

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 794**

Introduced by DeKay, 40.

Read first time January 07, 2026

Committee: Agriculture

1 A BILL FOR AN ACT relating to soil; to amend sections 2-406, 81-201,  
2 81-2,162.27, and 81-2,164.03, Reissue Revised Statutes of Nebraska;  
3 to change provisions relating to the powers of and to provide duties  
4 for the Department of Agriculture; to eliminate provisions relating  
5 to the Healthy Soils Task Force and fund transfers under the  
6 Fertilizers and Soil Conditioners Administrative Fund; to harmonize  
7 provisions; to repeal the original sections; and to outright repeal  
8 sections 2-401, 2-402, 2-403, and 2-404, Reissue Revised Statutes of  
9 Nebraska.  
10 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 2-406, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           2-406 The Legislature finds that:

4           (1) With over ninety percent of Nebraska's land base in cropland and  
5 rangeland agricultural production, its agricultural sector is  
6 foundational to the state's economy. Nebraska agricultural producers face  
7 many challenges, from shrinking profit margins, depletion of natural  
8 resources, and extreme weather events, to increased public interest  
9 concerning the impact of current agricultural practices on the  
10 environment;

11           (2) Since the prairie was plowed for farming, Nebraska has lost  
12 topsoil and organic matter to both water and wind erosion. Soil erosion  
13 reduces soil productivity and deteriorates water quality. Organic matter  
14 is vital to soil fertility, structure, and water retention ability and is  
15 only at one-half of its original level;

16           (3) This state's soil and abundant water are Nebraska's most  
17 critical natural resources. The quality of both is vital for productive  
18 and profitable agricultural production, rural and urban economic  
19 viability, long-term food security, natural resource resiliency, and the  
20 associated influences on human health and quality of life. The relative  
21 quality and availability of the state's ground water and surface waters  
22 are directly impacted by the health of the land, particularly its  
23 agricultural soil;

24           (4) It is not uncommon to find nitrate levels in excess of federal  
25 drinking water standards in wells across the state. Elevated levels of  
26 nitrates in Nebraska's ground water are alarming as approximately eighty-  
27 five percent of Nebraska residents rely on drinking water pumped from the  
28 ground. While nitrate levels in Nebraska's ground water are gradually  
29 improving in some areas, they remain at troublesome levels elsewhere,  
30 particularly in the central and northeastern parts of Nebraska;

31           (5) The Healthy Soils Task Force created under Laws 2019, LB243,

1 ~~section 2, section 2-402~~ concluded that healthier soils produced through  
2 best soil management practices improve yield stability, produce greater  
3 financial returns over time, reduce the need for chemical inputs,  
4 increase water infiltration rates and water storage capacity making soil  
5 more resilient to drought, flooding, and erosion, and protect and improve  
6 water quality. The task force also concluded that two significant  
7 barriers to adoption of healthy soil management practices by agricultural  
8 producers are uncertainty of the positive economic return on investment  
9 in healthy soil management practices and the lack of education and  
10 information available to a broader audience; and

11 (6) With the general public's growing interest in how food is grown  
12 relative to human health and long-term resiliency of our natural  
13 resources, greater adoption of healthy soil management practices is  
14 beneficial to both rural and urban contingencies. A voluntary grassroots  
15 effort to accelerate the means to protect and enhance Nebraska's soil and  
16 receive the benefits described in the task force report should be  
17 encouraged and supported.

18 **Sec. 2.** Section 81-201, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 81-201 (1) The Department of Agriculture may:

21 (a) Encourage ~~shall have power (1) to encourage~~ and promote, in  
22 every practicable manner, the interest of agriculture;

23 (b) Promote ~~(2) to promote~~ methods of conducting the industry of  
24 agriculture with a view to increasing the production and facilitating the  
25 distribution thereof at the least cost;

26 (c) Collect ~~(3) to collect~~ and publish statistics relating to the  
27 production and marketing of agricultural products, so far as such  
28 statistical information may be of value to the agricultural and allied  
29 interests of the state, and ~~to~~ cooperate with the federal government in  
30 the matter of collecting and publishing such statistical information;

31 (d) Publish ~~(4) to publish~~ and distribute the Weeds of the Great

1 Plains book and supplemental inserts thereto, for sale and distribution  
2 to the public. All money collected from the sale of the publications  
3 shall be remitted to the State Treasurer and credited as provided in  
4 section 81-201.05;

5 (e) Inquire ~~(5) to inquire~~ into the causes of contagious,  
6 infectious, and communicable diseases among domestic animals and the  
7 means for the prevention and cure of the same;

