

## LEGISLATIVE BILL 329

Approved by the Governor May 30, 2001

Introduced by Wickersham, 49

AN ACT relating to public projects regulation and funding; to amend sections 2-2627, 2-2635, 2-2638, 2-2641, 3-128, 15-202, and 81-2,162.27, Reissue Revised Statutes of Nebraska, and sections 2-15,122, 2-15,123, 2-2634, 13-519, and 66-1345, Revised Statutes Supplement, 2000; to change provisions relating to the Natural Resources Enhancement Fund, the Pesticide Administrative Cash Fund, pesticide registration, pesticide dealer licenses, pesticide applicator licenses, duties of the Department of Aeronautics, budget limitations, and the Fertilizers and Soil Conditioners Administrative Fund; to rename a fund; to change taxing powers in certain cities; to require reports by the Department of Environmental Quality and natural resources districts; to change and eliminate fees; to harmonize provisions; to repeal the original sections; to outright repeal section 77-4401, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Section 1. Section 2-15,122, Revised Statutes Supplement, 2000, is amended to read:

2-15,122. There is hereby created the Natural Resources ~~Enhancement~~ Water Quality Fund. The State Treasurer shall credit to the fund for the uses and purposes of section 2-15,123 such money as is specifically appropriated, ~~and~~ such funds, fees, donations, gifts, services, or devises or bequests of real or personal property received by the department from any source, federal, state, public, or private, to be used by the department for the purpose of funding programs listed in subsection (2) of section 2-15,123, and such money credited under sections 2-2627, 2-2634, 2-2638, and 2-2641. The department shall allocate money from the fund pursuant to section 2-15,123. The fund shall be exempt from provisions relating to lapsing of appropriations, and the unexpended and unencumbered balance existing in the fund on June 30 each year shall be reappropriated. It is the intent of the Legislature to study and review the funding changes made by this legislative bill before January 1, 2005. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 2. Section 2-15,123, Revised Statutes Supplement, 2000, is amended to read:

2-15,123. (1) The Natural Resources ~~Enhancement~~ Water Quality Fund shall be allocated by contractual agreement with natural resources districts for the purpose of funding programs listed in subsection (2) of this section. A natural resources district receiving an allocation shall provide a one hundred fifty percent match of district funds. The initial allocations each fiscal year shall be made by the department, based on needs of individual natural resources districts relative to needs of other districts, to districts which have qualifying programs. The director shall have sole discretion to decide whether a district's program qualifies for funding pursuant to this section. The unused allocations ~~shall be credited to the Nebraska Resources Development Fund on or after March 1 of any year may be reallocated to another district~~ if the director determines that one or more districts cannot reasonably be expected to use their full allocation for that fiscal year. The commission shall adopt and promulgate rules and regulations to administer the Natural Resources ~~Enhancement~~ Water Quality Fund.

(2) The fund shall be allocated to natural resources districts for programs related to water quality, including, but not limited to:

- (a) Natural resources districts' water quality programs;
- (b) Natural resources districts' illegal water wells decommissioning programs;
- (c) Inspections by natural resources districts conducted pursuant to the Nebraska Chemigation Act;
- (d) Source water protection programs undertaken by natural resources districts;
- (e) Purchases of special equipment required by natural resources districts in management areas and control areas formed pursuant to the Nebraska Ground Water Management and Protection Act; and
- (f) Application of soil and water conservation practices.

Sec. 3. Section 2-2627, Reissue Revised Statutes of Nebraska, is amended to read:

2-2627. (1) Except as otherwise provided in the Pesticide Act, all money received from any source pursuant to the act shall be remitted by the department to the State Treasurer for credit to the Natural Resources Water Quality Fund.

