

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 805

FINAL READING

Introduced by Hughes, 44.

Read first time January 06, 2022

Committee: Agriculture

1 A BILL FOR AN ACT relating to agriculture; to amend sections 2-2303,
2 2-2309, 2-2311, 2-2312, 2-2315, 2-2318, 23-3803, 23-3804, 23-3805,
3 23-3806, and 23-3808, Reissue Revised Statutes of Nebraska, and
4 section 2-958.02, Revised Statutes Cumulative Supplement, 2020; to
5 change provisions relating to the Noxious Weed Control Act, the
6 Nebraska Wheat Resources Act, and the Black-Tailed Prairie Dog
7 Management Act; to harmonize provisions; to provide severability;
8 and to repeal the original sections.

9 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. Section 2-2303, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 2-2303 For purposes of the Nebraska Wheat Resources Act, unless the

1 context otherwise requires:

2 (1) Board means the Nebraska Wheat Development, Utilization, and
3 Marketing Board;

4 (2) Commercial channels means the sale of wheat for any use when the
5 buyer resells or intends to resell sold to any commercial buyer, dealer,
6 processor, cooperative, or any person, public or private, who resells any
7 such wheat or product produced from such wheat for a purpose other than
8 for use as seed;

9 (3)(a) ~~(3)~~ First purchaser means any individual or person, public or
10 private corporation, association, partnership, ~~or~~ limited liability
11 company, or other business entity, if such individual or entity buys,
12 accepts buying, accepting for shipment, or otherwise acquires ~~acquiring~~
13 the property in or to wheat from a grower for a purpose other than for
14 use as seed.

15 (b) First purchaser shall not include a public or private and
16 ~~includes~~ a mortgagee, pledgee, lienor, or other person, ~~public or~~
17 ~~private,~~ having a claim against the grower when the actual or
18 constructive possession of such wheat is taken as part payment or in
19 satisfaction of a such mortgage, pledge, lien, or claim;

20 (4) Grower means any landowner personally engaged in growing wheat,
21 a tenant of the landowner personally engaged in growing wheat, and both
22 the owner and the tenant jointly and includes an individual or a person,
23 partnership, limited liability company, association, corporation,
24 cooperative, trust, sharecropper, and other business units, devices, and
25 arrangements;

26 (5) Net market price means the sales price, or other value, per
27 volumetric unit received by a producer for wheat after adjustment for any
28 premium or discount;

29 (6) Net market value means the value found by multiplying the net
30 market price by the appropriate quantity of the volumetric units or the
31 minimum value in a production contract received by a producer for wheat

1 after adjustments for any premium or discount. For wheat pledged as
2 collateral for a loan issued under any Commodity Credit Corporation price
3 support loan program, net market value means the principal amount of the
4 loan; and

5 (7) Sale does not include a ~~includes any~~ pledge or mortgage of wheat
6 ~~after harvest~~ to any individual or person, public or private entity.

7 Sec. 3. Section 2-2309, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 2-2309 It is hereby declared to be the public policy of the State of
10 Nebraska to protect and foster the health, prosperity, and general
11 welfare of its people by protecting and stabilizing the wheat industry
12 and the economy of the areas producing wheat. The Nebraska Wheat
13 Development, Utilization, and Marketing Board shall be the agency of the
14 State of Nebraska for such purpose. In connection with and in furtherance
15 of such purpose, such board shall have the power to:

16 (1) Formulate the general policies and programs of the State of
17 Nebraska relating to the wheat industry, including:

18 (a) The ~~respecting~~ the discovery, promotion, and development of
19 markets and industries for the utilization of wheat grown within the
20 State of Nebraska;

21 (b) The acquisition of ownership rights, including intellectual
22 property rights, to any variety of wheat; and

23 (c) The development, production, marketing, and sale of seed for any
24 wheat variety owned by the board;

25 (2) Adopt and devise a program of education and publicity;

26 (3) Cooperate with local, state, or national organizations, whether
27 public or private, in carrying out the purposes of the Nebraska Wheat
28 Resources Act and to enter into such contracts as may be necessary;

29 (4) Adopt and promulgate such rules and regulations as are necessary
30 to promptly and effectively enforce the Nebraska Wheat Resources Act. The
31 rules and regulations shall include provisions which prescribe the

