

LEGISLATIVE BILL 90

Approved by the Governor May 21, 2021

Introduced by Halloran, 33.

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

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

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

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

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

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

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

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

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

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

81-2,162.06 (1) There shall be paid to the director, for all commercial fertilizers and soil conditioners distributed in this state to the ultimate user, except custom-blended products, an inspection fee at the rate fixed by the director but not exceeding fifteen ~~ten~~ cents per ton. The fee shall be paid by the person distributing the product to the ultimate user.

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

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

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

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

~~(4) (3)~~ Every person who distributes commercial fertilizer or soil conditioners to the ultimate user in this state shall file, not later than the last day of January and July of each year, a semiannual tonnage report on forms provided by the department setting forth the number of net tons of commercial fertilizer and soil conditioners distributed in this state during the preceding six-month period, which report shall cover the periods from July 1 to December 31 and January 1 to June 30, and such other information as the director shall deem necessary. All persons required to be licensed pursuant to the Nebraska Commercial Fertilizer and Soil Conditioner Act shall file such report regardless of whether any inspection fee is due. Upon filing the report, such person shall pay the inspection fee at the rate prescribed pursuant to subsection (1) of this section. The minimum inspection fee required pursuant to this section shall be five dollars, and no inspection fee shall be paid more than once for any one product.

~~(5) (4)~~ If a person fails to report and pay the fee required by subsection ~~(4) (3)~~ of this section by January 31 and July 31, the fee shall be considered delinquent and the person owing the fee shall pay an additional administrative fee of twenty-five percent of the delinquent amount for each month it remains unpaid, not to exceed one hundred percent of the original amount due. The department may waive the additional administrative fee based upon the existence

and extent of any mitigating circumstances that have resulted in the late payment of such fee. The purpose of the additional administrative fee is to cover the administrative costs associated with collecting fees and all money collected as an additional administrative fee shall be remitted to the State Treasurer for credit to the Fertilizers and Soil Conditioners Administrative Fund. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided in this subsection shall constitute sufficient cause for the cancellation of all product registrations, licenses, or both on file for such person.

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

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