(2) ~~The Pesticide Administrative Cash Fund, which fund~~ is hereby created. The fund shall be used by the department to aid in defraying the expenses of administering the act, except that on or before July 15, 2001, the State Treasurer shall transfer one million dollars from the Pesticide Administrative Cash Fund to the Natural Resources Water Quality Fund. Any money in the ~~fund~~ Pesticide Administrative Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. Section 2-2634, Revised Statutes Supplement, 2000, is amended to read:

2-2634. (1) As a condition to registration or renewal of registration as required by sections 2-2628 to 2-2633, an applicant shall pay to the department a fee of ninety two hundred dollars for each pesticide to be registered that is not classified as a specialty pesticide by the department and one hundred thirty-five dollars for each pesticide to be registered that is classified as a specialty pesticide by the department, except that the fee may be increased ~~or decreased~~ by the director after a public hearing is held outlining the reason for any proposed change in the fee. In no event shall such fee exceed one hundred fifty two hundred ten dollars for each pesticide to be registered. All fees collected shall be remitted to the State Treasurer for credit as follows:

(a) Thirty dollars of each such fee to the Noxious Weed Cash Fund as provided in section 2-958;

(b) Sixty dollars of each such fee to the Buffer Strip Incentive Fund as provided in section 2-5106; and

(c) The remainder of each such fee for a pesticide that is not classified as a specialty pesticide, if any, to the Natural Resources Water Quality Fund, and the remainder of each such fee for a pesticide that is classified as a specialty pesticide, if any, to the Pesticide Administrative Cash Fund.

(2) If a person fails to apply for renewal of registration before January 1 of any year, such person, as a condition to renewal, shall pay a late registration fee equal to twenty-five percent of the fee due and owing per month, not to exceed one hundred percent, for each product to be renewed in addition to the renewal fee.

Sec. 5. Section 2-2635, Reissue Revised Statutes of Nebraska, is amended to read:

2-2635. (1) Except as provided in subsection (2) of this section, a person shall not distribute at wholesale or retail or possess pesticides with an intent to distribute them without a pesticide dealer license for each distribution location. Any manufacturer, registrant, or distributor who has no pesticide dealer outlet licensed within this state and who distributes such pesticides directly into this state shall obtain a pesticide dealer license for his, her, or its principal out-of-state location or outlet.

(2) The requirements of subsection (1) of this section shall not apply to:

(a) A commercial applicator or noncommercial applicator licensed under sections 2-2636 to 2-2642 who uses restricted-use pesticides only as an integral part of a pesticide application service and does not distribute any unapplied pesticide;

(b) A federal, state, county, or municipal agency using restricted-use pesticides only for its own program;

(c) Persons who sell only pesticide products in containers holding fifty pounds or less by weight or one gallon or less by volume and do not sell any restricted-use pesticides or bulk pesticides; or

(d) Persons who sell only general-use specialty pesticides.

(3) A pesticide dealer may distribute restricted-use pesticides only to a certified applicator, a licensed pesticide dealer, or, under rules and regulations adopted by the department, a person who is not a certified applicator for application by a certified applicator.

(4) A pesticide dealer license shall expire on December 31 of each year, unless it is suspended or revoked before that date. Such license shall not be transferable to another person or location and shall be prominently displayed to the public in the pesticide dealer's place of business.

(5) If the pesticide dealer has had a license suspended or revoked, or has otherwise had a history of violations of the Pesticide Act, the

department may require an additional demonstration of dealer qualifications prior to issuance or renewal of a license to such person.

(6) Application for an initial pesticide dealer license shall be submitted to the department ~~within thirty days after January 1, 1994, or~~ prior to commencing business as a pesticide dealer. Application for renewal of a pesticide dealer license shall be submitted to the department by January 1 of each year. All applications shall be accompanied by an annual license fee of ~~fifty~~ twenty-five dollars. The fee may be increased ~~or decreased~~ by the director after a public hearing is held outlining the reason for any proposed change in the fee. In no event shall the fee exceed one hundred dollars per license. Application shall be on a form prescribed by the department and shall include the full name of the person applying for such license. If such applicant is an individual, the application shall include the applicant's social security number. If such applicant is a partnership, limited liability company, association, corporation, or organized group of persons, the full name of each member of the firm, partnership, or limited liability company or of the principal officers of the association or corporation shall be given on the application. Such application shall further state the address of each outlet to be licensed, the principal business address of the applicant, the name of the person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the department.

