

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 711

Introduced by Hughes, 44.

Read first time January 06, 2016

Committee: Natural Resources

1 A BILL FOR AN ACT relating to noxious weed control; to amend sections
2 2-945.01 and 2-958.02, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to grants for certain vegetation
4 management programs; to create the Riparian Vegetation Management
5 Task Force; to provide task force duties; to require an annual
6 report; to harmonize provisions; to repeal the original sections;
7 and to outright repeal sections 2-967 and 2-968, Revised Statutes
8 Cumulative Supplement, 2014.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-945.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 2-945.01 Sections 2-945.01 to 2-966 and sections 3 and 4 of this act
4 ~~2-968~~ shall be known and may be cited as the Noxious Weed Control Act.

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

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

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

18 (a) To conduct applied research to solve locally significant weed
19 management problems;

20 (b) To demonstrate innovative control methods or land management
21 practices which have the potential to reduce landowner costs to control
22 noxious weeds or improve the effectiveness of noxious weed control;

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

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

27 (e) To respond to introductions and infestations of invasive plant
28 species that threaten or potentially threaten the productivity and
29 biodiversity of wildlife and fishery habitats on public and private
30 lands;

31 (f) To respond to special weed control problems involving weeds not

1 included in the list of noxious weeds promulgated by rule and regulation
2 of the director if the director has approved a petition to bring such
3 weeds under the county control program;

4 (g) To conduct monitoring or surveillance activities to detect, map,
5 or determine the distribution of invasive plant species and to determine
6 susceptible locations for the introduction or spread of invasive plant
7 species; and

8 (h) To conduct educational activities.

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

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

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

16 (c) The likelihood that the project will prevent or resolve the
17 problem or increase knowledge about resolving similar problems in the
18 future;

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

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

23 (f) The extent to which the project will provide a comprehensive
24 approach to the control or eradication of noxious weeds or invasive plant
25 species;

26 (g) The extent to which the project will reduce the total population
27 or area of infestation of a noxious weed or invasive plant species;

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

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

31 (4) The director shall receive applications for grants under this

1 subsection and shall award grants to recipients and programs eligible
2 under this subsection. Priority shall be given to grant applicants whose
3 proposed programs are consistent with vegetation management goals and
4 priorities and plans and policies of the Riparian Vegetation Management
5 Task Force established under ~~created pursuant to~~ section 4 of this act
6 ~~2-968~~. Beginning in fiscal year 2016-17 ~~2009-10~~, it is the intent of the
7 Legislature to appropriate two million dollars annually for the
8 management of vegetation within the banks of a natural stream or within
9 one 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 part of
11 vegetation management programs that have as their primary objective
12 improving conveyance of streamflow in natural streams. Grants from funds
13 appropriated as provided in this subsection shall be disbursed only to
14 weed management entities, local weed control authorities, and natural
15 resources districts, whose territory includes one or more fully
16 appropriated or overappropriated river basins as designated by the
17 Department of Natural Resources with priority given to fully appropriated
18 river basins that are the subject of an interstate compact or decree. The
19 Game and Parks Commission shall assist grant recipients in implementing
20 grant projects under this subsection, and interlocal agreements under the
21 Interlocal Cooperation Act or the Joint Public Agency Act shall be
22 utilized whenever possible in carrying out the grant projects.—This
23 subsection terminates on June 30, 2013.

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

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

30 (7)(a) The director shall apply for a grant from the Nebraska
31 Environmental Trust Fund prior to the application deadline in September

1 of 2016 ~~2009~~ for grants to be awarded and funded in April of 2017 and
2 shall make applications for grants annually thereafter ~~2010~~.

3 (b) The director shall annually apply for conservation funding a
4 grant from the Natural Resources Conservation Service of the United
5 States Department of Agriculture ~~prior to July 31, 2009~~.

6 Sec. 3. The Riparian Vegetation Management Task Force is created.
7 The Governor shall appoint the members of the task force. The members
8 shall include one surface water project representative from each river
9 basin that has ever been determined to be fully appropriated pursuant to
10 section 46-714 or 46-720 or is designated as overappropriated pursuant to
11 section 46-713 by the Department of Natural Resources; one representative
12 from the Department of Agriculture, the Department of Environmental
13 Quality, the Department of Natural Resources, the office of the Governor,
14 the office of the State Forester, the Game and Parks Commission, and the
15 University of Nebraska; two representatives nominated by the Nebraska
16 Association of Resources Districts; two representatives nominated by the
17 Nebraska Weed Control Association; one riparian landowner from each of
18 the state's congressional districts; and one representative from the
19 Nebraska Environmental Trust. In addition to such members, any member of
20 the Legislature may serve as a nonvoting, ex officio member of the task
21 force at his or her option. For administrative and budgetary purposes
22 only, the task force shall be housed within the Department of
23 Agriculture.

24 Sec. 4. The Riparian Vegetation Management Task Force, in
25 consultation with appropriate federal agencies, shall develop and
26 prioritize vegetation management goals and objectives, analyze the cost-
27 effectiveness of available vegetation treatment, and develop plans and
28 policies to achieve such goals and objectives. Any plan shall utilize the
29 principles of integrated vegetation management and sound science. The
30 task force shall convene within thirty days after the appointment of the
31 members is complete to elect a chairperson and conduct such other

1 business as deemed necessary. The efforts of the task force shall be
2 initially directed toward river basins designated by the Department of
3 Natural Resources as fully appropriated or overappropriated. Task force
4 meetings shall be held in communities within the Republican River and
5 Platte River basins. An annual report shall be submitted to the Governor
6 and the Legislature by June 30 each year with the first report due on
7 June 30, 2017. The report submitted to the Legislature shall be submitted
8 electronically. It is the intent of the Legislature that expenses of the
9 task force not exceed twenty-five thousand dollars per fiscal year.

10 Sec. 5. Original sections 2-945.01 and 2-958.02, Reissue Revised
11 Statutes of Nebraska, are repealed.

12 Sec. 6. The following sections are outright repealed: Sections
13 2-967 and 2-968, Revised Statutes Cumulative Supplement, 2014.