

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 790

Introduced by Erdman, 47.

Read first time January 09, 2008

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend section 2-5109,
2 Revised Statutes Cumulative Supplement, 2006; to change
3 buffer strip reimbursement; and to repeal the original
4 section.

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

1 Section 1. Section 2-5109, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 2-5109 (1) Upon approval of an application by the
4 district and the department, the district shall enter into a
5 contractual agreement with the applicant for the land included in
6 the buffer strip. The agreement shall include a provision that
7 the applicant shall maintain the buffer strip in accordance with
8 the approved plan during the term of the rental agreement. The
9 agreement may also include a provision that the applicant shall not
10 apply specified fertilizers on buffered fields between designated
11 dates. Failure to maintain the buffer strip in accordance with the
12 plan shall be cause for all future payments under the agreement to
13 be forfeited and shall be cause for the recovery by the department
14 of any payments previously made. Upon submission of a copy of the
15 agreement to the department, it shall authorize the State Treasurer
16 to transfer funds to the district from the Buffer Strip Incentive
17 Fund in an amount equal to the total amount of funds due for the
18 agreement in that district that year. Such transfer shall be made
19 as soon as funds are available.

20 (2) If the applicant does not receive reimbursement from
21 any other source for the land included in the buffer strip, the
22 district shall pay the applicant annually an amount not to exceed
23 ~~one~~ two hundred fifty dollars per acre or fraction thereof included
24 in the buffer strip.

25 (3) If the applicant receives reimbursement from any

1 other source for the land included in the buffer strip, the
2 district shall pay the applicant annually an amount not to exceed
3 ~~one~~ two hundred fifty dollars per acre included in the buffer
4 strip, minus the amount of the other reimbursement.

5 (4) The actual amount of any payment made to an applicant
6 under subsection (2) or (3) of this section shall be determined
7 by the district using the sliding scale provided in rules and
8 regulations adopted and promulgated pursuant to section 2-5111.
9 Such amount shall be included as part of the application submitted
10 to the department.

11 (5) Contractual agreements pursuant to this section shall
12 be for a minimum term of five years and a maximum term of ten
13 years.

14 (6) Following the expiration of any contractual agreement
15 pursuant to this section, the applicant may apply to renew the
16 agreement. Any application for renewal of an agreement shall be
17 made in accordance with sections 2-5107 to 2-5109 and shall be
18 considered with any new applications.

19 Sec. 2. Original section 2-5109, Revised Statutes
20 Cumulative Supplement, 2006, is repealed.