

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 790**

FINAL READING

Introduced by Erdman, 47.

Read first time January 09, 2008

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend section 2-5109,  
2 Revised Statutes Cumulative Supplement, 2006; to change  
3 buffer strip reimbursement; and to repeal the original  
4 section.

5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 2-5109, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           2-5109 (1) Upon approval of an application by the  
4 district and the department, the district shall enter into a  
5 contractual agreement with the applicant for the land included in  
6 the buffer strip. The agreement shall include a provision that  
7 the applicant shall maintain the buffer strip in accordance with  
8 the approved plan during the term of the rental agreement. The  
9 agreement may also include a provision that the applicant shall not  
10 apply specified fertilizers on buffered fields between designated  
11 dates. Failure to maintain the buffer strip in accordance with the  
12 plan shall be cause for all future payments under the agreement to  
13 be forfeited and shall be cause for the recovery by the department  
14 of any payments previously made. Upon submission of a copy of the  
15 agreement to the department, it shall authorize the State Treasurer  
16 to transfer funds to the district from the Buffer Strip Incentive  
17 Fund in an amount equal to the total amount of funds due for the  
18 agreement in that district that year. Such transfer shall be made  
19 as soon as funds are available.

20           (2) If the applicant does not receive reimbursement from  
21 any other source for the land included in the buffer strip, the  
22 district shall pay the applicant annually an amount not to exceed  
23 ~~one~~ two hundred fifty dollars per acre or fraction thereof included  
24 in the buffer strip.

25           (3) If the applicant receives reimbursement from any

1 other source for the land included in the buffer strip, the  
2 district shall pay the applicant annually an amount not to exceed  
3 ~~one~~ two hundred fifty dollars per acre included in the buffer  
4 strip, minus the amount of the other reimbursement.

5 (4) The actual amount of any payment made to an applicant  
6 under subsection (2) or (3) of this section shall be determined  
7 by the district using the sliding scale provided in rules and  
8 regulations adopted and promulgated pursuant to section 2-5111.  
9 Such amount shall be included as part of the application submitted  
10 to the department.

11 (5) Contractual agreements pursuant to this section shall  
12 be for a minimum term of five years and a maximum term of ten  
13 years.

14 (6) Following the expiration of any contractual agreement  
15 pursuant to this section, the applicant may apply to renew the  
16 agreement. Any application for renewal of an agreement shall be  
17 made in accordance with sections 2-5107 to 2-5109 and shall be  
18 considered with any new applications.

19 Sec. 2. Original section 2-5109, Revised Statutes  
20 Cumulative Supplement, 2006, is repealed.