

LEGISLATIVE BILL 272

Approved by the Governor February 13, 2014

Introduced by Carlson, 38.

FOR AN ACT relating to the Nebraska Chemigation Act; to amend sections 46-1101, 46-1103, 46-1119, and 46-1121, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to permit approval and fees; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 46-1101, Reissue Revised Statutes of Nebraska, is amended to read:

46-1101 Sections 46-1101 to 46-1148 and section 3 of this act shall be known and may be cited as the Nebraska Chemigation Act.

Sec. 2. Section 46-1103, Reissue Revised Statutes of Nebraska, is amended to read:

46-1103 For purposes of the Nebraska Chemigation Act, unless the context otherwise requires, the definitions found in sections 46-1104 to 46-1116 and section 3 of this act shall apply.

Sec. 3. Working day shall mean Monday through Friday but shall not include Saturday, Sunday, or a federal or state holiday. In computing two working days, the day of receipt of the permit is not included and the last day of the two working days is included.

Sec. 4. Section 46-1119, Reissue Revised Statutes of Nebraska, is amended to read:

46-1119 (1) A person may file an application with the district for an emergency permit on forms provided by the district. The district shall review each emergency application and approve or deny the application within ~~forty-eight hours~~ two working days after the application is filed. An emergency application shall be approved and a permit issued by the district if the irrigation distribution system complies with the equipment requirements of section 46-1127 and the applicator has been certified under sections 46-1128 and 46-1129. If the district has not denied an emergency permit within ~~forty-eight hours,~~ two working days, it shall be deemed approved. Such permit shall be valid for a period of forty-five days from the date of issuance.

~~(2) The application for an emergency permit shall be accompanied by a fee of one hundred dollars payable to the district. Ninety dollars of the fee shall be retained by the district, and ten dollars shall be paid by the district to the department. The application shall contain the same information as required in section 46-1120.~~

(2) The application for an emergency permit shall be accompanied by a fee as established in 46-1121 not to exceed five hundred dollars payable to the district. For each permit, ten dollars shall be paid by the district to the department. The application shall contain the same information as required in section 46-1120.

(3) Any holder of an emergency permit or an applicator applying chemicals pursuant thereto who violates any of the provisions of this section shall have such permit automatically revoked without a hearing and shall be guilty of a Class II misdemeanor.

Sec. 5. Section 46-1121, Reissue Revised Statutes of Nebraska, is amended to read:

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.~~

~~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.~~

(1) To aid in defraying the cost of administration of the Nebraska Chemigation Act, the district shall collect an initial application fee for a permit, a special permit fee, an annual renewal fee, and an emergency permit fee. The fees shall be established by the district and shall be sufficient to cover the ongoing administrative costs and the costs of annual inspection programs by the district and department. The fees collected pursuant to this section shall be established by the district in the amount necessary to pay reasonable costs of administering the permit program pursuant to the act. The fee for a permit and special permit shall not exceed one hundred fifty dollars. The fee for a renewal permit shall not exceed one hundred dollars. The fees for an emergency permit under section 46-1119 shall not exceed five

hundred dollars. The district shall adopt and promulgate rules and regulations establishing a fee schedule to be paid to the district by a person or persons applying for a permit to operate a chemigation system.

(2) The fee for initial application for a permit or special permit shall be payable to the district. For each permit, five dollars shall be paid by the district to the department.

(3) The annual fee for renewal of a permit or special permit shall be payable to the district. For each permit, two dollars of the annual fee shall be paid by the district to the department.

(4) All fees shall be used by the district and the department to administer the Nebraska Chemigation Act. The department's fee shall be credited to the Chemigation Costs Fund which is hereby created. All fees collected by the department pursuant to the act shall be remitted to the State Treasurer for credit to the fund. Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Chemigation Costs 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.

~~(2)~~ (5) All permits issued pursuant to sections 46-1117 and 46-1117.01 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. 6. Original sections 46-1101, 46-1103, 46-1119, and 46-1121, Reissue Revised Statutes of Nebraska, are repealed.