

E AND R AMENDMENTS TO LB 207

Introduced by Hansen, 26, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:

3           Section 1. Section 46-1139, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           46-1139 Any person who engages in chemigation without first  
6 obtaining a chemigation permit shall be (1) subject to a civil penalty of  
7 ~~not more than~~ one thousand dollars for each day at each site where a  
8 violation occurs for the first violation and not less than one thousand  
9 dollars and not more than five thousand dollars for each day at each site  
10 where a violation occurs for each subsequent violation or (2) guilty of a  
11 Class II misdemeanor. Each day of continued violation shall constitute a  
12 separate offense. The court may issue such injunctive orders as may be  
13 necessary to prohibit continued violations of the Nebraska Chemigation  
14 Act. When the Attorney General, a county attorney, or a private attorney  
15 brings an action on behalf of a district to recover a civil penalty under  
16 this section, the district shall recover the costs of the action if a  
17 civil penalty is awarded.

18           Sec. 2. Section 46-1140, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20           46-1140 Any person who engages in chemigation with a suspended or  
21 revoked chemigation permit shall be (1) subject to a civil penalty of ~~not~~  
22 ~~more than~~ one thousand dollars for each day at each site where a  
23 violation occurs for the first violation and not less than one thousand  
24 dollars and not more than five thousand dollars for each day at each site  
25 where a violation occurs for each subsequent violation or (2) guilty of a  
26 Class II misdemeanor. Each day of continued violation shall constitute a  
27 separate offense. The court may issue such injunctive orders as may be

1 necessary to prohibit continued violations of the Nebraska Chemigation  
2 Act. When the Attorney General, a county attorney, or a private attorney  
3 brings an action on behalf of a district to recover a civil penalty under  
4 this section, the district shall recover the costs of the action if a  
5 civil penalty is awarded.

6 Sec. 3. Section 46-1141, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 46-1141 Any person who willfully tampers with or otherwise willfully  
9 damages in any way equipment meeting the requirements specified in  
10 section 46-1127 shall be (1) subject to a civil penalty of ~~not more than~~  
11 one thousand dollars for each day at each site where a violation occurs  
12 for the first violation and not less than one thousand dollars and not  
13 more than five thousand dollars for each day at each site where a  
14 violation occurs for each subsequent violation or (2) guilty of a Class I  
15 misdemeanor. Each day of continued violation shall constitute a separate  
16 offense. The court may issue such injunctive orders as may be necessary  
17 to prohibit continued violations of the Nebraska Chemigation Act. When  
18 the Attorney General, a county attorney, or a private attorney brings an  
19 action on behalf of a district to recover a civil penalty under this  
20 section, the district shall recover the costs of the action if a civil  
21 penalty is awarded.

22 Sec. 4. Section 46-1142, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 46-1142 Any permitholder who fails to notify the district and the  
25 department of any actual or suspected accident resulting from the use of  
26 chemigation shall be (1) subject to a civil penalty of one thousand  
27 dollars for each day at each site where a violation occurs for the first  
28 violation and not less than one thousand dollars and not more than five  
29 thousand dollars for each day at each site where a violation occurs for  
30 each subsequent violation ~~not more than five hundred dollars~~ or (2)  
31 guilty of a Class III misdemeanor. Each day of continued violation shall

1 constitute a separate offense. The court may issue such injunctive orders  
2 as may be necessary to prohibit continued violations of the Nebraska  
3 Chemigation Act. When the Attorney General, a county attorney, or a  
4 private attorney brings an action on behalf of a district to recover a  
5 civil penalty under this section, the district shall recover the costs of  
6 the action if a civil penalty is awarded.

7 Sec. 5. Section 46-1143, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 46-1143 Any person who violates any of the provisions of the  
10 Nebraska Chemigation Act for which a specific penalty is not provided  
11 shall be (1) subject to a civil penalty of one thousand dollars for each  
12 day at each site where a violation occurs for the first violation and not  
13 less than one thousand dollars and not more than five thousand dollars  
14 for each day at each site where a violation occurs for each subsequent  
15 violation ~~not more than five hundred dollars~~ or (2) guilty of a Class IV  
16 misdemeanor. Each day of continued violation shall constitute a separate  
17 offense. The court may issue such injunctive orders as may be necessary  
18 to prohibit continued violations of the Nebraska Chemigation Act. When  
19 the Attorney General, a county attorney, or a private attorney brings an  
20 action on behalf of a district to recover a civil penalty under this  
21 section, the district shall recover the costs of the action if a civil  
22 penalty is awarded.

23 Sec. 6. Original sections 46-1139, 46-1140, 46-1141, 46-1142, and  
24 46-1143, Reissue Revised Statutes of Nebraska, are repealed.