

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 807

FINAL READING

Introduced by Ibach, 44; Brandt, 32.

Read first time January 07, 2026

Committee: Agriculture

1 A BILL FOR AN ACT relating to riparian vegetation management; to amend
2 sections 2-945.01 and 2-958.02, Reissue Revised Statutes of
3 Nebraska, and section 61-218, Revised Statutes Supplement, 2025; to
4 eliminate the Riparian Vegetation Management Task Force; to change
5 the uses of the Water Resources Cash Fund; to provide for grants for
6 the removal of certain riparian vegetation and for certain
7 equipment; to provide duties for the Department of Water, Energy,
8 and Environment; to define terms; to harmonize provisions; to repeal
9 the original sections; and to outright repeal section 2-970, Reissue
10 Revised Statutes of Nebraska, and section 2-969, Revised Statutes
11 Supplement, 2025.
12 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 ~~2-970~~ shall be known and may be
4 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 as identified and listed by the Nebraska Invasive Species
26 Council;

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

31 (h) The extent to which the project uses the principles of

1 integrated vegetation management and sound science; and

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

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

23 ~~(4)~~ (5) Nothing in this section shall be construed to relieve
24 control authorities of their duties and responsibilities under the
25 Noxious Weed Control Act or the duty of a person to control the spread of
26 noxious weeds on lands owned and controlled by him or her.

27 ~~(5)~~ (6) The Department of Agriculture may adopt and promulgate
28 necessary rules and regulations to carry out this section.

29 ~~(6)~~ (7) The director may annually apply for conservation funding
30 from the Natural Resources Conservation Service of the United States
31 Department of Agriculture.

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

3 61-218 (1) The Water Resources Cash Fund is created. The fund shall
4 be administered by the Department of Water, Energy, and Environment. Any
5 money in the fund available for investment shall be invested by the state
6 investment officer pursuant to the Nebraska Capital Expansion Act and the
7 Nebraska State Funds Investment Act.

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

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

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

20 (i) To aid management actions taken to reduce consumptive uses of
21 water;

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

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

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

26 (v) For purposes of projects or proposals described in the grant
27 application as set forth in subdivision (2)(h) of section 81-15,175; or -

28 (vi) For purposes of providing grants to weed management entities as
29 provided in section 4 of this act.

30 (c) To the extent funds are not expended pursuant to subdivision (b)
31 of this subsection, the department may conduct a statewide assessment of

1 short-term and long-term water management activities and funding needs to
2 meet statutory requirements in sections 46-713 to 46-718 and 46-739 and
3 any requirements of an interstate compact or decree or formal state
4 contract or agreement.

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

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

16 (5)(a) Expenditures from the Water Resources Cash Fund may be made
17 to natural resources districts eligible under subsection (3) of this
18 section for activities to either achieve a sustainable balance of
19 consumptive water uses or assure compliance with an interstate compact or
20 decree or a formal state contract or agreement and shall require a match
21 of local funding in an amount equal to or greater than forty percent of
22 the total cost of carrying out the eligible activity. The department
23 shall, no later than August 1 of each year, beginning in 2007, determine
24 the amount of funding that will be made available to natural resources
25 districts from the Water Resources Cash Fund and notify natural resources
26 districts of this determination. The department shall adopt and
27 promulgate rules and regulations governing application for and use of the
28 Water Resources Cash Fund by natural resources districts. Such rules and
29 regulations shall, at a minimum, include the following components:

30 (i) Require an explanation of how the planned activity will achieve
31 a sustainable balance of consumptive water uses or will assure compliance

1 with an interstate compact or decree or a formal state contract or
2 agreement as required by section 46-715 and the controls, rules, and
3 regulations designed to carry out the activity; and

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

7 (b) Any natural resources district that fails to implement and
8 enforce its controls, rules, and regulations as required by section
9 46-715 shall not be eligible for funding from the Water Resources Cash
10 Fund until it is determined by the department that compliance with the
11 provisions required by section 46-715 has been established.

12 (6) The Department of Water, Energy, and Environment shall submit
13 electronically an annual report to the Legislature no later than October
14 1 of each year that shall detail the use of the Water Resources Cash Fund
15 in the previous year. The report shall provide:

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

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

21 (7)(a) Prior to the application deadline for fiscal year 2011-12,
22 the Department of Natural Resources shall apply for a grant of nine
23 million nine hundred thousand dollars from the Nebraska Environmental
24 Trust Fund, to be paid out in three annual installments of three million
25 three hundred thousand dollars. The purposes listed in the grant
26 application shall be consistent with the uses of the Water Resources Cash
27 Fund provided in this section and shall be used to aid management actions
28 taken to reduce consumptive uses of water, to enhance streamflows, to
29 recharge ground water, or to support wildlife habitat in any river basin
30 determined to be fully appropriated pursuant to section 46-714 or
31 designated as overappropriated pursuant to section 46-713.

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

11 (c) It is the intent of the Legislature that the department apply
12 for an additional three-year grant that would begin in fiscal year
13 2014-15, an additional three-year grant from the Nebraska Environmental
14 Trust Fund that would begin in fiscal year 2017-18, and an additional
15 three-year grant from the Nebraska Environmental Trust Fund that would
16 begin in fiscal year 2020-21 if the criteria established in subsection
17 (4) of section 81-15,175 are achieved.

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

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

26 (10) The State Treasurer shall transfer one million dollars from the
27 Water Resources Cash Fund to the Nitrogen Reduction Incentive Cash Fund
28 as soon as administratively possible after July 19, 2024, but before June
29 30, 2025, on such dates and in such amounts as directed by the budget
30 administrator of the budget division of the Department of Administrative
31 Services.

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

2 (a) Eligible purpose means:

3 (i) The removal of riparian vegetation as part of a vegetation
4 management program, if such vegetation management program is being
5 conducted for the primary objective of improving the conveyance of
6 streamflow in natural streams; and

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

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

12 (i) Any weed management entity;

13 (ii) Any weed control authority; and

14 (iii) Any natural resources district.

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

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

25 (4) The department may adopt and promulgate rules and regulations to
26 carry out this section.

27 **Sec. 5.** Original sections 2-945.01 and 2-958.02, Reissue Revised
28 Statutes of Nebraska, and section 61-218, Revised Statutes Supplement,
29 2025, are repealed.

30 **Sec. 6.** The following sections are outright repealed: Section
31 2-970, Reissue Revised Statutes of Nebraska, and section 2-969, Revised

1 Statutes Supplement, 2025.