

**ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020**  
**COMMITTEE STATEMENT**  
**LB835**

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**Hearing Date:** Tuesday January 21, 2020  
**Committee On:** Agriculture  
**Introducer:** Halloran  
**One Liner:** Change provisions of the Nebraska Pure Food 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:** 8 Senators Blood, Brandt, Chambers, Halloran, Hansen, B., Lathrop, Moser, Slama  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Oral Testimony:**

**Proponents:**

Senator Steve Halloran  
Steve Wellman  
Kathy Siefken  
Zoe Olson  
Jim Otto

**Representing:**

Introducer  
Nebraska Department of Agriculture  
Nebraska Grocery Industry Association  
Nebraska Restaurant Association  
Nebraska Retail Federation

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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

LB 835 is a statutory maintenance of the Nebraska Pure Food Act (Sections 81-2,239 through 81-2,292) to incorporate into the Act the regulatory standards of the 2017 Food Code. The bill clarifies the term "priority item" and repeals obsolete provisions.

Section-by-Section summary:

Section. 1: Amends the definition of "Food Code" to define by reference the 2017 Recommendations of the U.S. Public Health Service, USDA except for enumerated exclusions of specific food code sections.

Section 2: Amends Section 81-2,272.01 to include as a priority item the food safety standard set out in Section 81-2,272.01, which pertains to the maintenance of cold and hot holding temperatures of potentially hazardous foods, and specifications of related cooling equipment. LB 835 corrects an unintended omission of this standard as a priority item.

Section 3: Strikes obsolete text for an expired exemption from food establishment fees for persons formerly licensed under the Graded Egg Act, which was repealed in 2017.

Section 4: Amends Section 81-2,288.01, which prescribes items to be included on food establishment inspection reports, including whether a violation is a critical violation. LB 835 replaces the term "critical" violation with current terminology "priority item."

Section 5: Repealer

Section 6: Outright repeals Section 81-2,243.01, which defines "egg handler." The term becomes obsolete due to the expiration of a fee exemption for egg handlers and its deletion in section 3.

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**Explanation of amendments:**

The committee amendment (AM2185) inserts new sections that become sections 5 - 9 of LB 835 when amended, that incorporate portions of LB 321. LB 321, as introduced, updates reference to standards published by the National Conference on Weights and Measures incorporated into the Nebraska Weights & Measures Act to the most current editions, removes statutory prescription of inspection duties of the Department of Agriculture for weighing and measuring devices, and strikes obsolete provisions. The provisions of LB 321 incorporated into LB 835 by the committee amendment omits an original provision of LB 321 that would have changed a requirement obligating the Department of Agriculture to perform at least one annual inspection of all weighing and measuring devices. The version of LB 321 incorporated by the amendment retains current law with respect to inspection frequency.

Section-by-section explanation of the new sections added by AM2185:

Section 5: Updates references to current titles and year of publication editions of Handbooks published by the National Institute of Standards and Technology containing standards of the National Conference of Weights and Measures utilized in the Weights and Measure Act. The Act currently references the 2003 edition of the Handbooks. LB 321 references the 2019 editions.

Section 6: Amends Section 89-187 by striking an obsolete provision pertaining to initial device inspection fees subsection (20)(i) and renumbering of remaining subdivisions made accordingly.

Section 7: Strikes obsolete text

Section 8: Strikes a requirement for a signature on a permit application

Section 9: Renumbers the remaining sections and instructs correction of the repealer section to reflect new sections amended by the committee amendment.

The committee vote to attach the provisions of LB 321 as amended was 8 yes, and 0 no.

Public hearing testimony summary for LB 321:

Proponents

Senator Ben Hansen, Introducer

Steve Wellman, Department of Agriculture

Opponents

Tim Kiegher, Nebraska Petroleum Marketers & Convenience Store Association

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Steve Halloran, Chairperson