

AMENDMENTS TO LB807

Introduced by Ibach, 44.

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

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

5 2-945.01 Sections 2-945.01 to 2-966 ~~2-970~~ shall be known and may be
6 cited as the Noxious Weed Control Act.

7 **Sec. 2.** Section 2-958.02, Reissue Revised Statutes of Nebraska, is
8 amended to read:

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

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

20 (a) To conduct applied research to solve locally significant weed
21 management problems;

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

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

26 (d) To respond to introductions or infestations of invasive plants
27 that threaten or potentially threaten the productivity of cropland and

1 rangeland over a wide area;

2 (e) To respond to introductions and infestations of invasive plant
3 species that threaten or potentially threaten the productivity and
4 biodiversity of wildlife and fishery habitats on public and private
5 lands;

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

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

14 (h) To conduct educational activities.

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

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

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

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

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

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

29 (f) The extent to which the project will provide a comprehensive
30 approach to the control or eradication of noxious weeds or invasive plant
31 species as identified and listed by the Nebraska Invasive Species

1 Council;

2 (g) The extent to which the project will reduce or prevent the total
3 population or area of infestation of a noxious weed or invasive plant
4 species as identified and listed by the Nebraska Invasive Species
5 Council;

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

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

9 ~~(4) The director shall receive applications for grants under this~~
10 ~~subsection and shall award grants to recipients and programs eligible~~
11 ~~under this subsection. Priority shall be given to grant applicants whose~~
12 ~~proposed programs are consistent with vegetation management goals and~~
13 ~~priorities and plans and policies of the Riparian Vegetation Management~~
14 ~~Task Force established under section 2-970. Beginning in fiscal year~~
15 ~~2022-23, it is the intent of the Legislature to appropriate three million~~
16 ~~dollars annually for the management of vegetation within the banks or~~
17 ~~flood plain of a natural stream. Such funds shall only be used to pay for~~
18 ~~activities and equipment as part of vegetation management programs that~~
19 ~~have as their primary objective improving conveyance of streamflow in~~
20 ~~natural streams. Grants from funds appropriated as provided in this~~
21 ~~subsection shall be disbursed only to weed management entities, local~~
22 ~~weed control authorities, and natural resources districts whose territory~~
23 ~~includes river basins, with priority given to river basins that are the~~
24 ~~subject of an interstate compact or decree. The Game and Parks Commission~~
25 ~~shall assist grant recipients in implementing grant projects under this~~
26 ~~subsection, and interlocal agreements under the Interlocal Cooperation~~
27 ~~Act or the Joint Public Agency Act shall be utilized whenever possible in~~
28 ~~carrying out the grant projects.~~

29 ~~(4) (5) Nothing in this section shall be construed to relieve~~
30 ~~control authorities of their duties and responsibilities under the~~
31 ~~Noxious Weed Control Act or the duty of a person to control the spread of~~

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

2 (5) ~~(6)~~ The Department of Agriculture may adopt and promulgate
3 necessary rules and regulations to carry out this section.

4 (6) ~~(7)~~ The director may annually apply for conservation funding
5 from the Natural Resources Conservation Service of the United States
6 Department of Agriculture.

7 **Sec. 3.** Section 61-218, Revised Statutes Supplement, 2025, is
8 amended to read:

9 61-218 (1) The Water Resources Cash Fund is created. The fund shall
10 be administered by the Department of Water, Energy, and Environment. Any
11 money in the fund available for investment shall be invested by the state
12 investment officer pursuant to the Nebraska Capital Expansion Act and the
13 Nebraska State Funds Investment Act.

14 (2) The State Treasurer shall credit to the fund such money as is
15 (a) transferred to the fund by the Legislature, (b) paid to the state as
16 fees, deposits, payments, and repayments relating to the fund, both
17 principal and interest, (c) donated as gifts, bequests, or other
18 contributions to such fund from public or private entities, (d) made
19 available by any department or agency of the United States if so directed
20 by such department or agency, (e) transferred pursuant to section
21 81-15,175, and (f) received by the state for settlement of claims
22 relating to interstate river compacts or decrees.

23 (3)(a) The fund shall be expended by the department in any area that
24 has adopted an integrated management plan as provided in section 46-715.

25 (b) The fund shall be used in any such area:

26 (i) To aid management actions taken to reduce consumptive uses of
27 water;

28 (ii) To enhance streamflows or ground water recharge;

29 (iii) For any other activity deemed necessary by the department in
30 the development and implementation of an integrated management plan;

31 (iv) For purposes of the Resilient Soils and Water Quality Act; or

1 (v) For purposes of projects or proposals described in the grant
2 application as set forth in subdivision (2)(h) of section 81-15,175; or -
3 (vi) For purposes of providing grants to weed management entities as
4 provided in section 4 of this act.

5 (c) To the extent funds are not expended pursuant to subdivision (b)
6 of this subsection, the department may conduct a statewide assessment of
7 short-term and long-term water management activities and funding needs to
8 meet statutory requirements in sections 46-713 to 46-718 and 46-739 and
9 any requirements of an interstate compact or decree or formal state
10 contract or agreement.

11 (d) The fund shall not be used to pay for administrative expenses or
12 any salaries for any political subdivision.

13 (4) It is the intent of the Legislature that three million three
14 hundred thousand dollars be transferred each fiscal year from the General
15 Fund to the Water Resources Cash Fund for FY2011-12 through FY2022-23,
16 except that for FY2012-13 it is the intent of the Legislature that four
17 million seven hundred thousand dollars be transferred from the General
18 Fund to the Water Resources Cash Fund. It is the intent of the
19 Legislature that the State Treasurer credit any money received from any
20 Republican River Compact settlement to the Water Resources Cash Fund in
21 the fiscal year in which it is received.

