

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 207

Introduced by Schilz, 47.

Read first time January 13, 2015

Committee: Natural Resources

1 A BILL FOR AN ACT relating to the Nebraska Chemigation Act; to amend
2 sections 46-1139, 46-1140, 46-1141, 46-1142, and 46-1143, Reissue
3 Revised Statutes of Nebraska; to change provisions relating to civil
4 penalties; to provide for recovery of costs in certain actions as
5 prescribed; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 46-1139, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 46-1139 Any person who engages in chemigation without first
4 obtaining a chemigation permit shall be (1) subject to a civil penalty of
5 not less ~~more~~ than one thousand dollars and not more than five thousand
6 dollars for each day a violation occurs or (2) guilty of a Class II
7 misdemeanor. Each day of continued violation shall constitute a separate
8 offense. The court may issue such injunctive orders as may be necessary
9 to prohibit continued violations of the Nebraska Chemigation Act. When
10 the Attorney General, a county attorney, or a private attorney brings an
11 action on behalf of a district to recover a civil penalty under this
12 section, the district shall recover the costs of the action if a civil
13 penalty is awarded.

14 Sec. 2. Section 46-1140, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 46-1140 Any person who engages in chemigation with a suspended or
17 revoked chemigation permit shall be (1) subject to a civil penalty of not
18 less ~~more~~ than one thousand dollars and not more than five thousand
19 dollars for each day a violation occurs or (2) guilty of a Class II
20 misdemeanor. Each day of continued violation shall constitute a separate
21 offense. The court may issue such injunctive orders as may be necessary
22 to prohibit continued violations of the Nebraska Chemigation Act. When
23 the Attorney General, a county attorney, or a private attorney brings an
24 action on behalf of a district to recover a civil penalty under this
25 section, the district shall recover the costs of the action if a civil
26 penalty is awarded.

27 Sec. 3. Section 46-1141, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 46-1141 Any person who willfully tampers with or otherwise willfully
30 damages in any way equipment meeting the requirements specified in
31 section 46-1127 shall be (1) subject to a civil penalty of not less ~~more~~

1 than one thousand dollars and not more than five thousand dollars for
2 each day a violation occurs or (2) guilty of a Class I misdemeanor. Each
3 day of continued violation shall constitute a separate offense. The court
4 may issue such injunctive orders as may be necessary to prohibit
5 continued violations of the Nebraska Chemigation Act. When the Attorney
6 General, a county attorney, or a private attorney brings an action on
7 behalf of a district to recover a civil penalty under this section, the
8 district shall recover the costs of the action if a civil penalty is
9 awarded.

10 Sec. 4. Section 46-1142, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 46-1142 Any permitholder who fails to notify the district and the
13 department of any actual or suspected accident resulting from the use of
14 chemigation shall be (1) subject to a civil penalty of not less than one
15 thousand more than five hundred dollars and not more than five thousand
16 dollars for each day a violation occurs or (2) guilty of a Class III
17 misdemeanor. Each day of continued violation shall constitute a separate
18 offense. The court may issue such injunctive orders as may be necessary
19 to prohibit continued violations of the Nebraska Chemigation Act. When
20 the Attorney General, a county attorney, or a private attorney brings an
21 action on behalf of a district to recover a civil penalty under this
22 section, the district shall recover the costs of the action if a civil
23 penalty is awarded.

24 Sec. 5. Section 46-1143, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 46-1143 Any person who violates any of the provisions of the
27 Nebraska Chemigation Act for which a specific penalty is not provided
28 shall be (1) subject to a civil penalty of not less than one thousand
29 more than five hundred dollars and not more than five thousand dollars
30 for each day a violation occurs or (2) guilty of a Class IV misdemeanor.
31 Each day of continued violation shall constitute a separate offense. The

1 court may issue such injunctive orders as may be necessary to prohibit
2 continued violations of the Nebraska Chemigation Act. When the Attorney
3 General, a county attorney, or a private attorney brings an action on
4 behalf of a district to recover a civil penalty under this section, the
5 district shall recover the costs of the action if a civil penalty is
6 awarded.

7 Sec. 6. Original sections 46-1139, 46-1140, 46-1141, 46-1142, and
8 46-1143, Reissue Revised Statutes of Nebraska, are repealed.