An applicant located outside this state shall file with the department a written instrument designating a resident agent for service of process in actions taken in the administration and enforcement of the act. In lieu of designating a resident agent, the applicant may designate the Secretary of State as the recipient of service of process for the applicant in this state.

If an application for renewal of a pesticide dealer license is not filed before January 1 of the year for which the license is to be issued, an additional fee equal to twenty-five percent of the fee due and owing per month, not to exceed one hundred percent, shall be paid by the applicant before the license may be issued.

An application for a duplicate pesticide dealer's license shall be accompanied by a nonrefundable application fee of ten dollars.

All fees collected shall be remitted to the State Treasurer for credit to the Pesticide Administrative Cash Fund.

(7) Each licensed pesticide dealer shall be responsible for the acts of each person employed by him or her in the solicitation and distribution of pesticides and all claims and recommendations for use of pesticides. The dealer's license shall be subject to denial, suspension, modification, or revocation after a hearing for any violation of the act, whether committed by the dealer or by the dealer's officer, agent, or employee.

(8) The department shall require each pesticide dealer to maintain records of the dealer's purchases and distribution of all restricted-use pesticides and may require such records to be kept separate from other business records. The department may prescribe by rules and regulations the information to be included in the records. The dealer shall keep such records for a period of three years and shall provide the department access to examine such records and a copy of any record on request.

Sec. 6. Section 2-2638, Reissue Revised Statutes of Nebraska, is amended to read:

2-2638. (1) An individual who applies restricted-use pesticides to the land of another person for hire or compensation shall apply to the department for a commercial applicator license issued for the categories and subcategories in which the pesticide application is to be made.

(2) Any person who applies lawn care or structural pest control pesticides to the land of another person for hire or compensation shall apply to the department for a commercial applicator license, regardless of whether such business applies any restricted-use pesticide.

(3) Application for an original or renewal commercial applicator license shall be on forms prescribed by the department. The application shall include information as required by the director and be accompanied by a license fee of ~~ten~~ ninety dollars. If the applicant is an individual, the application shall include the applicant's social security number. The fee may be increased ~~or decreased~~ by the director after a public hearing is held outlining the reasons for any proposed change. In no event shall the fee exceed ~~twenty-five~~ one hundred fifty dollars per license. All fees collected shall be remitted to the State Treasurer for credit to the Natural Resources Water Quality Fund.

(4) The department may deny a commercial applicator license if it has determined that:

(a) The applicant has had a license as a certified applicator issued by this state or another state revoked within the last two years;

(b) The applicant has been unable to satisfactorily fulfill licensing requirements;

(c) The applicant for any other reason cannot be expected to be able to fulfill the provisions of the Pesticide Act applicable to the category for which application is made; or

(d) An applicant for an original commercial applicator license has not passed an examination under sections 2-2637 and 2-2640.

(5) An individual to whom a commercial applicator license is issued shall be a certified applicator authorized to use restricted-use pesticides in the categories and subcategories in which the individual is licensed.

(6) As a condition to issuance of a commercial applicator license, an applicant located outside this state shall file with the department a written instrument designating a resident agent for service of process in actions taken in the administration and enforcement of the act. In lieu of designating a resident agent, the applicant may designate in writing the Secretary of State as the recipient of service of process for the applicant in this state.

(7) Any person who operates a business that applies pesticides to the land of another person for hire or compensation shall be responsible for the acts of each certified applicator employed by him or her in the application of a pesticide. Such person shall be subject to the same penalties and violations as the applicator.

Sec. 7. Section 2-2641, Reissue Revised Statutes of Nebraska, is amended to read:

2-2641. (1) A person shall be deemed to be a private applicator if the person uses a restricted-use pesticide for the purpose of producing an agricultural commodity:

(a) On property owned or rented by the person or person's employer or under the person's general control; or

(b) On the property of another person if applied without compensation other than the trading of personal services between producers of agricultural commodities.

(2) An employee shall qualify as a private applicator under subdivision (1)(a) of this section only if he or she provides labor for the pesticide application but does not provide the necessary equipment or pesticides.

