

AMENDMENTS TO LB 98

Introduced by Agriculture.

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

3           Section 1. Section 2-958.01, Revised Statutes Cumulative  
4 Supplement, 2008, is amended to read:

5           2-958.01 The Noxious Weed and Invasive Plant Species  
6 Assistance Fund is created. The fund may be used to carry out the  
7 purposes of section 2-958.02. The State Treasurer shall credit to  
8 the fund any funds transferred pursuant to section ~~54-857~~, funds  
9 or appropriated to the fund by the Legislature~~,~~ and funds received  
10 as gifts or grants or other private or public funds obtained for  
11 the purposes set forth in section 2-958.02. Any money in the fund  
12 available for investment shall be invested by the state investment  
13 officer pursuant to the Nebraska Capital Expansion Act and the  
14 Nebraska State Funds Investment Act.

15           Sec. 2. Section 2-958.02, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           2-958.02 (1) From funds available in the Noxious Weed and  
18 Invasive Plant Species Assistance Fund, the director may administer  
19 a grant program to assist local control authorities and other weed  
20 management entities in the cost of implementing and maintaining  
21 noxious weed control programs and in addressing special weed  
22 control problems as provided in this section.

23           (2) The director shall receive applications by local

1 control authorities and weed management entities for assistance  
2 under this subsection and, in consultation with the advisory  
3 committee created under section 2-965.01, award grants for any of  
4 the following eligible purposes:

5 (a) To conduct applied research to solve locally  
6 significant weed management problems;

7 (b) To demonstrate innovative control methods or land  
8 management practices which have the potential to reduce landowner  
9 costs to control noxious weeds or improve the effectiveness of  
10 noxious weed control;

11 (c) To encourage the formation of weed management  
12 entities;

13 (d) To respond to introductions or infestations of  
14 invasive plants that threaten or potentially threaten the  
15 productivity of cropland and rangeland over a wide area;

16 (e) To respond to introductions and infestations of  
17 invasive plant species that threaten or potentially threaten the  
18 productivity and biodiversity of wildlife and fishery habitats on  
19 public and private lands;

20 (f) To respond to special weed control problems involving  
21 weeds not included in the list of noxious weeds promulgated by  
22 rule and regulation of the director if the director has approved a  
23 petition to bring such weeds under the county control program;

24 (g) To conduct monitoring or surveillance activities  
25 to detect, map, or determine the distribution of invasive plant  
26 species and to determine susceptible locations for the introduction  
27 or spread of invasive plant species; and

1 (h) To conduct educational activities.

2 (3) The director shall select and prioritize applications  
3 for assistance under subsection (2) of this section based on the  
4 following considerations:

5 (a) The seriousness of the noxious weed or invasive plant  
6 problem or potential problem addressed by the project;

7 (b) The ability of the project to provide timely  
8 intervention to save current and future costs of control and  
9 eradication;

10 (c) The likelihood that the project will prevent or  
11 resolve the problem or increase knowledge about resolving similar  
12 problems in the future;

13 (d) The extent to which the project will leverage federal  
14 funds and other nonstate funds;

15 (e) The extent to which the applicant has made progress  
16 in addressing noxious weed or invasive plant problems;

17 (f) The extent to which the project will provide a  
18 comprehensive approach to the control or eradication of noxious  
19 weeds;

20 (g) The extent to which the project will reduce the total  
21 population or area of infestation of a noxious weed;

22 (h) The extent to which the project uses the principles  
23 of integrated vegetation management and sound science; and

24 (i) Such other factors that the director determines to be  
25 relevant.

26 (4) The director shall receive applications for grants  
27 under this subsection and shall award grants to recipients and

1 programs eligible under this subsection. Priority shall be given to  
2 grant applicants whose proposed programs are consistent with ~~the~~  
3 ~~policy established in~~ vegetation management goals and priorities  
4 and plans and policies of the Riparian Vegetation Management  
5 Task Force created pursuant to section 2-968. Beginning in fiscal  
6 year ~~2007-08,~~ 2009-10, it is the intent of the Legislature to  
7 appropriate two million dollars annually for the management of  
8 vegetation within the banks of a natural stream or within one  
9 hundred feet of the banks of a channel of any natural stream. Such  
10 funds shall only be used to pay for activities and equipment as  
11 part of vegetation management programs that have as their primary  
12 objective improving conveyance of streamflow in natural streams.  
13 Grants from funds appropriated as provided in this subsection shall  
14 be disbursed only to weed management entities, local weed control  
15 authorities, and natural resources districts, whose territory  
16 includes one or more fully appropriated or overappropriated river  
17 basins as designated by the Department of Natural Resources with  
18 priority ~~for the first year~~ given to fully appropriated river  
19 basins that are the subject of an interstate compact or decree.  
20 The Game and Parks Commission shall assist grant recipients in  
21 implementing grant projects under this subsection, and interlocal  
22 agreements under the Interlocal Cooperation Act or the Joint Public  
23 Agency Act shall be utilized whenever possible in carrying out the  
24 grant projects. This subsection terminates on June 30, ~~2009,~~ 2013.

