

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 98

FINAL READING

Introduced by Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Haar, 21; Hansen, 42; Harms, 48; Dierks, 40; Price, 3.

Read first time January 09, 2009

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 2-958.02,
2 2-967, 2-968, and 2-5106, Reissue Revised Statutes
3 of Nebraska, and section 2-958.01, Revised Statutes
4 Cumulative Supplement, 2008; to change provisions
5 relating to noxious weed grant programs and the Riparian
6 Vegetation Management Task Force; to provide duties for
7 the Director of Agriculture; to provide for a transfer of
8 funds; to repeal the original sections; and to declare
9 an emergency.

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

1 Section 1. Section 2-958.01, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 2-958.01 The Noxious Weed and Invasive Plant Species
4 Assistance Fund is created. The fund may be used to carry out the
5 purposes of section 2-958.02. The State Treasurer shall credit to
6 the fund any funds transferred ~~pursuant to section 54-857,~~ funds
7 or appropriated to the fund by the Legislature~~,~~ and funds received
8 as gifts or grants or other private or public funds obtained for
9 the purposes set forth in section 2-958.02. Any money in the fund
10 available for investment shall be invested by the state investment
11 officer pursuant to the Nebraska Capital Expansion Act and the
12 Nebraska State Funds Investment Act.

13 Sec. 2. Section 2-958.02, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 2-958.02 (1) From funds available in the Noxious Weed and
16 Invasive Plant Species Assistance Fund, the director may administer
17 a grant program to assist local control authorities and other weed
18 management entities in the cost of implementing and maintaining
19 noxious weed control programs and in addressing special weed
20 control problems as provided in this section.

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

1 (a) To conduct applied research to solve locally
2 significant weed management problems;

3 (b) To demonstrate innovative control methods or land
4 management practices which have the potential to reduce landowner
5 costs to control noxious weeds or improve the effectiveness of
6 noxious weed control;

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

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

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

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

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

24 (h) To conduct educational activities.

25 (3) The director shall select and prioritize applications

1 for assistance under subsection (2) of this section based on the
2 following considerations:

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

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

8 (c) The likelihood that the project will prevent or
9 resolve the problem or increase knowledge about resolving similar
10 problems in the future;

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

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

15 (f) The extent to which the project will provide a
16 comprehensive approach to the control or eradication of noxious
17 weeds;

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

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

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

24 (4) The director shall receive applications for grants
25 under this subsection and shall award grants to recipients and

1 programs eligible under this subsection. Priority shall be given to
2 grant applicants whose proposed programs are consistent with ~~the~~
3 policy established in ~~the~~ vegetation management goals and priorities
4 and plans and policies of the Riparian Vegetation Management
5 Task Force created pursuant to section 2-968. Beginning in fiscal
6 year ~~2007-08,~~ 2009-10, it is the intent of the Legislature to
7 appropriate two million dollars annually for the management of
8 vegetation within the banks of a natural stream or within one
9 hundred feet of the banks of a channel of any natural stream. Such
10 funds shall only be used to pay for activities and equipment as
11 part of vegetation management programs that have as their primary
12 objective improving conveyance of streamflow in natural streams.
13 Grants from funds appropriated as provided in this subsection shall
14 be disbursed only to weed management entities, local weed control
15 authorities, and natural resources districts, whose territory
16 includes one or more fully appropriated or overappropriated river
17 basins as designated by the Department of Natural Resources with
18 priority ~~for the first year~~ given to fully appropriated river
19 basins that are the subject of an interstate compact or decree.
20 The Game and Parks Commission shall assist grant recipients in
21 implementing grant projects under this subsection, and interlocal
22 agreements under the Interlocal Cooperation Act or the Joint Public
23 Agency Act shall be utilized whenever possible in carrying out the
24 grant projects. This subsection terminates on June 30, ~~2009,~~ 2013.

25 (5) Nothing in this section shall be construed to relieve

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

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

8 (7) (a) The director shall apply for a grant from the
9 Nebraska Environmental Trust Fund prior to the application deadline
10 in September of 2009 for grants to be awarded and funded in April
11 of 2010.

12 (b) The director shall apply for a grant from the Natural
13 Resources Conservation Service of the United States Department of
14 Agriculture prior to July 31, 2009.

