

LEGISLATIVE BILL 1046

Approved by the Governor March 17, 1988

Introduced by Schmit, 23

AN ACT relating to the Nebraska Chemigation Act; to amend sections 46-1101 and 46-1128, Revised Statutes Supplement, 1986, and section 46-1121, Revised Statutes Supplement, 1987; to provide a special permit as prescribed; to provide a fee; to change a provision relating to the expiration of certificates; to provide for the revocation of an applicator's certificate; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 46-1101, Revised Statutes Supplement, 1986, be amended to read as follows:

46-1101. Sections 46-1101 to 46-1148 and sections 2 and 5 of this act shall be known and may be cited as the Nebraska Chemigation Act.

Sec. 2. Permits for those systems determined through inspection by the district as not needing all of the safety equipment prescribed by the Nebraska Chemigation Act shall be forwarded immediately to the department for review. If the department determines that certain elements of the safety equipment otherwise prescribed by the act are not necessary, it shall so inform the district. The district shall then issue a special permit as approved by the department. Issuance of such special permits shall not relieve the permit holder or applicator from compliance with all other responsibilities under the act.

Sec. 3. That section 46-1121, Revised Statutes Supplement, 1987, be amended to read as follows:

46-1121. (1) The fee for initial application for a permit or special permit shall be thirty dollars payable to the district. Twenty-five dollars of the fee shall be retained by the district and five dollars paid by the district to the department.

After January 1, 1988, the annual fee for renewal of a permit or special permit shall be ten dollars paid to the district. Two dollars of the annual fee shall be paid by the district to the department.

All fees shall be used by the district and the department to administer the Nebraska Chemigation Act. The department's fee shall be deposited in the Chemigation Costs Fund which is hereby created. All fees collected by the department pursuant to the act shall be paid into the state treasury and credited by the State Treasurer to the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

(2) All permits issued pursuant to section 46-1117 and section 2 of this act shall be annual permits and shall expire each year on June 1. A permit may be renewed each year upon payment of the annual renewal fee and completion of a form provided by the district which lists the names of all chemicals used in chemigation the previous year. Once a permit has expired, it shall not be reinstated without meeting all of the requirements for a new permit including an inspection and payment of the initial application fee.

Sec. 4. That section 46-1128, Revised Statutes Supplement, 1986, be amended to read as follows:

46-1128. In order to insure that applicators of chemicals have sufficient scientific and practical knowledge in the use of chemigation, the director shall conduct training sessions directed toward thorough comprehension and knowledge of the safe use of chemigation or contract with the Cooperative Extension Service of the University of Nebraska to conduct such training sessions through its county extension agents and specialists in the state. If the department contracts for the training sessions, the Cooperative Extension Service shall be reimbursed for conducting the training sessions. The director shall issue a certificate acknowledging the satisfactory demonstration of competency to be determined by the director through the use of a written examination prepared and administered by the department. Each applicator's certificate, including such certificates issued prior to the effective date of this act, shall expire ~~two years~~ on January 1 of the fourth year after the date of issuance and shall be renewed upon the satisfactory completion of training and testing.

Sec. 5. An applicator's certificate may be revoked by the department if the applicator:

(1) Operates a chemigation system that is known to be defective or not in compliance with permit requirements;

(2) Fails to report any actual or suspected accident resulting from the use of chemigation;

(3) Operates or authorizes operation of a chemigation system without the necessary permit; or

(4) Violates any of the provisions of the Nebraska Chemigation Act or standards, rules, and regulations adopted and promulgated pursuant to such act.

Sec. 6. That original sections 46-1101 and 46-1128, Revised Statutes Supplement, 1986, and section 46-1121, Revised Statutes Supplement, 1987, are repealed.