1 procedure for adjustment of the excise tax by the board pursuant to
2 section 2-2311;

3 (5) Conduct, in addition to the things enumerated, any other program
4 for the development, utilization, and marketing of wheat grown in the
5 State of Nebraska. Such programs may provide for cooperation with, grants
6 to, or contracts with individuals or entities in the private sector or
7 public sector for the following purposes: include a program to make
8 grants and enter into contracts for research, accumulation of data, and
9 construction of ethanol production facilities;

10 (a) Research;

11 (b) Accumulation of data;

12 (c) Development of new varieties of wheat;

13 (d) Securing plant variety protection under federal law when
14 possible;

15 (e) Securing intellectual property rights relating to development of
16 new varieties of wheat when possible;

17 (f) Producing wheat for seed and selling such seed; and

18 (g) Construction of ethanol production facilities;

19 (6) Make refunds for overpayments of the excise tax according to
20 rules and regulations adopted and promulgated by the board; and

21 (7) Employ personnel and contract for services which are necessary
22 for the proper operation of the program.

23 Sec. 4. Section 2-2311, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 2-2311 (1) Commencing July 1, 1990, the board may levy on growers of
26 wheat an excise tax of not to exceed one and one-half cents per bushel
27 upon all wheat sold through commercial channels in the State of Nebraska.
28 Commencing on October 1, 2012, there is hereby levied an excise tax of
29 four-tenths percent of the net market value of wheat sold through
30 commercial channels in the State of Nebraska. The first purchaser of such
31 wheat shall levy, impose, and collect the tax at the time of settlement

1 ~~for the wheat tax shall be levied and imposed on the grower at the time~~
2 ~~of sale or delivery and shall be collected by the first purchaser.~~ Under
3 the Nebraska Wheat Resources Act, no wheat is ~~shall be~~ subject to the tax
4 more than once.

5 (2) After October 1, 2014, the board may, whenever it determines
6 that the excise tax levied by this section is yielding more or less than
7 is required to carry out the intent and purposes of the Nebraska Wheat
8 Resources Act, reduce or increase such levy for such period as it deems
9 justifiable, but not less than one year, and such levy shall not exceed
10 five-tenths percent of the net market value. Any adjustment to the levy
11 shall be by rule and regulation adopted and promulgated by the board in
12 accordance with the Administrative Procedure Act.

13 Sec. 5. Section 2-2312, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 2-2312 In the case of a pledge or mortgage of wheat as security for
16 a loan under the federal price support program, no excise ~~the~~ tax shall
17 be deducted from the proceeds of such loan at the time the loan is made.

18 Sec. 6. Section 2-2315, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 2-2315 (1) The first purchaser, at the time of settlement with a
21 grower therefor, shall deduct the wheat excise tax as provided in section
22 2-2311 and shall maintain a ~~the necessary~~ record of the excise tax for
23 each purchase of wheat on the grain settlement form or check stub showing
24 payment to the grower for each purchase.

25 (2) The first purchaser shall also maintain a record of all
26 settlements in which an excise tax was not deducted from the payment to
27 the grower.

28 (3) Such records maintained by the first purchaser shall provide the
29 following information: (a) Name and address of the grower and seller; (b)
30 the date of the purchase; (c) the number of bushels of wheat sold; (d)
31 the net market value of the wheat sold; and (e) ~~and (d)~~ the amount of

1 wheat excise tax collected on each purchase. Such records shall be open
2 for inspection and audit by authorized representatives of the board
3 during normal business hours observed by the purchaser.

4 ~~(4) (2)~~ The first purchaser shall ~~render and have on~~ file with the
5 board by the last day of each January, April, July, and October on forms
6 prescribed by the board, a statement of the number of bushels of wheat
7 purchased in Nebraska. Such statement shall include the number of bushels
8 of wheat for which the first purchaser collected the excise tax. At the
9 time the statement is filed, the purchaser shall pay and remit to the
10 board the tax as provided for in section 2-2311.

