

LEGISLATIVE BILL 28

Approved by the Governor February 22, 2011

Introduced by Langemeier, 23.

FOR AN ACT relating to the Nebraska Chemigation Act; to amend sections 46-1117 and 46-1123, Reissue Revised Statutes of Nebraska; to change application and reporting requirements; and to repeal the original sections.

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

Section 1. Section 46-1117, Reissue Revised Statutes of Nebraska, is amended to read:

46-1117 ~~After January 1, 1987, no~~ No person shall apply or authorize the application of chemicals to land or crops through the use of chemigation unless such person obtains a permit from the district in which the well or diversion is located, except that nothing in this section shall require a person to obtain a chemigation permit to pump or divert water to or through an open discharge system. ~~After such date any~~ Any person who intends to engage in chemigation shall, before commencing, file with the district an application for a chemigation permit for each injection location on forms provided by the department or by the district. ~~Forms~~ Upon request, forms shall be made available by the department to each district office and at such other places as may be deemed appropriate. Except as provided in sections 46-1118 and 46-1119, the district shall review each application, conduct an inspection, and approve or deny the application within forty-five days after the application is filed. An 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 as a chemigation applicator under sections 46-1128 and 46-1129. A copy of each approved application ~~shall immediately be forwarded by the district to the department~~ or the information contained in the application shall be maintained by the district and provided to the department upon request. This section shall not be construed to prevent the use of portable chemigation equipment if such equipment meets the requirements of section 46-1127.

Sec. 2. Section 46-1123, Reissue Revised Statutes of Nebraska, is amended to read:

46-1123 Annual reports shall be submitted to the department by the district personnel showing the actual number of applications received, the number of applications approved, ~~the location of each permitted chemigation system in the district, the name of each permitholder utilizing chemigation in the district,~~ the number of inspections made, and the name of all chemicals used in chemigation systems within the district during the previous year.

Sec. 3. Original sections 46-1117 and 46-1123, Reissue Revised Statutes of Nebraska, are repealed.