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LB 329, 541, 758

Noxious Weed Cash Fund, and simultaneously increase the General Fund appropriation of Livestock Waste Management Cash Fund. While the results are the same, the principal is different. The Noxious Weed Cash Fund results from a \$30 fee paid by those who register pesticides, and is used for purposes of noxious weed activities at the Department of Agricultural. The Weights and Measures Cash Fund consists of a combination of General Funds and various permit, inspection, and registration fees assessed on commercial weighing and measuring devices such as scales, length measuring devices, and meters. The fees are imposed solely to defray the expense of the department in carrying out its regulator duties under Weights and Measures. The effect of LB 541 is to transfer funds paid for one purpose by certain segments of the economy to defray other state responsibilities. I don't fault the Appropriations Committee for its actions, although there is ample precedent, not just with the Department of Agriculture Cash Funds for relocation of cash fund balances. The result is to allocate funds to purposes unrelated to the original purposes for which the fees were imposed. This is not fair to the regulated entities that pay these fees. In addition to LB 541, an amendment to LB 329 would redirect \$1.1 million from the Pesticide Administrative Cash Fund to the Natural Resources Water Quality Fund to help pay for water quality programs conducted by natural resources districts. Additionally, a bill that went before the Appropriations Committee, LB 758, transfers \$300,000 from the Fertilizer and Soil Cash Fund to the University of Nebraska for crop production research. I'm not opposing use of these funds. LB 329 would utilize the Pesticide Cash Fund balance for purposes that complement the purposes of Pesticide Act and ultimately, I believe, benefit the public who paid the Pesticide Act fees. I'm going to withdraw this motion, but I just wanted to note that I intend that the Agriculture Committee examine the cash funds administered by the Department of Agriculture to determine that the revenue streams are appropriate and in line with the level of regulatory activity. Ultimately, I believe that if cash fund balances are excessive that they should be brought down by reducing the fees imposed on the regulated public rather than redirecting the collected funds to other purposes. I think we need to look at mechanisms to trigger fee reductions if cash fund balances...if they exceed certain levels. In some cases