

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 109

Introduced by Carlson, 38.

Read first time January 06, 2011

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 2-4322 and
2 2-4323, Reissue Revised Statutes of Nebraska; to
3 eliminate certain registration provisions of the
4 Agricultural Liming Materials Act; to harmonize
5 provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-4322, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 2-4322 ~~(1) Each separately identified agricultural liming~~
4 ~~material shall be registered before being distributed in this state.~~
5 ~~The person who first causes the distribution of the agricultural~~
6 ~~liming material into or within this state shall be responsible for~~
7 ~~compliance with the registration requirements of this section. The~~
8 ~~application for registration shall be submitted to the department on~~
9 ~~forms furnished and approved by the department. Upon approval by the~~
10 ~~department a copy of the registration shall be furnished to the~~
11 ~~applicant. All registrations shall expire on December 31 of the same~~
12 ~~year. Agricultural lime slurry as defined in section 2-4316 shall be~~
13 ~~exempt from the registration requirements of this section.~~

14 A person shall not be required to register any brand of
15 agricultural liming material which is already registered pursuant to
16 the Agricultural Liming Materials Act by another person.

17 ~~(2)~~(1) Any out-of-state manufacturer, distributor, or
18 retailer who has no distribution facility within this state shall
19 obtain a registration for its principal out-of-state office if it
20 markets or distributes agricultural liming materials in the State of
21 Nebraska.

22 ~~(3)~~(2) Every manufacturer, distributor, or retailer of
23 agricultural liming materials to be distributed in this state shall
24 file with the department an application for a license on or before
25 January 1 of each year or prior to manufacture, distribution, or sale

1 of such liming materials. Upon acceptance of the application and
2 proper fee, the department shall issue a license for the current
3 year. The annual license fee shall be five dollars and the license
4 shall expire on December 31 of the same year.

5 Sec. 2. Section 2-4323, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 2-4323 (1) Within thirty days following the expiration of
8 each license, each retailer licensee shall submit on a form furnished
9 and approved by the department an annual statement setting forth, by
10 county name, the number of net tons of each agricultural liming
11 material sold by him or her for use in this state during the previous
12 twelve-month period. Such statement shall be accompanied by payment
13 of an inspection fee at the rate fixed by the director but not
14 exceeding ten cents per ton. The fee shall be set at an amount to
15 cover the expenses of the inspection provided in section 2-4325 and
16 the costs of administering this section. The fee shall be paid by the
17 retailer licensee and in the case of agricultural lime slurry, the
18 fee shall be paid on the base lime material only.

19 (2) The department shall publish and make available, to
20 each agricultural liming material ~~registrant or~~ licensee and to any
21 other interested person upon his or her request, a composite report
22 showing the tons of agricultural liming material sold in each county
23 in this state. Such report shall in no way divulge the operation of
24 any ~~registrant or~~ licensee.

25 Sec. 3. Original sections 2-4322 and 2-4323, Reissue

1 Revised Statutes of Nebraska, are repealed.