(3) Every person applying for a license as a private applicator shall (a) undertake a training session approved by the department or (b) pass an examination showing that the person is properly qualified to perform functions associated with pesticide application to a degree directly related to the nature of the activity and the associated responsibility. If the applicant is an individual, the application shall include the applicant's social security number.

(4) Application for an original or renewal private applicator license shall be accompanied by a license fee of twenty-five dollars. All fees collected shall be remitted to the State Treasurer for credit to the Natural Resources Water Quality Fund. The department shall not charge a license fee for a private applicator license.

Sec. 8. Section 3-128, Reissue Revised Statutes of Nebraska, is amended to read:

3-128. ~~To safeguard and promote the general public interest and safety, the safety of persons receiving instruction concerning or operating, using or traveling in aircraft and of persons and property on the ground, the interest of aeronautical progress requiring that aircraft operated within this state should be airworthy, that airmen and those engaged in air instruction should be properly qualified, that airports, restricted landing areas and navigation facilities should be suitable for the purposes for which they are designed, the purposes of sections 3-101 to 3-154 requiring that the department should be enabled to exercise the powers of supervision herein granted, the advantages of uniform regulations making it desirable that aircraft operated within this state should conform with respect to design, construction and airworthiness to the standards prescribed by the United States Government with respect to civil aircraft subject to its jurisdiction and that persons engaging in aeronautics within this state should have the qualifications necessary for obtaining and holding appropriate airman certificates of the United States, the department is authorized:~~

~~(1) To recommend airport and restricted landing area sites and to license airports, restricted landing areas or other air navigation facilities, in accordance with rules and regulations to be adopted by the department, and to annually renew such licenses. Licenses granted under this subdivision or~~

under any prior law may be annually renewed. It shall make no charge for approval certificates of proposed property acquisition for airport or restricted landing area purposes;

(2) To issue appropriate certificates authorizing qualified individuals to conduct aerial pesticide application operations in this state. To insure safety, training, qualification criteria, financial responsibility requirements, and certificate renewal procedures shall be as prescribed by rules and regulations of the Department of Aeronautics; and

(3) To temporarily or permanently revoke any license or certificate of registration of an airman, air school, aerial pesticide applicator, or aeronautics instructor, issued by it, or to refuse to issue any such license or certificate of registration, when it shall reasonably determine that any airman, air school, aerial pesticide applicator or aeronautics instructor is not qualified, has willfully violated the provisions of sections 3-101 to 3-154, the rules and regulations prescribed pursuant thereto, or any other statute of this state relating to aeronautics, or any act of Congress or any rule or regulation promulgated pursuant thereto, is addicted to the use of narcotics or other habit-forming drug or the excessive use of intoxicating liquor, has made any false statement in an application for registration of a federal license, certificate or permit, or has been guilty of other conduct, acts or practices dangerous to the public safety and the safety of those engaged in aeronautics. In order to safeguard and promote the general public interest and safety, the safety of persons using or traveling in aircraft and of persons and property on the ground, and the interest of aeronautical progress requiring that airports, restricted landing areas, and air navigation facilities be suitable for the purposes for which they are designed and to carry out the purposes of the State Aeronautics Department Act, the department may: Recommend airport and restricted landing area sites; license airports, restricted landing areas, or other air navigation facilities; and provide for the renewal and revocation of such licenses in accordance with rules and regulations adopted and promulgated by the department.

Sec. 9. Section 13-519, Revised Statutes Supplement, 2000, is amended to read:

