

E AND R AMENDMENTS TO LB272

Introduced by Murante, 49, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 46-1101, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 46-1101 Sections 46-1101 to 46-1148 and section 3 of this
6 act shall be known and may be cited as the Nebraska Chemigation
7 Act.

8 Sec. 2. Section 46-1103, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 46-1103 For purposes of the Nebraska Chemigation Act,
11 unless the context otherwise requires, the definitions found in
12 sections 46-1104 to 46-1116 and section 3 of this act shall apply.

13 Sec. 3. Working day shall mean Monday through Friday but
14 shall not include Saturday, Sunday, or a federal or state holiday.
15 In computing two working days, the day of receipt of the permit is
16 not included and the last day of the two working days is included.

17 Sec. 4. Section 46-1119, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 46-1119 (1) A person may file an application with the
20 district for an emergency permit on forms provided by the district.
21 The district shall review each emergency application and approve
22 or deny the application within ~~forty-eight hours~~ two working days
23 after the application is filed. An emergency application shall be

1 approved and a permit issued by the district if the irrigation
2 distribution system complies with the equipment requirements of
3 section 46-1127 and the applicator has been certified under
4 sections 46-1128 and 46-1129. If the district has not denied
5 an emergency permit within ~~forty-eight hours~~, two working days, it
6 shall be deemed approved. Such permit shall be valid for a period
7 of forty-five days from the date of issuance.

8 ~~(2) The application for an emergency permit shall be~~
9 ~~accompanied by a fee of one hundred dollars payable to the~~
10 ~~district. Ninety dollars of the fee shall be retained by the~~
11 ~~district, and ten dollars shall be paid by the district to the~~
12 ~~department. The application shall contain the same information as~~
13 ~~required in section 46-1120.~~

14 (2) The application for an emergency permit shall be
15 accompanied by a fee as established in 46-1121 not to exceed
16 five hundred dollars payable to the district. For each permit,
17 ten dollars shall be paid by the district to the department.
18 The application shall contain the same information as required in
19 section 46-1120.

20 (3) Any holder of an emergency permit or an applicator
21 applying chemicals pursuant thereto who violates any of the
22 provisions of this section shall have such permit automatically
23 revoked without a hearing and shall be guilty of a Class II
24 misdemeanor.

25 Sec. 5. Section 46-1121, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 46-1121 ~~(1) The fee for initial application for a permit~~

1 ~~or special permit shall be thirty dollars payable to the district.~~
2 ~~Twenty-five dollars of the fee shall be retained by the district~~
3 ~~and five dollars paid by the district to the department.~~

4 The annual fee for renewal of a permit or special permit
5 shall be ten dollars paid to the district. Two dollars of the
6 annual fee shall be paid by the district to the department.

7 (1) To aid in defraying the cost of administration
8 of the Nebraska Chemigation Act, the district shall collect an
9 initial application fee for a permit, a special permit fee,
10 an annual renewal fee, and an emergency permit fee. The fees
11 shall be established by the district and shall be sufficient to
12 cover the ongoing administrative costs and the costs of annual
13 inspection programs by the district and department. The fees
14 collected pursuant to this section shall be established by the
15 district in the amount necessary to pay reasonable costs of
16 administering the permit program pursuant to the act. The fee for
17 a permit and special permit shall not exceed one hundred fifty
18 dollars. The fee for a renewal permit shall not exceed one hundred
19 dollars. The fees for an emergency permit under section 46-1119
20 shall not exceed five hundred dollars. The district shall adopt and
21 promulgate rules and regulations establishing a fee schedule to be
22 paid to the district by a person or persons applying for a permit
23 to operate a chemigation system.

24 (2) The fee for initial application for a permit or
25 special permit shall be payable to the district. For each permit,
26 five dollars shall be paid by the district to the department.

27 (3) The annual fee for renewal of a permit or special

1 permit shall be payable to the district. For each permit, two
2 dollars of the annual fee shall be paid by the district to the
3 department.

4 (4) All fees shall be used by the district and the
5 department to administer the Nebraska Chemigation Act. The
6 department's fee shall be credited to the Chemigation Costs Fund
7 which is hereby created. All fees collected by the department
8 pursuant to the act shall be remitted to the State Treasurer for
9 credit to the fund. Transfers may be made from the fund to the
10 General Fund at the direction of the Legislature. Any money in the
11 Chemigation Costs Fund available for investment shall be invested
12 by the state investment officer pursuant to the Nebraska Capital
13 Expansion Act and the Nebraska State Funds Investment Act.

14 ~~(2)~~ (5) All permits issued pursuant to sections 46-1117
15 and 46-1117.01 shall be annual permits and shall expire each year
16 on June 1. A permit may be renewed each year upon payment of
17 the annual renewal fee and completion of a form provided by the
18 district which lists the names of all chemicals used in chemigation
19 the previous year. Once a permit has expired, it shall not be
20 reinstated without meeting all of the requirements for a new permit
21 including an inspection and payment of the initial application fee.

22 Sec. 6. Original sections 46-1101, 46-1103, 46-1119, and
23 46-1121, Reissue Revised Statutes of Nebraska, are repealed.