

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 807

Introduced by Ibach, 44; Brandt, 32.

Read first time January 07, 2026

Committee: Agriculture

1 A BILL FOR AN ACT relating to the Department of Water, Energy, and
2 Environment; to amend sections 2-945.02, 2-953, and 2-958.02,
3 Reissue Revised Statutes of Nebraska, section 2-958, Revised
4 Statutes Cumulative Supplement, 2024, and sections 2-969 and 61-218,
5 Revised Statutes Supplement, 2025; to change the administration of
6 the Noxious Weed Control Act from the Department of Agriculture to
7 the Department of Water, Energy, and Environment; to redefine a
8 term, require the administration of a grant program, restate
9 legislative intent, and change provisions relating to the Riparian
10 Vegetation Management Task Force under the Noxious Weed Control Act;
11 to prohibit the payment of administrative expenses and salaries for
12 state agencies from the Water Resources Cash Fund; to eliminate
13 obsolete provisions relating to the Noxious Weed Cash Fund; to
14 harmonize provisions; and to repeal the original sections.
15 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 2-945.02, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 2-945.02 The Legislature finds and declares that:

4 (1) The failure to control noxious weeds on lands in this state is a
5 serious problem which is detrimental to the production of crops and
6 livestock and to the welfare of residents of this state and which may
7 devalue land and reduce tax revenue;

8 (2) It is the purpose of the Noxious Weed Control Act to establish a
9 workable framework, delineate responsibilities, encourage education of
10 the public concerning noxious weeds, and provide the necessary authority
11 to effectively control noxious weeds;

12 (3) It is the duty of each person who owns or controls land to
13 effectively control noxious weeds on such land. County boards or control
14 authorities are responsible for administration of noxious weed control
15 laws at the county level;

16 (4) The Department of Water, Energy, and Environment Agriculture
17 should have responsibility for (a) establishing basic standards such as
18 designating which plants are to be considered noxious weeds and which
19 control measures are to be used in particular situations and (b)
20 monitoring implementation of the act by the control authorities; and

21 (5) A state noxious weed advisory committee shall be convened by the
22 director with broad representation to advise the director.

23 **Sec. 2.** Section 2-953, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 2-953 For purposes of the Noxious Weed Control Act:

26 (1) Person means any individual, partnership, firm, limited
27 liability company, corporation, company, society, or association, the
28 state or any department, agency, or subdivision thereof, or any other
29 public or private entity;

30 (2)(a) Control, with respect to land, means the authority to
31 operate, manage, supervise, or exercise jurisdiction over or any similar

1 power. The state or federal government or a political subdivision shall
2 not be deemed to control land on which it has an easement as long as it
3 does not otherwise operate, manage, supervise, or exercise jurisdiction
4 over the land; and

5 (b) Control, with respect to weeds, means the prevention,
6 suppression, or limitation of the growth, spread, propagation, or
7 development or the eradication of weeds;

8 (3) County board means the county board of commissioners or
9 supervisors;

10 (4) Noxious weeds means and includes any weeds designated and listed
11 as noxious in rules and regulations adopted and promulgated by the
12 director;

13 (5) Control authority means the county weed district board or the
14 county board if it is designated as the control authority pursuant to
15 section 2-953.01, which board shall represent all rural areas and cities,
16 villages, and townships within the county boundaries;

17 (6) Director means the Director of Water, Energy, and Environment
18 Agriculture or his or her designated representative; and

19 (7) Weed management entity means an entity recognized by the
20 director as being established by and consisting of local stakeholders,
21 including tribal governments, for the purpose of controlling or
22 eradicating harmful, invasive weeds and increasing public knowledge and
23 education concerning the need to control or eradicate harmful, invasive
24 weeds.

25 **Sec. 3.** Section 2-958, Revised Statutes Cumulative Supplement, 2024,
26 is amended to read:

27 2-958 (1) A noxious weed control fund may be established for each
28 control authority, which fund shall be available for expenses authorized
29 to be paid from such fund, including necessary expenses of the control
30 authority in carrying out its duties and responsibilities under the
31 Noxious Weed Control Act. The weed control superintendent within the

1 county shall (a) ascertain and tabulate each year the approximate amount
2 of land infested with noxious weeds and its location in the county, (b)
3 ascertain and prepare all information required by the county board in the
4 preparation of the county budget, including actual and expected revenue
5 from all sources, cash balances, expenditures, amounts proposed to be
6 expended during the year, and working capital, and (c) transmit such
7 information tabulated by the control authority to the county board not
8 later than June 1 of each year.