13-519. (1) For fiscal years beginning on or after July 1, 1996, and before July 1, 1997, no governmental unit shall adopt a budget containing a total of budgeted restricted funds more than the last prior year's total of budgeted restricted funds plus population growth plus two percent expressed in dollars. For cities of the first and second class and villages, restricted funds shall be reduced to take into account the fourteen-month fiscal year for 1995-96. For fiscal years beginning on or after July 1, 1997, and before July 1, 1998, no governmental unit shall adopt a budget containing a total of budgeted restricted funds more than the last prior year's total of budgeted restricted funds plus population growth expressed in dollars. For all fiscal years beginning on or after July 1, 1998, no governmental unit shall adopt a budget containing a total of budgeted restricted funds more than the last prior year's total of budgeted restricted funds plus allowable growth plus the basic allowable growth percentage of the base limitation established under section 77-3446. For all fiscal years beginning on or after July 1, 1998, and before July 1, 1999, the last prior year's total of restricted funds shall be the last prior year's total of restricted funds not excluding restricted funds budgeted for acquisition or replacement of tangible personal property with a useful life of five years or more in the last prior year or the year before the last prior year, whichever excluded the most, plus restricted funds budgeted to pay for lease-purchase contracts approved on or after July 1, 1997, and before July 1, 1998, to the extent the lease payments are not budgeted restricted funds for fiscal year 1997-98. For all fiscal years beginning on or after July 1, 2001, and before July 1, 2002, the last prior year's total of restricted funds shall be the last prior year's total of restricted funds plus any amount budgeted to be received from the Natural Resources Enhancement Fund in fiscal year 1999-2000. If a governmental unit transfers the financial responsibility of providing a service financed in whole or in part with restricted funds to another governmental unit or the state, the amount of restricted funds associated with providing the service shall be subtracted from the last prior year's total of budgeted restricted funds for the previous provider and may be added to the last prior year's total of restricted funds for the new provider. For governmental units that have consolidated, the calculations made under this section for consolidating units shall be made based on the combined total of restricted funds, population, or full-time equivalent students of each governmental unit.

(2) In addition to the increase allowed in subsection (1) of this section, for fiscal years beginning on or after July 1, 1998, and before July 1, 1999, a governmental unit may increase its budget of restricted funds no

more than four percent to create or increase an existing qualified sinking fund or funds upon the affirmative vote of at least seventy-five percent of the governing body. Any unused authority granted in this subsection may not be carried forward under section 13-521.

(3) A governmental unit may exceed the limit provided in subsection (1) of this section for a fiscal year by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body.

(4) A governmental unit may exceed the applicable allowable growth percentage otherwise prescribed in this section by an amount approved by a majority of legal voters voting on the issue at a special election called for such purpose upon the recommendation of the governing body or upon the receipt by the county clerk or election commissioner of a petition requesting an election signed by at least five percent of the legal voters of the governmental unit. The recommendation of the governing body or the petition of the legal voters shall include the amount and percentage by which the governing body would increase its budgeted restricted funds for the ensuing year over and above the current year's budgeted restricted funds. The county clerk or election commissioner shall call for a special election on the issue within fifteen days after the receipt of such governing body recommendation or legal voter petition. The election shall be held pursuant to the Election Act, and all costs shall be paid by the governing body. The issue may be approved on the same question as a vote to exceed the levy limits provided in section 77-3444.

(5) In lieu of the election procedures in subsection (4) of this section, any governmental unit may exceed the allowable growth percentage otherwise prescribed in this section by an amount approved by a majority of legal voters voting at a meeting of the residents of the governmental unit, called after notice is published in a newspaper of general circulation in the governmental unit at least twenty days prior to the meeting. At least ten percent of the registered voters residing in the governmental unit shall constitute a quorum for purposes of taking action to exceed the allowable growth percentage. If a majority of the registered voters present at the meeting vote in favor of exceeding the allowable growth percentage, a copy of the record of that action shall be forwarded to the Auditor of Public Accounts along with the budget documents. The issue to exceed the allowable growth percentage may be approved at the same meeting as a vote to exceed the limits or final levy allocation provided in section 77-3444.

Sec. 10. Section 15-202, Reissue Revised Statutes of Nebraska, is amended to read:

15-202. A ~~primary~~ city of the primary class shall have power to levy taxes for general revenue purposes on all property within the corporate limits of ~~said~~ the city taxable according to the laws of Nebraska and to levy an occupation tax on public service property or corporations in such amounts as may be proper and necessary, in the judgment of the mayor and council, for purposes of revenue. All such taxes shall be uniform with respect to the class upon which they are imposed. The occupation tax may be based upon a certain percentage of the gross receipts of such public service corporation or upon such other basis as may be determined upon by the mayor and council.

