

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 862**

Introduced by Agriculture Committee: Erdman, 47, Chairperson;  
Chambers, 11; Dierks, 40; Dubas, 34; Karpisek, 32;  
McDonald, 41; Preister, 5; Wallman, 30.

Read first time January 11, 2008

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend section 54-857,  
2 Reissue Revised Statutes of Nebraska, and sections 2-958,  
3 2-958.01, and 81-201.05, Revised Statutes Cumulative  
4 Supplement, 2006; to change funding provisions relating  
5 to noxious weeds; to harmonize provisions; and to repeal  
6 the original sections.

7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 2-958, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           2-958 (1) A noxious weed control fund may be established  
4 for each control authority, which fund shall be available for  
5 expenses authorized to be paid from such fund, including necessary  
6 expenses of the control authority in carrying out its duties and  
7 responsibilities under the Noxious Weed Control Act. The weed  
8 control superintendent within the county shall (a) ascertain and  
9 tabulate each year the approximate amount of land infested with  
10 noxious weeds and its location in the county, (b) ascertain  
11 and prepare all information required by the county board in the  
12 preparation of the county budget, including actual and expected  
13 revenue from all sources, cash balances, expenditures, amounts  
14 proposed to be expended during the year, and working capital, and  
15 (c) transmit such information tabulated by the control authority to  
16 the county board not later than June 1 of each year.

17           (2) The Noxious Weed Cash Fund is created. The fund shall  
18 consist of proceeds raised from fees imposed for the registration  
19 of pesticides and earmarked for the fund pursuant to section  
20 2-2634, funds credited or transferred pursuant to sections 54-857,  
21 81-201, and 81-201.05, any gifts, grants, or donations from any  
22 source, and any reimbursement funds for control work done pursuant  
23 to subdivision (1)(b)(vi) of section 2-954. An amount from the  
24 General Fund may be appropriated annually for the Noxious Weed  
25 Control Act. The fund shall be administered and used by the

1 director to maintain the noxious weed control program and for  
2 expenses directly related to the program. Any money in the fund  
3 available for investment shall be invested by the state investment  
4 officer pursuant to the Nebraska Capital Expansion Act and the  
5 Nebraska State Funds Investment Act.

6 Sec. 2. Section 2-958.01, Revised Statutes Cumulative  
7 Supplement, 2006, is amended to read:

8 2-958.01 The Noxious Weed and Invasive Plant Species  
9 Assistance Fund is created. The fund may be used to carry out  
10 the purposes of section 2-958.02. The State Treasurer shall credit  
11 to the fund ~~any money~~ any funds transferred pursuant to sections  
12 54-857 and 81-201.05, funds appropriated to the fund by the  
13 Legislature, ~~and any money~~ funds received as gifts or grants or  
14 other private or public funds obtained for the purposes set forth  
15 in section 2-958.02. Any money in the fund available for investment  
16 shall be invested by the state investment officer pursuant to  
17 the Nebraska Capital Expansion Act and the Nebraska State Funds  
18 Investment Act.

19 Sec. 3. Section 54-857, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 54-857 ~~All~~ Until January 1, 2009, all money received  
22 pursuant to the Commercial Feed Act shall be remitted by the  
23 director to the State Treasurer for credit to the Commercial Feed  
24 Administration Cash Fund which is hereby created. Beginning January  
25 1, 2009, two cents of the inspection fee imposed by section 54-856

1 shall be credited to the Noxious Weed Cash Fund and all other money  
2 received pursuant to the act shall be credited to the Commercial  
3 Feed Administration Cash Fund. Such fund shall be used by the  
4 department to aid in defraying the expenses of administering the  
5 act. Any money in the fund available for investment shall be  
6 invested by the state investment officer pursuant to the Nebraska  
7 Capital Expansion Act and the Nebraska State Funds Investment Act.

8 On or before October 1, 2008, the State Treasurer shall  
9 transfer two hundred thousand dollars from the Commercial Feed  
10 Administrative Cash Fund to the Noxious Weed and Invasive Plant  
11 Species Assistance Fund.

12 Sec. 4. Section 81-201.05, Revised Statutes Cumulative  
13 Supplement, 2006, is amended to read:

14 81-201.05 (1) The Weed Book Cash Fund is created. Any  
15 money in the Weed and Insect Books Cash Fund on July 16, 2004,  
16 shall be transferred to the Weed Book Cash Fund. Upon such  
17 transfer, the following amounts shall be transferred from the Weed  
18 Book Cash Fund: (a) Twenty-five thousand dollars to the Noxious  
19 Weed Cash Fund; and (b) thirty-seven thousand eight hundred dollars  
20 to the Plant Protection and Plant Pest Cash Fund. On July 1, 2005,  
21 July 1, 2006, July 1, 2007, and July 1, 2008, and July 1, 2009, if  
22 there are sufficient funds available, twenty-five thousand dollars  
23 shall be transferred from the Weed Book Cash Fund to the Noxious  
24 Weed Cash Fund. On July 1, 2009, July 1, 2010, and July 1, 2011, if  
25 there are sufficient funds available, twenty-five thousand dollars

1 shall be transferred from the Weed Book Cash Fund to the Noxious  
2 Weed and Invasive Plant Species Assistance Fund. Any money in the  
3 Weed Book Cash Fund available for investment shall be invested  
4 by the state investment officer pursuant to the Nebraska Capital  
5 Expansion Act and the Nebraska State Funds Investment Act.

6 (2) The sale price of each Weeds of the Great Plains book  
7 sold by the Department of Agriculture shall be credited as follows:

8 (a) Seventy-five percent to the Weed Book Cash Fund  
9 to aid in defraying the cost of publishing, preparing, and  
10 distributing such books and any supplemental inserts to such  
11 books; and

12 (b) ~~Twenty-five percent to the Noxious Weed Cash Fund.~~  
13 Noxious Weed and Invasive Plant Species Assistance Fund.

14 Sec. 5. Original section 54-857, Reissue Revised Statutes  
15 of Nebraska, and sections 2-958, 2-958.01, and 81-201.05, Revised  
16 Statutes Cumulative Supplement, 2006, are repealed.