15 Sec. 3. Section 2-967, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 2-967 The Riparian Vegetation Management Task Force is
18 created. The Governor shall appoint the members of the task force.
19 The members shall include one surface water project representative
20 from each river basin that has been determined to be fully
21 appropriated pursuant to section 46-714 or 46-720 or designated as
22 overappropriated pursuant to section 46-713 by the Department
23 of Natural Resources; one representative from the Department
24 of Agriculture, the Department of Environmental Quality, the
25 Department of Natural Resources, the office of the Governor, the

1 office of the State Forester, the Game and Parks Commission, and
2 the University of Nebraska; two representatives nominated by the
3 Nebraska Association of Resources Districts; two representatives
4 nominated by the Nebraska Weed Control Association; one riparian
5 landowner from each of the state's congressional districts; and one
6 representative from the Nebraska Environmental Trust. In addition
7 to such members, any member of the Legislature may serve as a
8 member of the task force at his or her option. For administrative
9 and budgetary purposes only, the task force shall be housed within
10 the Department of Agriculture. This section terminates on June 30,
11 ~~2009.~~ 2013.

12 Sec. 4. Section 2-968, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 2-968 The Riparian Vegetation Management Task Force, in
15 consultation with appropriate federal agencies, shall develop and
16 prioritize vegetation management goals and objectives, analyze the
17 cost-effectiveness of available vegetation treatment, and develop
18 plans and policies to achieve such goals and objectives. Any plan
19 shall utilize the principles of integrated vegetation management
20 and sound science. The task force shall convene within thirty
21 days after the appointment of the members is complete to elect a
22 chairperson and conduct such other business as deemed necessary.
23 The efforts of the task force shall be initially directed toward
24 river basins designated by the Department of Natural Resources as
25 fully appropriated or overappropriated. Task force meetings shall

1 be held in communities within the Republican River and Platte River
2 basins. ~~The task force shall make preliminary recommendations to~~
3 ~~the Governor and the Legislature regarding funding and legislation~~
4 ~~needed to achieve its goals on or before December 15, 2007, and~~
5 ~~each year thereafter,~~ with a final report due to the Governor
6 and the Legislature prior to June 30, 2009, 2013. It is the
7 intent of the Legislature that expenses of the task force be
8 ~~paid from funds appropriated for Laws 2007, LB 701, and shall not~~
9 exceed twenty-five thousand dollars per fiscal year. This section
10 terminates on June 30, ~~2009,~~ 2013.

11 Sec. 5. Section 2-5106, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 2-5106 The Buffer Strip Incentive Fund is created.
14 Proceeds raised from fees imposed for the registration of
15 pesticides and earmarked for the fund pursuant to section 2-2634,
16 proceeds raised from federal grants earmarked for the fund, and
17 any proceeds raised from public or private donations made to the
18 fund shall be remitted to the State Treasurer for credit to the
19 fund. The fund shall be administered by the department to maintain
20 the buffer strip program and for expenses directly related to
21 the program, including necessary expenses of the department in
22 carrying out its duties and responsibilities under the Buffer
23 Strip Act, except that on July 1, 2009, or as soon thereafter
24 as administratively possible, the State Treasurer shall transfer
25 five hundred thousand dollars from the Buffer Strip Incentive Fund

1 to the Noxious Weed and Invasive Plant Species Assistance Fund.

2 The annual cost of administering the buffer strip program shall
3 not exceed ten percent of the total annual proceeds credited to
4 the ~~fund-~~ Buffer Strip Incentive Fund. Such administrative costs
5 shall include funds allocated by the department to the districts
6 for their administrative costs. Any money in the fund available
7 for investment shall be invested by the state investment officer
8 pursuant to the Nebraska Capital Expansion Act and the Nebraska
9 State Funds Investment Act.

10 Sec. 6. Original sections 2-958.02, 2-967, 2-968, and
11 2-5106, Reissue Revised Statutes of Nebraska, and section 2-958.01,
12 Revised Statutes Cumulative Supplement, 2008, are repealed.

13 Sec. 7. Since an emergency exists, this act takes effect
14 when passed and approved according to law.