

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 98

Introduced by Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43;
Haar, 21; Hansen, 42; Harms, 48.

Read first time January 09, 2009

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 2-958.02,
2 2-967, and 2-968, Reissue Revised Statutes of Nebraska;
3 to change provisions relating to noxious weed grant
4 programs and the Riparian Vegetation Management Task
5 Force; to repeal the original sections; and to declare an
6 emergency.

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

1 Section 1. Section 2-958.02, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 2-958.02 (1) From funds available in the Noxious Weed and
4 Invasive Plant Species Assistance Fund, the director may administer
5 a grant program to assist local control authorities and other weed
6 management entities in the cost of implementing and maintaining
7 noxious weed control programs and in addressing special weed
8 control problems as provided in this section.

9 (2) The director shall receive applications by local
10 control authorities and weed management entities for assistance
11 under this subsection and, in consultation with the advisory
12 committee created under section 2-965.01, award grants for any of
13 the following eligible purposes:

14 (a) To conduct applied research to solve locally
15 significant weed management problems;

16 (b) To demonstrate innovative control methods or land
17 management practices which have the potential to reduce landowner
18 costs to control noxious weeds or improve the effectiveness of
19 noxious weed control;

20 (c) To encourage the formation of weed management
21 entities;

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

25 (e) To respond to introductions and infestations of

1 invasive plant species that threaten or potentially threaten the
2 productivity and biodiversity of wildlife and fishery habitats on
3 public and private lands;

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

8 (g) To conduct monitoring or surveillance activities
9 to detect, map, or determine the distribution of invasive plant
10 species and to determine susceptible locations for the introduction
11 or spread of invasive plant species; and

12 (h) To conduct educational activities.

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

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

18 (b) The ability of the project to provide timely
19 intervention to save current and future costs of control and
20 eradication;

21 (c) The likelihood that the project will prevent or
22 resolve the problem or increase knowledge about resolving similar
23 problems in the future;

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

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

3 (f) The extent to which the project will provide a
4 comprehensive approach to the control or eradication of noxious
5 weeds;

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

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

10 (i) Such other factors that the director determines to be
11 relevant.

12 (4) The director shall receive applications for grants
13 under this subsection and shall award grants to recipients and
14 programs eligible under this subsection. Priority shall be given
15 to grant applicants whose proposed programs are consistent with
16 the policy established in section 2-968. Beginning in fiscal
17 year ~~2007-08~~, 2009-10, it is the intent of the Legislature to
18 appropriate two million dollars annually for the management of
19 vegetation within the banks of a natural stream or within one
20 hundred feet of the banks of a channel of any natural stream. Such
21 funds shall only be used to pay for activities and equipment as
22 part of vegetation management programs that have as their primary
23 objective improving conveyance of streamflow in natural streams.
24 Grants from funds appropriated as provided in this subsection shall
25 be disbursed only to weed management entities, local weed control

1 authorities, and natural resources districts, whose territory
2 includes one or more fully appropriated or overappropriated river
3 basins as designated by the Department of Natural Resources with
4 priority ~~for the first year~~ given to fully appropriated river
5 basins that are the subject of an interstate compact or decree.
6 The Game and Parks Commission shall assist grant recipients in
7 implementing grant projects under this subsection, and interlocal
8 agreements under the Interlocal Cooperation Act or the Joint Public
9 Agency Act shall be utilized whenever possible in carrying out the
10 grant projects. This subsection terminates on June 30, ~~2009~~, 2011.

11 (5) Nothing in this section shall be construed to relieve
12 control authorities of their duties and responsibilities under the
13 Noxious Weed Control Act or the duty of a person to control the
14 spread of noxious weeds on lands owned and controlled by him or
15 her.

16 (6) The Department of Agriculture may adopt and
17 promulgate necessary rules and regulations to carry out this
18 section.

19 Sec. 2. Section 2-967, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 2-967 The Riparian Vegetation Management Task Force is
22 created. The Governor shall appoint the members of the task force.
23 The members shall include one surface water project representative
24 from each river basin that has been determined to be fully
25 appropriated pursuant to section 46-714 or 46-720 or designated as

1 overappropriated pursuant to section 46-713 by the Department
2 of Natural Resources; one representative from the Department
3 of Agriculture, the Department of Environmental Quality, the
4 Department of Natural Resources, the office of the Governor, the
5 office of the State Forester, the Game and Parks Commission, and
6 the University of Nebraska; two representatives nominated by the
7 Nebraska Association of Resources Districts; two representatives
8 nominated by the Nebraska Weed Control Association; one riparian
9 landowner from each of the state's congressional districts; and one
10 representative from the Nebraska Environmental Trust. In addition
11 to such members, any member of the Legislature may serve as a
12 member of the task force at his or her option. For administrative
13 and budgetary purposes only, the task force shall be housed within
14 the Department of Agriculture. This section terminates on June 30,
15 ~~2009.~~ 2011.

16 Sec. 3. Section 2-968, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 2-968 The Riparian Vegetation Management Task Force, in
19 consultation with appropriate federal agencies, shall develop and
20 prioritize vegetation management goals and objectives, analyze the
21 cost-effectiveness of available vegetation treatment, and develop
22 plans and policies to achieve such goals and objectives. Any plan
23 shall utilize the principles of integrated vegetation management
24 and sound science. The task force shall convene within thirty
25 days after the appointment of the members is complete to elect a

1 chairperson and conduct such other business as deemed necessary.
2 The efforts of the task force shall be initially directed toward
3 river basins designated by the Department of Natural Resources as
4 fully appropriated or overappropriated. Task force meetings shall
5 be held in communities within the Republican River and Platte River
6 basins. ~~The task force shall make preliminary recommendations to~~
7 ~~the Governor and the Legislature regarding funding and legislation~~
8 ~~needed to achieve its goals on or before December 15, 2007, and~~
9 ~~each year thereafter, with a final report due to the Governor~~
10 ~~and the Legislature prior to June 30, 2009. 2011.~~ It is the
11 intent of the Legislature that expenses of the task force be
12 paid from funds appropriated for Laws 2007, LB 701, and shall not
13 exceed twenty-five thousand dollars per fiscal year. This section
14 terminates on June 30, ~~2009. 2011.~~

15 Sec. 4. Original sections 2-958.02, 2-967, and 2-968,
16 Reissue Revised Statutes of Nebraska, are repealed.

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