11 Sec. 7. Section 2-2318, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 2-2318 (1) The Nebraska Wheat Development, Utilization, and
14 Marketing Board shall not be authorized to set up research or development
15 units or agencies of its own. The board may cooperate with, provide
16 grants to, or contract with any of the following for the purposes
17 described in subdivisions (1) and (5) of section 2-2309, with preference
18 given to private-sector individuals or entities:

19 (a) A business entity formed by one or more growers;

20 (b) The , but shall limit its activity to cooperation and contracts
21 with the Department of Agriculture; ,

22 (c) The University of Nebraska Institute of Agriculture and Natural
23 Resources; , or

24 (d) Any other public or private proper local, state, or national
25 organization organizations, public or private, in carrying out the
26 Nebraska Wheat Resources Act.

27 (2) This section shall not be construed to prohibit the board from
28 exercising its powers under subdivisions (1)(b) and (c) of section
29 2-2309, including its ability to produce and sell wheat for use as seed
30 without cooperating with, providing grants to, or contracting with any of
31 the individuals or entities described in subsection (1) of this section.

1 Sec. 8. Section 23-3803, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 23-3803 (1) A county may adopt by resolution and carry out a
4 coordinated program for the management of black-tailed prairie dogs on
5 property within the county consistent with the Black-Tailed Prairie Dog
6 Management Act. When a county adopts such a resolution, the county shall
7 assume the authority and duties provided in the act and the act shall be
8 applicable to persons owning or controlling property within the county.

9 (2) A black-tailed prairie dog management plan adopted pursuant to
10 this section shall:

11 (a) Include ~~include~~ a finding by the county board of adverse impacts
12 of unmanaged colonies within the county and the necessity to exercise the
13 authority made available under the Black-Tailed Prairie Dog Management
14 Act; ~~Such management plan shall~~

15 (b) Include ~~include~~ a listing of the methods for management of
16 colonies to be used for purposes which are consistent with the act; ~~or~~
17 ~~Such management plan shall not~~

18 (c) Provide a method for an adjacent landowner to make a written
19 waiver of objection to the expansion of a colony upon such adjacent
20 landowner's property pursuant to section 23-3804; and

21 (d) Not conflict with any state management plan for black-tailed
22 prairie dogs or any rules or regulations adopted and promulgated pursuant
23 to the Nongame and Endangered Species Conservation Act or ~~and shall not~~
24 ~~conflict~~ with any state or federal recovery plan for endangered or
25 threatened species.

26 (3) A county may cooperate and coordinate with the Animal and Plant
27 Health Inspection Service of the United States Department of Agriculture,
28 the Game and Parks Commission, the United States Fish and Wildlife
29 Service, and other local, state, and national agencies and organizations,
30 public or private, to prepare a coordinated program for the control and
31 management of black-tailed prairie dogs and to carry out its duties and

1 responsibilities under the Black-Tailed Prairie Dog Management Act.

2 (4) A county may by resolution discontinue a coordinated program for
3 the management of black-tailed prairie dogs. If such a program is
4 discontinued, any unpaid assessments against landowners for costs of
5 black-tailed prairie dog management shall continue to be collected
6 pursuant to the Black-Tailed Prairie Dog Management Act.

7 Sec. 9. Section 23-3804, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 23-3804 Each person who owns or controls property within a county
10 that has adopted a coordinated program for the management of black-tailed
11 prairie dogs under section 23-3803 shall effectively manage colonies
12 present upon such ~~his, her, or its~~ property to prevent the expansion of
13 colonies to adjacent property unless the owner of the adjacent property
14 makes a written waiver of objection to the expansion of such colonies to
15 such adjacent landowner's property if the owner of the adjacent property
16 objects to such expansion.

17 Sec. 10. Section 23-3805, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 23-3805 A county board of a county that has adopted a coordinated
20 program for the management of black-tailed prairie dogs under section
21 23-3803 may:

22 (1) Employ personnel and expend funds for the purchase of materials,
23 machinery, and equipment to carry out its duties and responsibilities
24 under the Black-Tailed Prairie Dog Management Act;

25 (2) Issue general and individual notices as provided in section
26 23-3806 for the management of colonies; ~~and~~

27 (3) Examine property within the county for the purpose of
28 determining the location of colonies; ~~and -~~

29 (4) Assign performance of elements of the black-tailed prairie dog
30 management plan, including, but not limited to, investigation of reports
31 or complaints regarding unmanaged prairie dog colonies.

