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FLOOR DEBATE

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than \$5,000 to be imposed for violation of an NRD cease and desist order as an alternative to a Class IV misdemeanor being charged. A Class IV misdemeanor carries a fine of between \$100 and \$500 and no prison time. This penalty is too small to serve as a deterrent and can merely be an additional cost of doing business. The bill provides for certain considerations to be made by the court when determining the amount of civil penalty to be imposed. These considerations are the degree and the extent of the violation, the size of the operation, and any economic benefit derived from noncompliance. The civil penalty is to be remitted for a credit to the permanent school fund. We don't anticipate that the NRDs will have to issue many cease and desist orders, but when they do, we want people to pay attention and follow the rules and regulations and not place our state at risk for another lawsuit. With the amendment, there would be no fiscal impact. Part of the problem right now is the fact that there are a few people that are...that want to apply anhydrous ammonia at improper times, and considering what's going on out there, that can be detrimental to our ground water. And they pay no attention to cease and desist orders because the penalties are small and don't have a lot of teeth. We want to give the NRDs the tools to really take control of this. If you are a farmer and you're applying anhydrous, you could probably put on \$5,000 worth of anhydrous a day, and if the fine is a hundred bucks, no big deal. It probably won't bother you anyway. It's not worth it. So this would increase that penalty. I don't anticipate it would be used very often, but if you're going to use it, it has to have enough teeth in it that it will work.

SENATOR ENGEL: Mr. Clerk, are there any amendments?

CLERK: Mr. President, there are committee amendments offered by the Natural Resources Committee. (AM0048, Legislative Journal page 322.)

SENATOR ENGEL: Senator Schrock, you're free to open on the committee amendments.

SENATOR SCHROCK: Yeah, I'm...it's right here. The committee amendment, as amended, would allow the recovery of attorney fees