

ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013
COMMITTEE STATEMENT
LB69

Hearing Date: Tuesday January 29, 2013
Committee On: Agriculture
Introducer: Schilz
One Liner: Change provisions of the Pesticide Act

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye:	5	Senators Hansen, Harr, Johnson, Schilz, Wallman
Nay:		
Absent:	1	Senator Chambers
Present Not Voting:	2	Senators Bloomfield, Lathrop

Proponents:

Senator Ken Schilz
Tim Greger
Chris Shubert
Greg Ibach

Representing:

Introducer
Nebraska Department of Agriculture
Nebraska Department of Agriculture
Nebraska Department of Agriculture

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 69 is introduced at the request of the Department of Agriculture to remove specialty pesticide designation for purpose pesticide product registration and to make a series of other revisions and clarifications.

LB 69 makes a series of revisions to the Nebraska Pesticide Act (sections 2-2622 to 2-2659) to update reference to federal statutory and CFR authorities as utilized throughout the Act as follows:

Section 1 of the bill amends 2-2624 by updating reference to the Federal Insecticide, Fungicide and Rodenticide Act and the Food and Drug Act as utilized in the defined terms for federal act and pesticide utilized throughout the act. The Act currently incorporates these references as those existing on January 1, 2006. LB 68 would incorporate these as existing on January 1, 2013.

Section 2 updates reference to the Safe Drinking Water Act with respect to designating contaminant levels in drinking water, a CFR section relating to department authorities with respect to designating pesticide applicator categories and utilizes the full USC citation in references to specific sections of federal law. A parallel update of the reference to the CFR revision relevant to designating applicator categories is made to 2-2636 by section 6 of the bill.

The bill further eliminates the specialty pesticide product registration category. Current law sets out the registration fee and distribution depending on whether the product is classified as a specialty pesticide or not classified as such. LB 69 would eliminate the specialty license category and establish the annual registration fee for all products at \$160 while retaining the existing statutory maximum of \$210. LB 69 directs that \$55 of the fee be placed in the Natural Resources

Water Quality Fund and the remainder not placed in the noxious weed and buffer strip funds to the Pesticide Administrative Fund.

Specialty Pesticides	All Other Pesticides	LB 68 Pesticides	
Noxious Weed Fund	\$30	\$30	\$30
Buffer Strip Incentive	\$60	\$60	\$60
Nat Res. Water Quality Fund	\$110	\$55	
Pesticide Administrative Fund	\$70		\$15
Total	\$160	\$200	\$160
Statutory Max	\$210	\$210	\$210

Harmonizing revisions to the elimination of the identification of specialty products for purposes of existing fee disposition are made throughout the act, including the elimination of specialty pesticide as a defined term in section 2-2624 and the designation by the applicant registering a product whether the product is a specialty pesticide.

Sections 5, 7 and 9 and Section 13 of LB 68 eliminates the requirement that applicants for applicator licenses and for an aerial pesticide business license provide their social security number.

Section 12 of the bill amends 2-2646.01 to clarify the language regarding the responsibility of a business that employs applicators with respect to responsibility of the business for the acts or omission of the applicator. This section provides that a business may be subject to sanction if an applicator employed or supervised by the business is subject to sanction. LB 68 more specifically names the penalties and violations that a business may be subject to include fines, license actions and other enforcement actions.

Section 13 of the bill amends 2-2656 to provide that renewal of an aerial pesticide business license shall be before the commencement of pesticide application, rather than January 1.

The bill inserts an operative date for the changes made by LB 68 of October 1, 2013.

Ken Schilz, Chairperson