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FLOOR DEBATE

February 21, 2003 LB 157

pesticide on property without the permission of the owner or lawful tenant. Prior to LB 436, which was enacted last session, this provision made it unlawful to apply pesticides on the land of another. LB 436 substituted a more appropriate and comprehensive term, "property", and defines property to include land, water area, airspace, buildings, machinery, and so on. LB 436 also amends the definition of a noncommercial applicator to include public employees who use pesticides for outdoor vector control on property with public access. What really brought this about was the outbreak of the West Nile virus. And whereas they could fog on the public property, the drift would drift onto public...or to private lands. There's no boundaries as far as the drift from the fogging. If it's applied over a body of water, it cannot be contained just on the public property, nor do they even want it to be just contained on the public property. The question has arisen, when community interest has taken measures to control the West Nile virus, it is in violation of the pesticide drift. Section 2 of the bill would amend section 2-2446 (sic--2-2646) to provide that application for purposes of outdoor vector control by public employees or other authorized agents such as a hired commercial applicator or a federal or state agency or political subdivisions are not included within the prohibition of this section. The second part of the bill, in effect, combines the Sections 3 and 4 of the bill to combine the Agricultural Liming Materials Cash Fund and the Fertilizers and Soil Conditioners Cash Fund on the effective date of the bill. The bill directs that any funds remaining within the Ag Liming Materials Cash Fund are to be transferred into the Soil Conditioners Cash Fund, and fees collected under the respective acts are to be placed in the Fertilizers and Soil Conditioners Cash Fund. Cash fund expenditures for each program would be paid from the Soil Conditioners Cash Fund. There is considerable overlap in the regulatory entities of the fee payers of both programs, and considerable overlap in the resources the Department of Agriculture utilizes to carry out both inspection programs. Typically, the same inspection personnel carry out inspection functions under both programs simultaneously. Combining the funds would allow for more efficient utilization of the cash funds. The Ag Liming Materials Cash Fund has a significant and growing balance, while the Fertilizers and Soil Conditioners