25 (5) Nothing in this section shall be construed to relieve  
26 control authorities of their duties and responsibilities under the  
27 Noxious Weed Control Act or the duty of a person to control the

1 spread of noxious weeds on lands owned and controlled by him or  
2 her.

3 (6) The Department of Agriculture may adopt and  
4 promulgate necessary rules and regulations to carry out this  
5 section.

6 (7) (a) The director shall apply for a grant from the  
7 Nebraska Environmental Trust Fund prior to the application deadline  
8 in September of 2009 for grants to be awarded and funded in April  
9 of 2010.

10 (b) The director shall apply for a grant from the Natural  
11 Resources Conservation Service of the United States Department of  
12 Agriculture prior to July 31, 2009.

13 Sec. 3. Section 2-967, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 2-967 The Riparian Vegetation Management Task Force is  
16 created. The Governor shall appoint the members of the task force.  
17 The members shall include one surface water project representative  
18 from each river basin that has been determined to be fully  
19 appropriated pursuant to section 46-714 or 46-720 or designated as  
20 overappropriated pursuant to section 46-713 by the Department  
21 of Natural Resources; one representative from the Department  
22 of Agriculture, the Department of Environmental Quality, the  
23 Department of Natural Resources, the office of the Governor, the  
24 office of the State Forester, the Game and Parks Commission, and  
25 the University of Nebraska; two representatives nominated by the  
26 Nebraska Association of Resources Districts; two representatives  
27 nominated by the Nebraska Weed Control Association; one riparian

1 landowner from each of the state's congressional districts; and one  
2 representative from the Nebraska Environmental Trust. In addition  
3 to such members, any member of the Legislature may serve as a  
4 member of the task force at his or her option. For administrative  
5 and budgetary purposes only, the task force shall be housed within  
6 the Department of Agriculture. This section terminates on June 30,  
7 ~~2009.~~ 2013.

8           Sec. 4. Section 2-968, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           2-968 The Riparian Vegetation Management Task Force, in  
11 consultation with appropriate federal agencies, shall develop and  
12 prioritize vegetation management goals and objectives, analyze the  
13 cost-effectiveness of available vegetation treatment, and develop  
14 plans and policies to achieve such goals and objectives. Any plan  
15 shall utilize the principles of integrated vegetation management  
16 and sound science. The task force shall convene within thirty  
17 days after the appointment of the members is complete to elect a  
18 chairperson and conduct such other business as deemed necessary.  
19 The efforts of the task force shall be initially directed toward  
20 river basins designated by the Department of Natural Resources as  
21 fully appropriated or overappropriated. Task force meetings shall  
22 be held in communities within the Republican River and Platte River  
23 basins. ~~The task force shall make preliminary recommendations to~~  
24 ~~the Governor and the Legislature regarding funding and legislation~~  
25 ~~needed to achieve its goals on or before December 15, 2007, and~~  
26 ~~each year thereafter, with a final report due to the Governor~~  
27 ~~and the Legislature prior to June 30, 2009.~~ 2013. It is the

1 intent of the Legislature that expenses of the task force be  
2 ~~paid from funds appropriated for Laws 2007, LB 701, and shall not~~  
3 exceed twenty-five thousand dollars per fiscal year. This section  
4 terminates on June 30, ~~2009, 2013.~~

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

7 2-5106 The Buffer Strip Incentive Fund is created.  
8 Proceeds raised from fees imposed for the registration of  
9 pesticides and earmarked for the fund pursuant to section 2-2634,  
10 proceeds raised from federal grants earmarked for the fund, and  
11 any proceeds raised from public or private donations made to the  
12 fund shall be remitted to the State Treasurer for credit to the  
13 fund. The fund shall be administered by the department to maintain  
14 the buffer strip program and for expenses directly related to  
15 the program, including necessary expenses of the department in  
16 carrying out its duties and responsibilities under the Buffer  
17 Strip Act, except that on July 1, 2009, or as soon thereafter as  
18 administratively possible, the State Treasurer shall transfer five  
19 hundred thousand dollars from the Buffer Strip Incentive Fund to  
20 the Noxious Weed and Invasive Plant Species Assistance Fund. The  
21 annual cost of administering the buffer strip program shall not  
22 exceed ten percent of the total annual proceeds credited to the  
23 fund. Such administrative costs shall include funds allocated by  
24 the department to the districts for their administrative costs. Any  
25 money in the fund available for investment shall be invested by the  
26 state investment officer pursuant to the Nebraska Capital Expansion  
27 Act and the Nebraska State Funds Investment Act.

1                   Sec. 6. Original sections 2-958.02, 2-967, 2-968, and  
2 2-5106, Reissue Revised Statutes of Nebraska, and section 2-958.01,  
3 Revised Statutes Cumulative Supplement, 2008, are repealed.

4                   Sec. 7. Since an emergency exists, this act takes effect  
5 when passed and approved according to law.