22 (5)(a) Expenditures from the Water Resources Cash Fund may be made
23 to natural resources districts eligible under subsection (3) of this
24 section for activities to either achieve a sustainable balance of
25 consumptive water uses or assure compliance with an interstate compact or
26 decree or a formal state contract or agreement and shall require a match
27 of local funding in an amount equal to or greater than forty percent of
28 the total cost of carrying out the eligible activity. The department
29 shall, no later than August 1 of each year, beginning in 2007, determine
30 the amount of funding that will be made available to natural resources
31 districts from the Water Resources Cash Fund and notify natural resources

1 districts of this determination. The department shall adopt and
2 promulgate rules and regulations governing application for and use of the
3 Water Resources Cash Fund by natural resources districts. Such rules and
4 regulations shall, at a minimum, include the following components:

5 (i) Require an explanation of how the planned activity will achieve
6 a sustainable balance of consumptive water uses or will assure compliance
7 with an interstate compact or decree or a formal state contract or
8 agreement as required by section 46-715 and the controls, rules, and
9 regulations designed to carry out the activity; and

10 (ii) A schedule of implementation of the activity or its components,
11 including the local match as set forth in subdivision (5)(a) of this
12 section.

13 (b) Any natural resources district that fails to implement and
14 enforce its controls, rules, and regulations as required by section
15 46-715 shall not be eligible for funding from the Water Resources Cash
16 Fund until it is determined by the department that compliance with the
17 provisions required by section 46-715 has been established.

18 (6) The Department of Water, Energy, and Environment shall submit
19 electronically an annual report to the Legislature no later than October
20 1 of each year that shall detail the use of the Water Resources Cash Fund
21 in the previous year. The report shall provide:

22 (a) Details regarding the use and cost of activities carried out by
23 the department; and

24 (b) Details regarding the use and cost of activities carried out by
25 each natural resources district that received funds from the Water
26 Resources Cash Fund.

27 (7)(a) Prior to the application deadline for fiscal year 2011-12,
28 the Department of Natural Resources shall apply for a grant of nine
29 million nine hundred thousand dollars from the Nebraska Environmental
30 Trust Fund, to be paid out in three annual installments of three million
31 three hundred thousand dollars. The purposes listed in the grant

1 application shall be consistent with the uses of the Water Resources Cash
2 Fund provided in this section and shall be used to aid management actions
3 taken to reduce consumptive uses of water, to enhance streamflows, to
4 recharge ground water, or to support wildlife habitat in any river basin
5 determined to be fully appropriated pursuant to section 46-714 or
6 designated as overappropriated pursuant to section 46-713.

7 (b) If the application is granted, funds received from such grant
8 shall be remitted to the State Treasurer for credit to the Water
9 Resources Cash Fund for the purpose of supporting the projects set forth
10 in the grant application. The department shall include in its grant
11 application documentation that the Legislature has authorized a transfer
12 of three million three hundred thousand dollars from the General Fund
13 into the Water Resources Cash Fund for each of fiscal years 2011-12 and
14 2012-13 and has stated its intent to transfer three million three hundred
15 thousand dollars to the Water Resources Cash Fund for fiscal year
16 2013-14.

17 (c) It is the intent of the Legislature that the department apply
18 for an additional three-year grant that would begin in fiscal year
19 2014-15, an additional three-year grant from the Nebraska Environmental
20 Trust Fund that would begin in fiscal year 2017-18, and an additional
21 three-year grant from the Nebraska Environmental Trust Fund that would
22 begin in fiscal year 2020-21 if the criteria established in subsection
23 (4) of section 81-15,175 are achieved.

24 (8) The department shall establish a subaccount within the Water
25 Resources Cash Fund for the accounting of all money received as a grant
26 from the Nebraska Environmental Trust Fund as the result of an
27 application made pursuant to subsection (7) of this section.

28 (9) Any funds transferred from the Nebraska Environmental Trust Fund
29 to the Water Resources Cash Fund shall be placed within the subaccount
30 created under subsection (8) of this section and expended in accordance
31 with section 81-15,168.

7 **Sec. 4. (1) For purposes of this section:**

8 (a) Eligible purpose means:

9 (i) The removal of riparian vegetation as part of a vegetation
10 management program, if such vegetation management program is being
11 conducted for the primary objective of improving the conveyance of
12 streamflow in natural streams; and

13 (ii) The acquisition of equipment that is used for the removal of
14 riparian vegetation described in subdivision (a)(i) of this subsection;
15 and

16 (b) Qualified applicant means the following entities that provide
17 weed management services in a river basin:

18 (i) Any weed management entity;

19 (ii) Any weed control authority; and

20 (iii) Any natural resources district.

21 (2) A qualified applicant may apply to the Department of Water,
22 Energy, and Environment for a grant under this section. No later than
23 January 1, 2027, the department shall prescribe the form for the
24 application.

25 (3) The department may award a grant to any qualified applicant who
26 applies under this section for an eligible purpose. If the department
27 receives multiple applications under this section, the department shall
28 prioritize awarding grants to the qualified applicants that provide weed
29 management services within an area that is the subject of an interstate
30 compact or decree.

31 (4) The department may adopt and promulgate rules and regulations to

1 carry out this section.

2 **Sec. 5.** Original sections 2-945.01 and 2-958.02, Reissue Revised
3 Statutes of Nebraska, and section 61-218, Revised Statutes Supplement,
4 2025, are repealed.

5 **Sec. 6.** The following sections are outright repealed: Section
6 2-970, Reissue Revised Statutes of Nebraska, and section 2-969, Revised
7 Statutes Supplement, 2025.