

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 272

Introduced by Carlson, 38.

Read first time January 16, 2013

Committee: Natural Resources

A BILL

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

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

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

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

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

7 46-1103 For purposes of the Nebraska Chemigation Act,
8 unless the context otherwise requires, the definitions found in
9 sections 46-1104 to 46-1116 and section 3 of this act shall apply.

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

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

16 46-1119 (1) A person may file an application with the
17 district for an emergency permit on forms provided by the district.
18 The district shall review each emergency application and approve or
19 deny the application within ~~forty-eight hours~~ two working days after
20 the application is filed. An emergency application shall be approved
21 and a permit issued by the district if the irrigation distribution
22 system complies with the equipment requirements of section 46-1127
23 and the applicator has been certified under sections 46-1128 and
24 46-1129. If the district has not denied an emergency permit within
25 ~~forty-eight hours~~ two working days, it shall be deemed approved.

1 Such permit shall be valid for a period of forty-five days from the
2 date of issuance.

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

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

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

16 46-1121 (1) To aid in defraying the cost of
17 administration of the Nebraska Chemigation Act, the district shall
18 collect an initial application fee for a permit, a special permit
19 fee, and an annual renewal fee, none of which shall exceed two
20 hundred fifty dollars. The fees shall be established by the council
21 and shall be sufficient to cover the ongoing administrative costs and
22 the costs of annual inspection programs by the district and
23 department. The fees collected pursuant to this section shall not
24 exceed the amount necessary to pay reasonable costs of administering
25 the permit program pursuant to the act. The council shall adopt and

1 promulgate rules and regulations establishing a fee schedule to be
2 paid to the district by person or persons applying for a permit to
3 operate a chemigation system.

4 ~~(1)-(2)~~ The fee for initial application for a permit or
5 special permit shall be ~~thirty dollars~~ payable to the district.
6 ~~Twenty five dollars of the~~ The fee shall be retained by the district,
7 except that not more than twenty percent of the fee, as established
8 by the council, shall be ~~and five dollars~~ paid by the district to the
9 department.

10 The annual fee for renewal of a permit or special permit
11 shall be ~~ten dollars~~ paid payable to the district. ~~Two dollars of the~~
12 The annual fee shall be retained by the district, except that not
13 more than twenty percent of the fee, as established by the council,
14 shall be paid by the district to the department.

15 All fees shall be used by the district and the department
16 to administer the Nebraska Chemigation Act. The department's fee
17 shall be credited to the Chemigation Costs Fund which is hereby
18 created. All fees collected by the department pursuant to the act
19 shall be remitted to the State Treasurer for credit to the fund.
20 Transfers may be made from the fund to the General Fund at the
21 direction of the Legislature. Any money in the Chemigation Costs Fund
22 available for investment shall be invested by the state investment
23 officer pursuant to the Nebraska Capital Expansion Act and the
24 Nebraska State Funds Investment Act.

25 ~~(2)-(3)~~ All permits issued pursuant to sections 46-1117

1 and 46-1117.01 shall be annual permits and shall expire each year on
2 June 1. A permit may be renewed each year upon payment of the annual
3 renewal fee and completion of a form provided by the district which
4 lists the names of all chemicals used in chemigation the previous
5 year. Once a permit has expired, it shall not be reinstated without
6 meeting all of the requirements for a new permit including an
7 inspection and payment of the initial application fee.

8 Sec. 6. Original sections 46-1101, 46-1103, 46-1119, and
9 46-1121, Reissue Revised Statutes of Nebraska, are repealed.