

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 28

Final Reading

Introduced by Langemeier, 23.

Read first time January 06, 2011

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Nebraska Chemigation Act; to amend
2 sections 46-1117 and 46-1123, Reissue Revised Statutes of
3 Nebraska; to change application and reporting
4 requirements; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 46-1117, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 46-1117 ~~After January 1, 1987, no~~ No person shall apply
4 or authorize the application of chemicals to land or crops through
5 the use of chemigation unless such person obtains a permit from the
6 district in which the well or diversion is located, except that
7 nothing in this section shall require a person to obtain a
8 chemigation permit to pump or divert water to or through an open
9 discharge system. ~~After such date any~~ Any person who intends to
10 engage in chemigation shall, before commencing, file with the
11 district an application for a chemigation permit for each injection
12 location on forms provided by the department or by the district.
13 ~~Forms~~ Upon request, forms shall be made available by the department
14 to each district office and at such other places as may be deemed
15 appropriate. Except as provided in sections 46-1118 and 46-1119, the
16 district shall review each application, conduct an inspection, and
17 approve or deny the application within forty-five days after the
18 application is filed. An application shall be approved and a permit
19 issued by the district if the irrigation distribution system complies
20 with the equipment requirements of section 46-1127 and the applicator
21 has been certified as a chemigation applicator under sections 46-1128
22 and 46-1129. A copy of each approved application ~~shall immediately be~~
23 ~~forwarded by the district to the department~~ or the information
24 contained in the application shall be maintained by the district and
25 provided to the department upon request. This section shall not be

1 construed to prevent the use of portable chemigation equipment if
2 such equipment meets the requirements of section 46-1127.

3 Sec. 2. Section 46-1123, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 46-1123 Annual reports shall be submitted to the
6 department by the district personnel showing the actual number of
7 applications received, the number of applications approved, ~~the~~
8 ~~location of each permitted chemigation system in the district, the~~
9 ~~name of each permitholder utilizing chemigation in the district, the~~
10 number of inspections made, and the name of all chemicals used in
11 chemigation systems within the district during the previous year.

12 Sec. 3. Original sections 46-1117 and 46-1123, Reissue
13 Revised Statutes of Nebraska, are repealed.