9 (2) The Noxious Weed Cash Fund is created. The fund shall consist of
10 proceeds raised from fees imposed for the registration of pesticides and
11 earmarked for the fund pursuant to section 2-2634, funds credited or
12 transferred pursuant to sections 2-509, 2-518, 81-201, and 81-201.05, any
13 gifts, grants, or donations from any source, and any reimbursement funds
14 for control work done pursuant to subdivision (1)(b)(vi) of section
15 2-954. An amount from the General Fund may be appropriated annually for
16 the Noxious Weed Control Act. The fund shall be administered and used by
17 the director to maintain the noxious weed control program and for
18 expenses directly related to the program. ~~Until January 1, 2025, the fund~~
19 ~~may also be used to defray all reasonable and necessary costs related to~~
20 ~~the administration of the Nebraska Hemp Farming Act.~~

21 (3) Any money in the fund available for investment shall be invested
22 by the state investment officer pursuant to the Nebraska Capital
23 Expansion Act and the Nebraska State Funds Investment Act.

24 **Sec. 4.** Section 2-958.02, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 2-958.02 (1) From funds available in the Noxious Weed and Invasive
27 Plant Species Assistance Fund, the director shall ~~may~~ administer a grant
28 program to assist local control authorities and other weed management
29 entities in the cost of implementing and maintaining noxious weed control
30 programs and in addressing special weed control problems as provided in
31 this section.

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

6 (a) To conduct applied research to solve locally significant weed
7 management problems;

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

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

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

15 (e) To respond to introductions and infestations of invasive plant
16 species that threaten or potentially threaten the productivity and
17 biodiversity of wildlife and fishery habitats on public and private
18 lands;

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

23 (g) To conduct monitoring or surveillance activities to detect, map,
24 or determine the distribution of invasive plant species and to determine
25 susceptible locations for the introduction or spread of invasive plant
26 species; and

27 (h) To conduct educational activities.

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

31 (a) The seriousness of the noxious weed or invasive plant problem or

1 potential problem addressed by the project;

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

4 (c) The likelihood that the project will prevent or resolve the
5 problem or increase knowledge about resolving similar problems in the
6 future;

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

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

11 (f) The extent to which the project will provide a comprehensive
12 approach to the control or eradication of noxious weeds or invasive plant
13 species as identified and listed by the Nebraska Invasive Species
14 Council;

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

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

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

22 (4) The director shall receive applications for grants under this
23 subsection and shall award grants to recipients and programs eligible
24 under this subsection. Priority shall be given to grant applicants whose
25 proposed programs are consistent with vegetation management goals and
26 priorities and plans and policies of the Riparian Vegetation Management
27 Task Force established under section 2-970. Beginning in fiscal year
28 2026-27 ~~2022-23~~, it is the intent of the Legislature to appropriate six
29 three million dollars annually for the management of vegetation within
30 the banks or flood plain of a natural stream. Such funds shall only be
31 used to pay for activities and equipment as part of vegetation management

1 programs that have as their primary objective improving conveyance of
2 streamflow in natural streams. Grants from funds appropriated as provided
3 in this subsection shall be disbursed only to weed management entities,
4 local weed control authorities, and natural resources districts whose
5 territory includes river basins, with priority given to river basins that
6 are the subject of an interstate compact or decree. The Game and Parks
7 Commission shall assist grant recipients in implementing grant projects
8 under this subsection, and interlocal agreements under the Interlocal
9 Cooperation Act or the Joint Public Agency Act shall be utilized whenever
10 possible in carrying out the grant projects.

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

15 (6) The Department of Water, Energy, and Environment Agriculture may
16 adopt and promulgate necessary rules and regulations to carry out this
17 section.

18 (7) The director may annually apply for conservation funding from
19 the Natural Resources Conservation Service of the United States
20 Department of Agriculture.

21 **Sec. 5.** Section 2-969, Revised Statutes Supplement, 2025, is amended
22 to read:

23 2-969 The Riparian Vegetation Management Task Force is created. The
24 Governor shall appoint the members of the task force. The members shall
25 include one surface water project representative from each river basin
26 that has ever been determined to be fully appropriated pursuant to
27 section 46-714 or 46-720 or is designated as overappropriated pursuant to
28 section 46-713 by the Chief Water Officer; one surface water project
29 representative from a river basin that has not been determined to be
30 fully appropriated pursuant to section 46-714 or 46-720 or is not
31 designated as overappropriated pursuant to section 46-713 by the Chief

1 Water Officer; one representative from each of the following: The the
2 Department of Agriculture, the Department of Water, Energy, and
3 Environment, the office of the State Forester, the Game and Parks
4 Commission, and the University of Nebraska; three representatives
5 selected from a list of at least ten individuals nominated by the
6 Nebraska Association of Resources Districts; two representatives selected
7 from a list of at least five individuals nominated by the Nebraska Weed
8 Control Association; one riparian landowner from each of the state's
9 congressional districts; and one representative from the Nebraska
10 Environmental Trust. In addition to such members, any member of the
11 Legislature may serve as a nonvoting, ex officio member of the task force
12 at his or her option. For administrative and budgetary purposes only, the
13 task force shall be housed within the Department of Water, Energy, and
14 Environment Agriculture.

