

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 581

Introduced by Carlson, 38.

Read first time January 21, 2009

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 2-958,
2 2-10,117, 2-2634, 2-5106, and 81-201.05, Reissue
3 Revised Statutes of Nebraska, and section 2-958.01,
4 Revised Statutes Cumulative Supplement, 2008; to change
5 disposition of Pesticide Act registration fees and
6 disposition of funds collected from sales of the Weeds of
7 the Great Plains book; to harmonize provisions; and to
8 repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-958, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 2-958 (1) A noxious weed control fund may be established
4 for each control authority, which fund shall be available for
5 expenses authorized to be paid from such fund, including necessary
6 expenses of the control authority in carrying out its duties and
7 responsibilities under the Noxious Weed Control Act. The weed
8 control superintendent within the county shall (a) ascertain and
9 tabulate each year the approximate amount of land infested with
10 noxious weeds and its location in the county, (b) ascertain
11 and prepare all information required by the county board in the
12 preparation of the county budget, including actual and expected
13 revenue from all sources, cash balances, expenditures, amounts
14 proposed to be expended during the year, and working capital, and
15 (c) transmit such information tabulated by the control authority to
16 the county board not later than June 1 of each year.

17 (2) The Noxious Weed Cash Fund is created. The fund shall
18 consist of proceeds raised from fees imposed for the registration
19 of pesticides and earmarked for the fund pursuant to section
20 2-2634, ~~funds credited or transferred pursuant to sections 81-201~~
21 ~~and 81-201.05,~~ funds transferred pursuant to section 2-5106, any
22 gifts, grants, or donations from any source, and any reimbursement
23 funds for control work done pursuant to subdivision (1)(b)(vi) of
24 section 2-954. An amount from the General Fund may be appropriated
25 annually for the Noxious Weed Control Act. The fund shall be

1 administered and used by the director to maintain the noxious weed
2 control program and for expenses directly related to the program.
3 Any money in the fund available for investment shall be invested
4 by the state investment officer pursuant to the Nebraska Capital
5 Expansion Act and the Nebraska State Funds Investment Act.

6 Sec. 2. Section 2-958.01, Revised Statutes Cumulative
7 Supplement, 2008, is amended to read:

8 2-958.01 The Noxious Weed and Invasive Plant Species
9 Assistance Fund is created. The fund may be used to carry out
10 the purposes of section 2-958.02. The State Treasurer shall credit
11 to the fund any funds transferred pursuant to section 54-857~~7~~ or
12 81-201.05, funds appropriated to the fund by the Legislature, and
13 funds received as gifts or grants or other private or public funds
14 obtained for the purposes set forth in section 2-958.02. Any money
15 in the fund available for investment shall be invested by the state
16 investment officer pursuant to the Nebraska Capital Expansion Act
17 and the Nebraska State Funds Investment Act.

18 Sec. 3. Section 2-10,117, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 2-10,117 All money received from any source pursuant to
21 the Plant Protection and Plant Pest Act shall be remitted by
22 the department to the State Treasurer and by the State Treasurer
23 credited to the Plant Protection and Plant Pest Cash Fund which
24 is hereby created. ~~The fund also shall include funds transferred~~
25 ~~pursuant to section 81-201.05.~~ The fund shall be used by the

1 department to aid in defraying the expenses of administering the
2 act. Any money in the fund available for investment shall be
3 invested by the state investment officer pursuant to the Nebraska
4 Capital Expansion Act and the Nebraska State Funds Investment Act.

5 Sec. 4. Section 2-2634, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 2-2634 (1) As a condition to registration or renewal of
8 registration as required by sections 2-2628 to 2-2633, an applicant
9 shall pay to the department a fee of two hundred dollars for each
10 pesticide to be registered that is not classified as a specialty
11 pesticide by the department and one hundred ~~thirty-five~~ sixty
12 dollars for each pesticide to be registered that is classified as a
13 specialty pesticide by the department, except that the fee may be
14 increased by the director after a public hearing is held outlining
15 the reason for any proposed change in the fee. In no event shall
16 such fee exceed two hundred ten dollars for each pesticide to
17 be registered. All fees collected shall be remitted to the State
18 Treasurer for credit as follows:

19 (a) For a pesticide that is classified as a specialty
20 pesticide:

21 ~~(a) Thirty~~ (i) Forty dollars of each such fee to the
22 Noxious Weed Cash Fund as provided in section 2-958;

23 ~~(b) Sixty~~ (ii) Fifty dollars of each such fee to the
24 Buffer Strip Incentive Fund as provided in section 2-5106; and

25 (iii) The remainder of each such fee, if any, to the

1 Pesticide Administrative Cash Fund; and

2 (b) For a pesticide that is not classified as a specialty
 3 pesticide:

4 (i) Forty dollars of each such fee to the Noxious Weed
 5 Cash Fund as provided in section 2-958;

