

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 805

Introduced by Hughes, 44.

Read first time January 06, 2022

Committee:

- 1 A BILL FOR AN ACT relating to the Noxious Weed Control Act; to amend
- 2 section 2-958.02, Revised Statutes Cumulative Supplement, 2020; to
- 3 change provisions relating to prioritization of applications and
- 4 intent to appropriate funds; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-958.02, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

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

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

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

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

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

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

23 (e) To respond to introductions and infestations of invasive plant
24 species that threaten or potentially threaten the productivity and
25 biodiversity of wildlife and fishery habitats on public and private
26 lands;

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

31 (g) To conduct monitoring or surveillance activities to detect, map,

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

4 (h) To conduct educational activities.

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

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

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

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

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

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

19 (f) The extent to which the project will provide a comprehensive
20 approach to the control or eradication of noxious weeds or invasive plant
21 species as identified and listed by the Nebraska Invasive Species
22 Council;

23 (g) The extent to which the project will reduce or prevent the total
24 population or area of infestation of a noxious weed or invasive plant
25 species as identified and listed by the Nebraska Invasive Species
26 Council;

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

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

30 (4) The director shall receive applications for grants under this
31 subsection and shall award grants to recipients and programs eligible

1 under this subsection. Priority shall be given to grant applicants whose
2 proposed programs are consistent with vegetation management goals and
3 priorities and plans and policies of the Riparian Vegetation Management
4 Task Force established under section 2-970. Beginning in fiscal year
5 2022-23 ~~2016-17~~, it is the intent of the Legislature to appropriate three
6 ~~one~~ million dollars annually for the management of vegetation within the
7 banks or flood plain of a natural stream ~~or within one hundred feet of~~
8 ~~the banks of a channel of any natural stream~~. Such funds shall only be
9 used to pay for activities and equipment as part of vegetation management
10 programs that have as their primary objective improving conveyance of
11 streamflow in natural streams. Grants from funds appropriated as provided
12 in this subsection shall be disbursed only to weed management entities,
13 local weed control authorities, and natural resources districts whose
14 territory includes river basins, with priority given to river basins that
15 are the subject of an interstate compact or decree. The Game and Parks
16 Commission shall assist grant recipients in implementing grant projects
17 under this subsection, and interlocal agreements under the Interlocal
18 Cooperation Act or the Joint Public Agency Act shall be utilized whenever
19 possible in carrying out the grant projects.

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

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

26 (7) The director may annually apply for conservation funding from
27 the Natural Resources Conservation Service of the United States
28 Department of Agriculture.

29 Sec. 2. Original section 2-958.02, Revised Statutes Cumulative
30 Supplement, 2020, is repealed.