15 **Sec. 6.** Section 61-218, Revised Statutes Supplement, 2025, is
16 amended to read:

17 61-218 (1) The Water Resources Cash Fund is created. The fund shall
18 be administered by the Department of Water, Energy, and Environment. Any
19 money in the fund available for investment shall be invested by the state
20 investment officer pursuant to the Nebraska Capital Expansion Act and the
21 Nebraska State Funds Investment Act.

22 (2) The State Treasurer shall credit to the fund such money as is
23 (a) transferred to the fund by the Legislature, (b) paid to the state as
24 fees, deposits, payments, and repayments relating to the fund, both
25 principal and interest, (c) donated as gifts, bequests, or other
26 contributions to such fund from public or private entities, (d) made
27 available by any department or agency of the United States if so directed
28 by such department or agency, (e) transferred pursuant to section
29 81-15,175, and (f) received by the state for settlement of claims
30 relating to interstate river compacts or decrees.

31 (3)(a) The fund shall be expended by the department in any area that

1 has adopted an integrated management plan as provided in section 46-715.

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

3 (i) To aid management actions taken to reduce consumptive uses of
4 water;

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

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

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

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

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

17 (d) The fund shall not be used to pay for administrative expenses or
18 any salaries for any state agency or political subdivision.

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

28 (5)(a) Expenditures from the Water Resources Cash Fund may be made
29 to natural resources districts eligible under subsection (3) of this
30 section for activities to either achieve a sustainable balance of
31 consumptive water uses or assure compliance with an interstate compact or

1 decree or a formal state contract or agreement and shall require a match
2 of local funding in an amount equal to or greater than forty percent of
3 the total cost of carrying out the eligible activity. The department
4 shall, no later than August 1 of each year, beginning in 2007, determine
5 the amount of funding that will be made available to natural resources
6 districts from the Water Resources Cash Fund and notify natural resources
7 districts of this determination. The department shall adopt and
8 promulgate rules and regulations governing application for and use of the
9 Water Resources Cash Fund by natural resources districts. Such rules and
10 regulations shall, at a minimum, include the following components:

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

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

19 (b) Any natural resources district that fails to implement and
20 enforce its controls, rules, and regulations as required by section
21 46-715 shall not be eligible for funding from the Water Resources Cash
22 Fund until it is determined by the department that compliance with the
23 provisions required by section 46-715 has been established.

24 (6) The Department of Water, Energy, and Environment shall submit
25 electronically an annual report to the Legislature no later than October
26 1 of each year that shall detail the use of the Water Resources Cash Fund
27 in the previous year. The report shall provide:

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

30 (b) Details regarding the use and cost of activities carried out by
31 each natural resources district that received funds from the Water

1 Resources Cash Fund.

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

13 (b) If the application is granted, funds received from such grant
14 shall be remitted to the State Treasurer for credit to the Water
15 Resources Cash Fund for the purpose of supporting the projects set forth
16 in the grant application. The department shall include in its grant
17 application documentation that the Legislature has authorized a transfer
18 of three million three hundred thousand dollars from the General Fund
19 into the Water Resources Cash Fund for each of fiscal years 2011-12 and
20 2012-13 and has stated its intent to transfer three million three hundred
21 thousand dollars to the Water Resources Cash Fund for fiscal year
22 2013-14.

23 (c) It is the intent of the Legislature that the department apply
24 for an additional three-year grant that would begin in fiscal year
25 2014-15, an additional three-year grant from the Nebraska Environmental
26 Trust Fund that would begin in fiscal year 2017-18, and an additional
27 three-year grant from the Nebraska Environmental Trust Fund that would
28 begin in fiscal year 2020-21 if the criteria established in subsection
29 (4) of section 81-15,175 are achieved.

30 (8) The department shall establish a subaccount within the Water
31 Resources Cash Fund for the accounting of all money received as a grant

1 from the Nebraska Environmental Trust Fund as the result of an
2 application made pursuant to subsection (7) of this section.

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

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

13 **Sec. 7.** Original sections 2-945.02, 2-953, and 2-958.02, Reissue
14 Revised Statutes of Nebraska, section 2-958, Revised Statutes Cumulative
15 Supplement, 2024, and sections 2-969 and 61-218, Revised Statutes
16 Supplement, 2025, are repealed.