8 (f) Execute ~~(6) to execute~~ and enforce all laws relating to matters  
9 within its jurisdiction and ~~to adopt~~ and promulgate necessary rules and  
10 regulations for the administration and enforcement of such laws;

11 (g) Employ ~~(7) to employ~~ special investigators who shall be  
12 appointed deputy state sheriffs by the Governor and who shall, upon  
13 qualifying for such office, possess all the powers which attach to such  
14 office, except that their powers and duties shall be restricted to the  
15 enforcement of the laws of the State of Nebraska within the jurisdiction  
16 of the Department of Agriculture;

17 (h) Perform ~~(8) to perform~~ laboratory testing services as provided  
18 in section 81-2,293; and

19 (i) Enforce ~~(9) to enforce~~ the Foreign-owned Real Estate National  
20 Security Act.

21 (2) Prior to January 1, 2027, the Department of Agriculture shall  
22 electronically submit, to the Clerk of the Legislature, the following  
23 relating to the Healthy Soils Task Force created under Laws 2019, LB243,  
24 section 2:

25 (a) A copy of the comprehensive action plan submitted pursuant to  
26 section 2-404, as such section existed on January 1, 2021;

27 (b) A copy of the findings and recommendations reported pursuant to  
28 section 2-404, as such section existed on January 1, 2021; and

29 (c) A copy of the agendas, meeting minutes, and any other documents  
30 submitted by the task force to the department.

31 **Sec. 3.** Section 81-2,162.27, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 81-2,162.27 (1) All money received under the Nebraska Commercial  
3 Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials  
4 Act shall be remitted to the State Treasurer for credit to the  
5 Fertilizers and Soil Conditioners Administrative Fund, which fund is  
6 hereby created. Money so received shall be used by the department for  
7 defraying the expenses of administering the Nebraska Commercial  
8 Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials  
9 Act. ~~The fund may also be used to defray costs incurred by the department~~  
10 ~~directly related to administrative and budgetary support of the Healthy~~  
11 ~~Soils Task Force pursuant to sections 2-401 to 2-404, except that no more~~  
12 ~~than ten thousand dollars may be expended by the department from the fund~~  
13 ~~for such purpose. Transfers may be made from the fund to the General Fund~~  
14 ~~at the direction of the Legislature. The State Treasurer shall transfer~~  
15 ~~two hundred seventy-five thousand dollars from the Fertilizers and Soil~~  
16 ~~Conditioners Administrative Fund to the General Fund on or before June~~  
17 ~~30, 2019, on such dates and in such amounts as directed by the budget~~  
18 ~~administrator of the budget division of the Department of Administrative~~  
19 ~~Services.~~

20 (2) Any unexpended balance in the Fertilizers and Soil Conditioners  
21 Administrative Fund at the close of any biennium shall, when  
22 reappropriated, be available for the uses and purposes of the fund for  
23 the succeeding biennium. Any money in the fund available for investment  
24 shall be invested by the state investment officer pursuant to the  
25 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
26 Act.

27 **Sec. 4.** Section 81-2,164.03, Reissue Revised Statutes of Nebraska,  
28 is amended to read:

29 81-2,164.03 The Director of Agriculture is hereby authorized to  
30 receive voluntary gifts and contributions from the federal government,  
31 private agencies, farm industry associations, individuals, and any other

1 person, or to collect fees or charges for services or publications from  
2 any source, including, but not limited to, the federal government, state  
3 governments, public agencies, and private entities or individuals for the  
4 purpose of defraying the expenses of carrying out subdivision (1)(c) ~~(3)~~  
5 of section 81-201 and sections 81-2,163 and 81-2,164.03. All advances so  
6 received shall be credited to the Agricultural Products Marketing  
7 Information Cash Fund, which fund is hereby created. Disbursements from  
8 such fund shall be made upon vouchers approved by the director and  
9 warrants issued thereon as provided by law. All money received from the  
10 federal government, local government agencies, private research agencies,  
11 farm industry associations, individuals, or any other person, which are  
12 reimbursements for expenditures made, shall be remitted to the State  
13 Treasurer for credit to the Agricultural Products Marketing Information  
14 Cash Fund. Any money in the fund available for investment shall be  
15 invested by the state investment officer pursuant to the Nebraska Capital  
16 Expansion Act and the Nebraska State Funds Investment Act.

17 **Sec. 5.** Original sections 2-406, 81-201, 81-2,162.27, and  
18 81-2,164.03, Reissue Revised Statutes of Nebraska, are repealed.

19 **Sec. 6.** The following sections are outright repealed: Sections  
20 2-401, 2-402, 2-403, and 2-404, Reissue Revised Statutes of Nebraska.