

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 90

Introduced by Halloran, 33.

Read first time January 07, 2021

Committee: Agriculture

- 1 A BILL FOR AN ACT relating to agriculture; to amend sections 2-2634 and
2 81-2,162.06, Revised Statutes Cumulative Supplement, 2020; to change
3 the amount of a pesticide registration fee credit under the
4 Pesticide Act; to change provisions relating to fixing the rate of
5 an inspection fee under the Nebraska Commercial Fertilizer and Soil
6 Conditioner Act; to harmonize provisions; and to repeal the original
7 sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-2634, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 2-2634 (1) As a condition to registration or renewal of registration
4 as required by sections 2-2628 to 2-2633, an applicant shall pay to the
5 department a fee of one hundred sixty dollars for each pesticide to be
6 registered, except that the fee may be increased or decreased by rules
7 and regulations adopted and promulgated pursuant to the Pesticide Act. In
8 no event shall such fee exceed two hundred ten dollars for each pesticide
9 to be registered.

10 (2) All fees collected under subsection (1) of this section shall be
11 remitted to the State Treasurer for credit as follows:

12 (a) Thirty dollars of such fee to the Noxious Weed Cash Fund as
13 provided in section 2-958;

14 (b) ~~Fifty Sixty~~ Fifty dollars of such fee to the Buffer Strip Incentive
15 Fund as provided in section 2-5106;

16 (c) Fifty-five dollars of such fee to the Natural Resources Water
17 Quality Fund; and

18 (d) The remainder of such fee to the Pesticide Administrative Cash
19 Fund.

20 (3) If a person fails to apply for renewal of registration before
21 January 1 of any year, such person, as a condition to renewal, shall pay
22 a late registration fee equal to twenty-five percent of the fee due and
23 owing per month, not to exceed one hundred percent, for each product to
24 be renewed in addition to the renewal fee. The purpose of the late
25 registration fee is to cover the administrative costs associated with
26 collecting fees, and all money collected as a late registration fee shall
27 be remitted to the State Treasurer for credit to the Pesticide
28 Administrative Cash Fund.

29 Sec. 2. Section 81-2,162.06, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 81-2,162.06 (1) There shall be paid to the director, for all

1 commercial fertilizers and soil conditioners distributed in this state to
2 the ultimate user, except custom-blended products, an inspection fee at
3 the rate fixed by the director but not exceeding fifteen ~~ten~~ cents per
4 ton. The fee shall be paid by the person distributing the product to the
5 ultimate user.

6 (2) The director may increase or decrease the inspection fee each
7 July 1, but such fee shall not exceed the maximum rate established in
8 subsection (1) of this section. The director shall determine the fee
9 based on the estimated annual revenue and fiscal year-end fund balance
10 determined as follows:

11 (a) The estimated annual revenue shall not be greater than one
12 hundred seven percent of the program cash fund appropriations allocated
13 for the Nebraska Commercial Fertilizer and Soil Conditioner Act; and

14 (b) The estimated fiscal year-end cash fund balance shall not be
15 greater than seventeen percent of the program cash fund appropriations
16 allocated for the Nebraska Commercial Fertilizer and Soil Conditioner
17 Act.

18 (3) ~~(2)~~ Payment of the inspection fee shall be evidenced by a
19 statement made with documents showing that fees corresponding to the
20 tonnage were received by the director.

21 (4) ~~(3)~~ Every person who distributes commercial fertilizer or soil
22 conditioners to the ultimate user in this state shall file, not later
23 than the last day of January and July of each year, a semiannual tonnage
24 report on forms provided by the department setting forth the number of
25 net tons of commercial fertilizer and soil conditioners distributed in
26 this state during the preceding six-month period, which report shall
27 cover the periods from July 1 to December 31 and January 1 to June 30,
28 and such other information as the director shall deem necessary. All
29 persons required to be licensed pursuant to the Nebraska Commercial
30 Fertilizer and Soil Conditioner Act shall file such report regardless of
31 whether any inspection fee is due. Upon filing the report, such person

1 shall pay the inspection fee at the rate prescribed pursuant to
2 subsection (1) of this section. The minimum inspection fee required
3 pursuant to this section shall be five dollars, and no inspection fee
4 shall be paid more than once for any one product.

5 ~~(5)~~ (4) If a person fails to report and pay the fee required by
6 subsection ~~(4)~~ (3) of this section by January 31 and July 31, the fee
7 shall be considered delinquent and the person owing the fee shall pay an
8 additional administrative fee of twenty-five percent of the delinquent
9 amount for each month it remains unpaid, not to exceed one hundred
10 percent of the original amount due. The department may waive the
11 additional administrative fee based upon the existence and extent of any
12 mitigating circumstances that have resulted in the late payment of such
13 fee. The purpose of the additional administrative fee is to cover the
14 administrative costs associated with collecting fees and all money
15 collected as an additional administrative fee shall be remitted to the
16 State Treasurer for credit to the Fertilizers and Soil Conditioners
17 Administrative Fund. Failure to make an accurate statement of tonnage or
18 to pay the inspection fee or comply as provided in this subsection shall
19 constitute sufficient cause for the cancellation of all product
20 registrations, licenses, or both on file for such person.

21 ~~(6)~~ (5) No information furnished to the department under this
22 section shall be disclosed in such a way as to reveal the operation of
23 any person.

24 Sec. 3. Original sections 2-2634 and 81-2,162.06, Revised Statutes
25 Cumulative Supplement, 2020, are repealed.