	\$ 83.00
Liquid feed meters	\$ 36.65	\$ 58.36	\$ 61.00	\$ 83.00
Cryogenic	\$ 53.39	\$ 84.04	\$ 88.00	\$ 119.00
Mass Flow Metering Systems:				
Mass flow meters (all liquid)	\$ 78.26	\$ 122.19	\$ 128.00	\$ 173.00

Regarding cash fund revenue increase resulting from amendments to the Pure Food Act, it would be dependent upon actions taken by the Director of the Department of Agriculture. Regarding the amendments to the Weights and Measures Act, the minimal increase (assuming the new levy is set at the new minimum under AM501) would be approximately \$55,000 - \$60,000 in additional revenue per fiscal year, however the actual revenue would subject to the new levy set by the Director of Agriculture within the parameters of the act.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 245	AM: 501	AGENCY/POLT. SUB: Nebraska Department of Agriculture	
REVIEWED BY: Joe Massey	DATE: 3/18/2025	PHONE: (402) 471-4181	
COMMENTS: Concur with the Nebraska Department of Agriculture assessment of no fiscal impact from LB 245 AM 501.			

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2025

LB⁽¹⁾ 245 AM510

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Department of Agriculture

Prepared by: ⁽³⁾ Ashley Dempsey Date Prepared: ⁽⁴⁾ 3/13/2025 Phone: ⁽⁵⁾ 402-429-2487

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2025-26</u>		<u>FY 2026-27</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

LB245 as amended increases the ceiling for annual permit and inspection fees set by the Director each year on or before July 1 for the Food Program, and the Weights and Measures Program. The current statutory ceilings were last increased in 2012 and 2003 respectively. Pursuant to the statutory formula, the fees have been at the maximum since July 1, 2023. The existing statutory fees were established so that both programs were funded by approximately a 50/50 General Fund match with the fee revenues. The ceiling increases will allow fees to maintain that 50/50 funding mix for FY2025-26 and subsequent fiscal years.

No fiscal impact as a direct result of LB245 as amended. Any additional appropriation needed due to increased fees would be included in a mid-biennium adjustment or in the next biennium budget request.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2025-26 EXPENDITURES</u>	<u>2026-27 EXPENDITURES</u>
	<u>25-26</u>	<u>26-27</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____