

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 751

Introduced by Christensen, 44; Carlson, 38.

Read first time January 09, 2008

Committee: Agriculture

A BILL

1 FOR AN ACT relating to natural resources; to amend section
2 2-958.02, Revised Statutes Supplement, 2007; to change
3 provisions relating to stream vegetation removal; to
4 repeal the original section; and to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-958.02, Revised Statutes Supplement,
2 2007, is amended to read:

3 2-958.02 (1) From funds available in the Noxious Weed and
4 Invasive Plant Species Assistance Fund, the director may administer
5 a grant program to assist local control authorities and other weed
6 management entities in the cost of implementing and maintaining
7 noxious weed control programs and in addressing special weed
8 control problems as provided in this section.

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

14 (a) To conduct applied research to solve locally
15 significant weed management problems;

16 (b) To demonstrate innovative control methods or land
17 management practices which have the potential to reduce landowner
18 costs to control noxious weeds or improve the effectiveness of
19 noxious weed control;

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

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

25 (e) To respond to introductions and infestations of

1 invasive plant species that threaten or potentially threaten the
2 productivity and biodiversity of wildlife and fishery habitats on
3 public and private lands;

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

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

12 (h) To conduct educational activities.

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

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

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

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

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

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

3 (f) The extent to which the project will provide a
4 comprehensive approach to the control or eradication of noxious
5 weeds;

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

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

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

12 (4) The director shall receive applications for grants
13 under this subsection and shall award grants to recipients and
14 programs eligible under this subsection. Priority shall be given
15 to grant applicants whose proposed programs are consistent with
16 the policy established in section 2-968. Beginning in fiscal year
17 2007-08, it is the intent of the Legislature to appropriate two
18 million dollars annually for the management of vegetation within
19 the banks of a natural stream or within ~~one hundred~~ one thousand
20 three hundred twenty feet of the banks of a channel of any natural
21 stream. Such funds shall only be used to pay for activities and
22 equipment as part of vegetation management programs that have
23 as their primary objective improving conveyance of streamflow
24 in natural streams. Grants from funds appropriated as provided
25 in this subsection shall be disbursed only to weed management

1 entities, local weed control authorities, and natural resources
2 districts, whose territory includes one or more fully appropriated
3 or overappropriated river basins as designated by the Department of
4 Natural Resources with priority for the first year given to fully
5 appropriated river basins that are the subject of an interstate
6 compact or decree. The Game and Parks Commission shall assist grant
7 recipients in implementing grant projects under this subsection,
8 and interlocal agreements under the Interlocal Cooperation Act or
9 the Joint Public Agency Act shall be utilized whenever possible in
10 carrying out the grant projects. This subsection terminates on June
11 30, 2009.

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

17 (6) The Department of Agriculture may adopt and
18 promulgate necessary rules and regulations to carry out this
19 section.

20 Sec. 2. Original section 2-958.02, Revised Statutes
21 Supplement, 2007, is repealed.

22 Sec. 3. Since an emergency exists, this act takes effect
23 when passed and approved according to law.