

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 207

FINAL READING

Introduced by Schilz, 47.

Read first time January 13, 2015

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to the Nebraska Chemigation Act; to amend
- 2 sections 46-1139, 46-1140, 46-1141, 46-1142, and 46-1143, Reissue
- 3 Revised Statutes of Nebraska; to change provisions relating to civil
- 4 penalties; to provide for recovery of costs in certain actions as
- 5 prescribed; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 46-1139, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 46-1139 Any person who engages in chemigation without first
4 obtaining a chemigation permit shall be (1) subject to a civil penalty of
5 ~~not more than~~ one thousand dollars for each day at each site where a
6 violation occurs for the first violation and not less than one thousand
7 dollars and not more than five thousand dollars for each day at each site
8 where a violation occurs for each subsequent violation or (2) guilty of a
9 Class II misdemeanor. Each day of continued violation shall constitute a
10 separate offense. The court may issue such injunctive orders as may be
11 necessary to prohibit continued violations of the Nebraska Chemigation
12 Act. When the Attorney General, a county attorney, or a private attorney
13 brings an action on behalf of a district to recover a civil penalty under
14 this section, the district shall recover the costs of the action if a
15 civil penalty is awarded.

16 Sec. 2. Section 46-1140, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 46-1140 Any person who engages in chemigation with a suspended or
19 revoked chemigation permit shall be (1) subject to a civil penalty of ~~not~~
20 ~~more than~~ one thousand dollars for each day at each site where a
21 violation occurs for the first violation and not less than one thousand
22 dollars and not more than five thousand dollars for each day at each site
23 where a violation occurs for each subsequent violation or (2) guilty of a
24 Class II misdemeanor. Each day of continued violation shall constitute a
25 separate offense. The court may issue such injunctive orders as may be
26 necessary to prohibit continued violations of the Nebraska Chemigation
27 Act. When the Attorney General, a county attorney, or a private attorney
28 brings an action on behalf of a district to recover a civil penalty under
29 this section, the district shall recover the costs of the action if a
30 civil penalty is awarded.

31 Sec. 3. Section 46-1141, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 46-1141 Any person who willfully tampers with or otherwise willfully
3 damages in any way equipment meeting the requirements specified in
4 section 46-1127 shall be (1) subject to a civil penalty of ~~not more than~~
5 one thousand dollars for each day at each site where a violation occurs
6 for the first violation and not less than one thousand dollars and not
7 more than five thousand dollars for each day at each site where a
8 violation occurs for each subsequent violation or (2) guilty of a Class I
9 misdemeanor. Each day of continued violation shall constitute a separate
10 offense. The court may issue such injunctive orders as may be necessary
11 to prohibit continued violations of the Nebraska Chemigation Act. When
12 the Attorney General, a county attorney, or a private attorney brings an
13 action on behalf of a district to recover a civil penalty under this
14 section, the district shall recover the costs of the action if a civil
15 penalty is awarded.

16 Sec. 4. Section 46-1142, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 46-1142 Any permitholder who fails to notify the district and the
19 department of any actual or suspected accident resulting from the use of
20 chemigation shall be (1) subject to a civil penalty of one thousand
21 dollars for each day at each site where a violation occurs for the first
22 violation and not less than one thousand dollars and not more than five
23 thousand dollars for each day at each site where a violation occurs for
24 each subsequent violation ~~not more than five hundred dollars~~ or (2)
25 guilty of a Class III misdemeanor. Each day of continued violation shall
26 constitute a separate offense. The court may issue such injunctive orders
27 as may be necessary to prohibit continued violations of the Nebraska
28 Chemigation Act. When the Attorney General, a county attorney, or a
29 private attorney brings an action on behalf of a district to recover a
30 civil penalty under this section, the district shall recover the costs of
31 the action if a civil penalty is awarded.

1 Sec. 5. Section 46-1143, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 46-1143 Any person who violates any of the provisions of the
4 Nebraska Chemigation Act for which a specific penalty is not provided
5 shall be (1) subject to a civil penalty of one thousand dollars for each
6 day at each site where a violation occurs for the first violation and not
7 less than one thousand dollars and not more than five thousand dollars
8 for each day at each site where a violation occurs for each subsequent
9 violation ~~not more than five hundred dollars~~ or (2) guilty of a Class IV
10 misdemeanor. Each day of continued violation shall constitute a separate
11 offense. The court may issue such injunctive orders as may be necessary
12 to prohibit continued violations of the Nebraska Chemigation Act. When
13 the Attorney General, a county attorney, or a private attorney brings an
14 action on behalf of a district to recover a civil penalty under this
15 section, the district shall recover the costs of the action if a civil
16 penalty is awarded.

17 Sec. 6. Original sections 46-1139, 46-1140, 46-1141, 46-1142, and
18 46-1143, Reissue Revised Statutes of Nebraska, are repealed.