

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 391**

Introduced by Schilz, 47; Carlson, 38.

Read first time January 13, 2011

Committee: Natural Resources

A BILL

- 1 FOR AN ACT relating to agriculture; to create the Nebraska Invasive
- 2 Species Council; to state intent, define terms, and
- 3 provide powers and duties.
- 4 Be it enacted by the people of the State of Nebraska,

1           Section 1. The Legislature finds that:

2           (1) The land, water, and other resources of Nebraska are  
3 being severely impacted by the invasion of an increasing number of  
4 harmful invasive species;

5           (2) These impacts are resulting in damage to Nebraska's  
6 environment and causing economic hardships; and

7           (3) The multitude of public and private organizations  
8 with an interest in controlling and preventing the spread of harmful  
9 invasive species in Nebraska need a mechanism for cooperation,  
10 communication, collaboration, and developing a statewide plan of  
11 action to meet these threats.

12           Sec. 2. For purposes of sections 1 to 6 of this act,  
13 invasive species means aquatic or terrestrial organisms not native to  
14 the region that cause economic or biological harm and are capable of  
15 spreading to new areas. Invasive species do not include livestock, as  
16 defined in sections 54-1902 and 54-1368, honey bees, intentionally  
17 planted agronomic crops, or nonnative organisms that do not cause  
18 economic or biological harm.

19           Sec. 3. (1) The Nebraska Invasive Species Council is  
20 created.

21           (2) Voting members of the council shall include a  
22 designated representative of:

23           (a) The Nature Conservancy, Nebraska Office;

24           (b) The Department of Agriculture;

25           (c) The Game and Parks Commission;

1                   (d) The Nebraska Forest Service;  
 2                   (e) The University of Nebraska-Lincoln;  
 3                   (f) The Nebraska Cooperative Fish and Wildlife Research  
 4 Unit; and

5                   (g) The Nebraska Weed Control Association.  
 6                   (3) Voting members of the council shall also include up  
 7 to five members at large who shall represent public interests, at  
 8 least three of which shall represent agricultural land owner  
 9 interests, as appointed by the Governor.

10                   (4) Nonvoting, ex officio members of the council shall  
 11 include a designated representative of the following:

- 12                   (a) The Midwest Region of the National Park Service;
- 13                   (b) The Animal and Plant Health Inspection Service of the  
 14 United States Department of Agriculture;
- 15                   (c) The Natural Resources Conservation Service of the  
 16 United States Department of Agriculture; and
- 17                   (d) The United States Geological Survey.

18                   (5) The council members shall seek input from those  
 19 entities deemed necessary to accomplish the council's duties.

20                   Sec. 4. The Nebraska Invasive Species Council shall:

21                   (1) Recommend action to minimize the effects of harmful  
 22 invasive species on Nebraska's citizens in order to promote the  
 23 economic and environmental well-being of the state;

24                   (2) Develop and periodically update a statewide adaptive  
 25 management plan for invasive species as described in section 5 of

1 this act;

2 (3) Serve as a forum for discussion, identification, and  
3 understanding of invasive species issues;

4 (4) Facilitate the communication, cooperation, and  
5 coordination of local, state, federal, private, and nongovernmental  
6 entities for the prevention, control, and management of invasive  
7 species;

8 (5) Assist with public outreach and awareness of invasive  
9 species issues; and

10 (6) Provide information to the Legislature for decision  
11 making, planning, and coordination of invasive species management and  
12 prevention.

13 Sec. 5. The adaptive management plan will address the  
14 following:

15 (1) Statewide coordination and intergovernmental  
16 cooperation;

17 (2) Prioritization of invasive species response and  
18 management;

19 (3) Early detection and prevention of new invasive  
20 species through deliberate or unintentional introduction;

21 (4) Inventory and monitoring of invasive species;

22 (5) Identification of research and information gaps;

23 (6) Public outreach and education;

24 (7) Identification of funding and resources available for  
25 invasive species prevention, control, and management; and

1           (8) Recommendations for legislation regarding invasive  
2 species issues.

3           Sec. 6. (1) The adaptive management plan shall be updated  
4 at least once every three years following its initial development.  
5 The plan shall be submitted to the Governor and the Agriculture  
6 Committee of the Legislature.

7           (2) The Nebraska Invasive Species Council shall submit an  
8 annual report of its activities to the Governor and the Agriculture  
9 Committee of the Legislature by December 15 of each year. The annual  
10 report shall include an evaluation of progress made in the preceding  
11 year.

12           (3) The council shall complete the initial adaptive  
13 management plan within three years after the effective date of this  
14 act.

15           (4) Prior to the start of the 2014 legislative session,  
16 the council shall prepare a report to the Agriculture Committee of  
17 the Legislature that makes recommendations as to the extension or  
18 modification of the council.

19           (5) The council may establish advisory and technical  
20 subcommittees that the council considers necessary to aid and advise  
21 it in the performance of its functions.