Sec. 11. The Department of Environmental Quality shall prepare a report outlining the extent of ground water quality monitoring conducted by natural resources districts during the preceding calendar year. The department shall analyze the data collected for the purpose of determining whether or not ground water quality is degrading or improving and shall present the results to the Natural Resources Committee of the Legislature beginning December 1, 2001, and each year thereafter. The districts shall submit in a timely manner all ground water quality monitoring data collected to the department or its designee. The department shall use the data submitted by the districts in conjunction with all other readily available and compatible data for the purposes of the annual ground water quality trend analysis.

Sec. 12. Each natural resources district shall submit an annual report to the Natural Resources Committee of the Legislature detailing all water quality programs conducted by the district in the preceding calendar year. The report shall include the funds received and expended for water quality projects and a listing of any unfunded projects. The first report shall be submitted on or before December 1, 2001, and then each December 1 thereafter.

Sec. 13. Section 66-1345, Revised Statutes Supplement, 2000, is amended to read:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. Any money

in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, (e) ~~credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401, (f)~~ credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 66-1345.01, and ~~(g)~~ (f) credited to the Ethanol Production Incentive Cash Fund pursuant to section 66-1345.04.

(2) The Department of Revenue shall, at the end of each calendar month, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar month due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489, 66-668, and 66-6,107;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998 through 2004, no reduction.

The amounts shall be transferred through June 30, 2004. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998 through 2004, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund the amount reported under subsection (4) of section 66-1345.02 for each calendar month of the fiscal year as provided in such subsection.

(4) The board shall monitor all receipts to and reimbursements from the Ethanol Production Incentive Cash Fund and notify the Department of Revenue prior to the beginning of the fiscal year in which the board projects that there will be insufficient funds available within the fund to satisfy all valid ethanol production credit claims submitted pursuant to section 66-1344.

(5) On June 30, 2004, the State Treasurer shall transfer one-half of the unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Nebraska Corn Development, Utilization, and Marketing Fund and Grain Sorghum Development, Utilization, and Marketing Fund in the same proportion as funds were collected pursuant to section 66-1345.01 from corn and grain sorghum. The Department of Agriculture shall assist the State Treasurer in determining the amounts to be transferred to the funds. The remaining one-half of the unexpended and unobligated funds shall be transferred to the General Fund.

Sec. 14. Section 81-2,162.27, Reissue Revised Statutes of Nebraska, is amended to read:

81-2,162.27. (1) All money received under the Nebraska Commercial Fertilizer and Soil Conditioner Act shall be remitted to the State Treasurer for credit to the Fertilizers and Soil Conditioners Administrative Fund, which fund is hereby created. All money so received shall be appropriated to the uses of the department for defraying the expenses of administering the act.

(2) The Legislature finds that excess funds have accumulated in the Fertilizers and Soil Conditioners Administrative Fund, and such funds have accumulated from tonnage tax fees paid by retail fertilizer and soil conditioner agricultural businesses. For FY2001-02, the Department of Agriculture shall contract with the University of Nebraska Institute of Agriculture and Natural Resources, Department of Agronomy and Horticulture, for agronomic crop production research on precise nitrogen management in center-pivot irrigated corn systems, through which the department shall provide no more than three hundred thousand dollars for such research. It is

the intent of the Legislature that any such contract shall contain a provision that no state funds shall be used for administrative purposes by the university in conjunction with the project that is the subject matter of the contract. This funding shall be provided no later than October 1, 2001.

(3) Any unexpended balance in ~~such fund~~ the Fertilizers and Soil Conditioners Administrative Fund at the close of any biennium shall, when reappropriated, be available for the uses and purposes of the fund for the succeeding biennium. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 15. Original sections 2-2627, 2-2635, 2-2638, 2-2641, 3-128, 15-202, and 81-2,162.27, Reissue Revised Statutes of Nebraska, and sections 2-15,122, 2-15,123, 2-2634, 13-519, and 66-1345, Revised Statutes Supplement, 2000, are repealed.

Sec. 16. The following section is outright repealed: Section 77-4401, Reissue Revised Statutes of Nebraska.

Sec. 17. Since an emergency exists, this act takes effect when passed and approved according to law.