

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.