

AMENDMENTS TO LB 701

Introduced by Natural Resources

1 1. Strike the original sections and all amendments
2 thereto and insert the following sections:

3 Section 1. The Riparian Vegetation Management Task Force
4 is created. The Governor shall appoint the members of the task
5 force. The members shall include one surface water project
6 representative from each river basin that has been determined
7 to be fully appropriated pursuant to section 46-714 or 46-720
8 or designated as overappropriated pursuant to section 46-713
9 by the Department of Natural Resources; one representative from
10 the Department of Agriculture, the Department of Environmental
11 Quality, the Department of Natural Resources, the office of the
12 Governor, the office of the State Forester, the Game and Parks
13 Commission, and the University of Nebraska; two representatives
14 nominated by the Nebraska Association of Resources Districts; two
15 representatives nominated by the Nebraska Weed Control Association;
16 and one riparian landowner from each of the state's congressional
17 districts. In addition to such members, any member of the
18 Legislature may serve as a member of the task force at his or
19 her option. This section terminates on June 30, 2009.

20 Sec. 2. The Riparian Vegetation Management Task Force, in
21 consultation with appropriate federal agencies, shall develop and
22 prioritize vegetation management goals and objectives and develop
23 plans and policies to achieve such goals and objectives. The

1 task force shall convene within thirty days after the appointment
2 of the members is complete to elect a chairperson and conduct
3 such other business as deemed necessary. The efforts of the task
4 force shall be initially directed toward river basins designated
5 by the Department of Natural Resources as fully appropriated or
6 overappropriated. Task force meetings shall be held in communities
7 within the Republican and Platte River basins. The task force
8 shall make preliminary recommendations to the Governor and the
9 Legislature regarding funding and legislation needed to achieve its
10 goals on or before December 15, 2007, and each year thereafter,
11 with a final report due prior to June 30, 2009. It is the
12 intent of the Legislature that expenses of the task force be paid
13 from funds appropriated for this legislative bill and shall not
14 exceed twenty-five thousand dollars per fiscal year. This section
15 terminates on June 30, 2009.

16 Sec. 3. Section 2-945.01, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 2-945.01 Sections 2-945.01 to 2-966 and sections 1 and 2
19 of this act shall be known and may be cited as the Noxious Weed
20 Control Act.

21 Sec. 4. Section 2-958.02, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 2-958.02 (1) From funds available in the Noxious Weed and
24 Invasive Plant Species Assistance Fund, the director may administer
25 a grant program to assist local control authorities and other weed
26 management entities in the cost of implementing and maintaining
27 noxious weed control programs and in addressing special weed

1 control problems as provided in this section.

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

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

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

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

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

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

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

26 (g) To conduct monitoring or surveillance activities
27 to detect, map, or determine the distribution of invasive plant

1 species and to determine susceptible locations for the introduction
2 or spread of invasive plant species; and

3 (h) To conduct educational activities.

4 ~~(2)~~ (3) The director shall select and prioritize
5 applications for assistance under ~~this~~ subsection (2) of this
6 section based on the following considerations:

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

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

12 (c) The likelihood that the project will prevent or
13 resolve the problem or increase knowledge about resolving similar
14 problems in the future;

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

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

19 (f) The extent to which the project will provide a
20 comprehensive approach to the control or eradication of noxious
21 weeds;

22 (g) The extent to which the project will reduce the total
23 population or area of infestation of a noxious weed;

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

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

1 (4) The director shall receive applications for grants
2 under this subsection and shall award grants to recipients and
3 programs eligible under this subsection. Priority shall be given
4 to grant applicants whose proposed programs are consistent with
5 the policy established in section 2 of this act. Beginning
6 in fiscal year 2007-08, it is the intent of the Legislature
7 to appropriate two million dollars annually for the management
8 of vegetation within the banks of a natural stream or within
9 one hundred feet of the banks of a channel of any natural
10 stream. Such funds shall only be used to pay for activities and
11 equipment as part of vegetation management programs that have
12 as their primary objective improving conveyance of streamflow
13 in natural streams. Grants from funds appropriated as provided
14 in this subsection shall be disbursed only to weed management
15 entities, including local weed control authorities and natural
16 resources districts, whose territory includes one or more fully
17 appropriated or overappropriated river basins as designated by the
18 Department of Natural Resources with priority for the first year
19 given to fully appropriated river basins that are the subject
20 of an interstate compact or decree. The Nebraska Game and Parks
21 Commission shall assist grant recipients in implementing grant
22 projects under this subsection, and interlocal agreements under the
23 Interlocal Cooperation Act or the Joint Public Agency Act shall be
24 utilized whenever possible in carrying out the grant projects. This
25 subsection terminates June 30, 2009.

26 ~~(3)~~ (5) Nothing in this section shall be construed to
27 relieve control authorities of their duties and responsibilities

1 under the Noxious Weed Control Act or the duty of a person to
2 control the spread of noxious weeds on lands owned and controlled
3 by him or her.

4 ~~(4)~~ (6) The Department of Agriculture may adopt and
5 promulgate necessary rules and regulations to carry out this
6 section.

7 Sec. 32. If any section in this act or any part of any
8 section is declared invalid or unconstitutional, the declaration
9 shall not affect the validity or constitutionality of the remaining
10 portions.

11 Sec. 33. Original sections 2-3231, 46-601.01, 46-609,
12 46-644, 46-707, 46-1212, and 66-1345.02, Reissue Revised Statutes
13 of Nebraska, and sections 2-945.01, 2-958.02, 2-3202, 2-3225,
14 13-808, 13-2530, 46-229.04, 46-602, 46-715, 61-210, 66-1345,
15 66-1345.01, and 77-3442, Revised Statutes Cumulative Supplement,
16 2006, are repealed.

17 Sec. 34. Since an emergency exists, this act takes effect
18 when passed and approved according to law.