6 (ii) Fifty dollars of each such fee to the Buffer Strip
 7 Incentive Fund as provided in section 2-5106; and

8 ~~(c) (iii) The remainder of each such fee, for a pesticide~~
 9 ~~that is not classified as a specialty pesticide, if any, to the~~
 10 ~~Natural Resources Water Quality Fund, and the remainder of~~
 11 ~~each such fee for a pesticide that is classified as a specialty~~
 12 ~~pesticide, if any, to the Pesticide Administrative Cash Fund.~~

13 (2) If a person fails to apply for renewal of
 14 registration before January 1 of any year, such person, as a
 15 condition to renewal, shall pay a late registration fee equal to
 16 twenty-five percent of the fee due and owing per month, not to
 17 exceed one hundred percent, for each product to be renewed in
 18 addition to the renewal fee. The purpose of the late registration
 19 fee is to cover the administrative costs associated with collecting
 20 fees, and all money collected as a late registration fee shall
 21 be remitted to the State Treasurer for credit to the Pesticide
 22 Administrative Cash Fund.

23 Sec. 5. Section 2-5106, Reissue Revised Statutes of
 24 Nebraska, is amended to read:

25 2-5106 (1) The Buffer Strip Incentive Fund is created.

1 Proceeds raised from fees imposed for the registration of
2 pesticides and earmarked for the fund pursuant to section 2-2634,
3 proceeds raised from federal grants earmarked for the fund, and
4 any proceeds raised from public or private donations made to the
5 fund shall be remitted to the State Treasurer for credit to the
6 fund. The fund shall be administered by the department to maintain
7 the buffer strip program and for expenses directly related to the
8 program, including necessary expenses of the department in carrying
9 out its duties and responsibilities under the Buffer Strip Act. The
10 annual cost of administering the buffer strip program shall not
11 exceed ten percent of the total annual proceeds credited to the
12 fund. Such administrative costs shall include funds allocated by
13 the department to the districts for their administrative costs. Any
14 money in the fund available for investment shall be invested by the
15 state investment officer pursuant to the Nebraska Capital Expansion
16 Act and the Nebraska State Funds Investment Act.

17 (2) The Legislature finds that excess funds have
18 accumulated in the Buffer Strip Incentive Fund and that such funds
19 have accumulated from pesticide product registration fees paid
20 by manufacturers and marketers of pesticide products. For fiscal
21 year 2009-10, the department shall contract with the University of
22 Nebraska Institute of Agriculture and Natural Resources, Department
23 of Agronomy and Horticulture for improving water conservation while
24 increasing production in Nebraska agriculture through which the
25 department shall provide no more than one hundred thousand dollars

1 for such research. It is the intent of the Legislature that such
2 contract shall contain a provision that no state funds shall be
3 used for administrative purposes by the university in conjunction
4 with the project that is the subject matter of the contract. This
5 funding shall be provided no later than October 1, 2010.

6 (3) On or before October 1, 2009, the State Treasurer
7 shall transfer one hundred thousand dollars from the Buffer Strip
8 Incentive Fund to the Noxious Weed Cash Fund.

9 Sec. 6. Section 81-201.05, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 81-201.05 (1) The Weed Book Cash Fund is created. ~~Any~~
12 ~~money in the Weed and Insect Books Cash Fund on July 16, 2004,~~
13 ~~shall be transferred to the Weed Book Cash Fund. Upon such~~
14 ~~transfer, the following amounts shall be transferred from the Weed~~
15 ~~Book Cash Fund: (a) Twenty-five thousand dollars to the Noxious~~
16 ~~Weed Cash Fund, and (b) thirty-seven thousand eight hundred dollars~~
17 ~~to the Plant Protection and Plant Pest Cash Fund. On July 1, 2005,~~
18 ~~July 1, 2006, July 1, 2007, July 1, 2008, and On July 1, 2009, and~~
19 on July 1 of each year thereafter, if there are sufficient funds
20 available, twenty-five thousand dollars shall be transferred from
21 the Weed Book Cash Fund to the Noxious Weed Cash Fund. Any money in
22 the Weed Book Cash Fund available for investment shall be invested
23 by the state investment officer pursuant to the Nebraska Capital
24 Expansion Act and the Nebraska State Funds Investment Act.

25 (2) The sale price of each Weeds of the Great Plains book

1 sold by the Department of Agriculture shall be credited as follows:

2 (a) Seventy-five percent to the Weed Book Cash Fund
3 to aid in defraying the cost of publishing, preparing, and
4 distributing such books and any supplemental inserts to such
5 books; and

6 (b) ~~Twenty-five percent to the Noxious Weed Cash Fund.~~
7 and Invasive Plant Species Assistance Fund.

8 Sec. 7. Original sections 2-958, 2-10,117, 2-2634,
9 2-5106, 81-201.05, Reissue Revised Statutes of Nebraska, and
10 section 2-958.01, Revised Statutes Cumulative Supplement, 2008, are
11 repealed.