

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

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 makes the following amendments to the Pure Food Act:

- Amends the definition of Food Code;
- Amends the definition of food establishment to strike, “delivers”;
- Amends the definition of single event food vendor from not operating at one event per calendar year for a period of two days to four days;
- Harmonizes the Pure Food Act to the federal Current Good Manufacturing Practice and U.S. Food Code;
- Adds that establishments under the act do not meet the acceptable design and fabrication requirements shall be acceptable if they meet food temperature requirements; and
- Amends the statutory maximum fees under the Pure Food Act.

The statutory maximum fees are amended as such:

Permit Type	Existing Statutory Maximum				Statutory Maximum as amended by LB245			
	Initial Permit Fee	Base Annual Fee	Secondary or Additional Food Preparation Area Annual Fee	Secondary Unit or Units Annual Fee	Initial Permit Fee	Base Annual Fee	Secondary or Additional Food Preparation Area Annual Fee	Secondary Unit or Units Annual Fee
Limited Retail Food Establishment	\$ 86.19	\$ 86.19	\$ 43.09	N/A	\$ 200.00	\$ 200.00	\$ 100.00	N/A
Itinerant Food Vendor	\$ 86.19	\$ 86.19	\$ 43.09	N/A	\$ 200.00	\$ 200.00	\$ 100.00	N/A
Limited Food Service Establishment	\$ 86.19	\$ 86.19	\$ 43.09	N/A	\$ 200.00	\$ 200.00	\$ 100.00	N/A
Mobile Food Unit	\$ 86.19	n/a	n/a	\$ 43.09	\$ 200.00	n/a	n/a	\$ 100.00
Pushcart	\$ 86.19	N/A	N/A	\$ 17.23	\$ 200.00	N/A	N/A	\$ 40.00
Vending Machine	\$ 86.19				\$ 200.00			
One to ten units		N/A	N/A	\$ 17.23		N/A	N/A	\$ 40.00
Eleven to twenty units		N/A	N/A	\$ 34.46		N/A	N/A	\$ 80.00
Twenty-one to thirty units		N/A	N/A	\$ 51.69		N/A	N/A	\$ 120.00
Thirty-one to forty units		N/A	N/A	\$ 86.15		N/A	N/A	\$ 200.00
Over forty units		N/A	N/A	\$ 86.15		N/A	N/A	\$ 200.00
Food Processing Plant	\$ 86.19	\$ 120.64	\$ 43.09	N/A	\$ 200.00	\$ 280.00	\$ 100.00	N/A
Salvage Operation	\$ 86.19	\$ 120.64	\$ 43.00		\$ 200.00	\$ 280.00	\$ 100.00	N/A
Commissary	\$ 86.19	\$ 120.64	\$ 43.00	N/A	\$ 200.00	\$ 280.00	\$ 100.00	N/A
All Other Food Establishment	\$ 86.19	\$ 120.64	\$ 43.09	N/A	\$ 200.00	\$ 280.00	\$ 100.00	N/A

No basis to disagree with the revenue estimated provided by the Department based upon their assumptions as provided, however the actual fee levied will be up to the discretion of the Director of the Department of Agriculture and subject to the promulgation of the rules and regulations.

Disagree with the Department's expenditure estimates as LB394 creates no additional duties. Any authority to expend revenue resulting from this legislation would be subject to the appropriations process.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 245	AM:	AGENCY/POLT. SUB: Nebraska Department of Agriculture
REVIEWED BY: Joe Massey	DATE: 1/22/2025	PHONE: (402) 471-4181
COMMENTS: Nebraska Department of Agriculture assessment of fiscal impact from LB 245 appears reasonable using the assumptions provided.		

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2025

LB⁽¹⁾ 245

FISCAL NOTE

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

Prepared by: ⁽³⁾ Ashley Dempsey Date Prepared: ⁽⁴⁾ 1/17/2025 Phone: ⁽⁵⁾ 402-429-2487

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2025-26		FY 2026-27	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	(855,000)		(855,000)	
CASH FUNDS	855,000	855,000	855,000	855,000
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	0	855,000	0	855,000

Explanation of Estimate:

The bill increases the ceiling for annual permit and inspection fees set by the Director each year on or before July 1.

The current statutory ceiling was last increased in 2012 and pursuant to the statutory formula, the fees have been at the maximum since July 1, 2023. The existing statutory fees were established so that the Food Inspection Program costs were funded by approximately a 50/50 General Fund match with the fee revenues. The ceiling increase will allow fees to be set at a higher rate thereby decreasing the burden on the General Fund. The estimation provided here is based on setting the fees for July 1, 2025, at an amount sufficient to eliminate the General Fund from the program's budget for FY2025-26 and subsequent fiscal years.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2025-26	2026-27
	25-26	26-27	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			0	0