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FLOOR DEBATE

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situation. The committee amendments retain the state preemption, but allow the department to delegate authority for matters relating to disposal. The committee wanted to retain the preemption then to avoid a myriad of conflicting local regulations, but felt comfortable with the department being able to obligate or delegate enforcement on a case-by-case basis. We have similar provisions under the Pure Food Act, which under the state preempts local governments from enacting local food code regulations. However, the state may enforce inspection enforcement state food code regulations to local health departments. The second part of the amendment provides clarification as to the supervision of employees during a training period. Current law provides that a noncertified applicator who is in the process of training for a pesticide applicator license may apply restricted use pesticides under the supervision of a certified licensed pesticide applicator with certain restrictions. One of these is that the supervisor is accessible to provide instructions at all time, and to be able to be physically on the sites should the need arise, in a reasonable amount of time. Neither current law nor Department of Agriculture regulations define accessible or a reasonable amount of time. The committee amendments provide that accessible shall mean that the supervisor is accessible by voice or electronic means and physically able to be on the site within three hours. The third part of the amendment modifies the provision for a requested hearings when a license is immediately suspended pursuant to the provisions of Section 20 of the bill. As written LB 436 would have provided that the director would hold a hearing on the license suspension within 15 days. Although the director was free to set the hearing earlier, the committee wished to be certain that the licensee who felt their license was suspended in error could receive a prompt hearing. The committee amendments then provide that the director shall set a hearing within 48 hours if requested by the licensee. Finally, the committee amendments reinstate that a complaint of pesticide misapplication be in writing. Current law requires the complaint be a written statement. The bill changes the terminology to use the word "report" but omitted the requirement that it be in writing. The department would certainly continue to take telephone complaints as it does now, the department does provide callers with a written form and assist in filling it