1 Sec. 11. Section 23-3806, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 23-3806 (1)(a) Notices for management of colonies shall consist of
4 two kinds: General notice and individual notices, which notices shall be
5 on a form prescribed by this section. ~~Failure to publish general notice~~
6 ~~or to serve individual notices as provided in this section shall not~~
7 ~~relieve any person from the necessity of full compliance with the Black-~~
8 ~~Tailed Prairie Dog Management Act.~~

9 (b) General notice shall be published by the county board of each
10 county that has adopted a coordinated program for the management of
11 black-tailed prairie dogs under section 23-3803 in one or more newspapers
12 of general circulation in the county on or before May 1 of each year or
13 at such other times as the county board may determine.

14 (c) Whenever any county board of a county that has adopted a
15 coordinated program for the management of black-tailed prairie dogs under
16 section 23-3803 ~~finds has reason to believe, based upon information or~~
17 ~~through its own investigation,~~ that a colony, or any portion of a colony,
18 has expanded onto adjacent property and the owner of the adjacent
19 property objects to such expansion and the county board determines that
20 it is necessary to secure more prompt or definite management of a colony
21 than is accomplished by the general published notice, it shall cause to
22 be served individual notice, upon the owner of record of the property
23 upon which the colony is located, by certified mail at his or her last-
24 known address, of recommended methods of when and how black-tailed
25 prairie dogs are to be managed.

26 (d) The county board shall use ~~one or both of~~ the following form
27 ~~forms~~ for all individual notices:

- 28 (i) County Board
29 OFFICIAL NOTICE
30 Information received by the county board, including from an onsite
31 investigation, indicates the existence of an unmanaged black-tailed

1 prairie dog colony on property owned by you
 2 at: The method of management
 3 recommended by the county board is as
 4 follows: Other
 5 appropriate management methods are acceptable if approved by the county
 6 board.

7 State law specifies a duty of each person who owns or controls
 8 property within a county that has adopted a coordinated program for the
 9 management of black-tailed prairie dogs under section 23-3803 to manage
 10 black-tailed prairie dog colonies present upon his or her property to
 11 prevent the expansion of colonies to adjacent property unless ~~if~~ the
 12 owner of the adjacent property waives objection in writing ~~objects~~ to
 13 such expansion. You must provide notice and evidence to the county board
 14 within sixty days after the date specified at the bottom of this notice
 15 that appropriate management as specified in this notice, or alternative
 16 management that is approved by the board, has been initiated. If services
 17 for the management of black-tailed prairie dogs are not available within
 18 the sixty-day period specified in this notice, you may satisfy this
 19 notice by providing evidence that you have arranged for management to
 20 occur when available. If such notice and evidence are not received by the
 21 county board within sixty days after the date specified at the bottom of
 22 this notice, the county board or its agent may enter upon your property
 23 for the purpose of taking the appropriate management measures. Costs for
 24 the management activities performed by the county board shall be at the
 25 expense of the owner of the property and shall become a lien on the
 26 property ~~as a special assessment levied on the date of control.~~

27 If the county board receives a written request from you within
 28 fifteen days after the date specified at the bottom of this notice, you
 29 are entitled to a hearing before the county board to challenge this
 30 notice.

31 County Board

1 Dated ; ~~or~~
2 ~~(ii) County Board~~

3 ~~OFFICIAL NOTICE~~

4 ~~Information received by the county board indicates the presence of~~
5 ~~an unmanaged black tailed prairie dog colony on property owned by you~~
6 ~~at: The method of~~
7 ~~management recommended by the county board is as~~
8 ~~follows: Other~~
9 ~~appropriate management methods are acceptable if approved by the county~~
10 ~~board.~~

11 ~~State law specifies a duty of each person who owns or controls~~
12 ~~property within a county that has adopted a coordinated program for the~~
13 ~~management of black-tailed prairie dogs under section 23-3803 to manage~~
14 ~~black-tailed prairie dog colonies present upon his or her property to~~
15 ~~prevent the expansion of colonies to adjacent property if the owner of~~
16 ~~the adjacent property objects to such expansion. You must provide notice~~
17 ~~and evidence to the county board within sixty days after the date~~
18 ~~specified at the bottom of this notice that appropriate management as~~
19 ~~specified in this notice, or alternative management that is approved by~~
20 ~~the board, has been initiated. If services for the management of black-~~
21 ~~tailed prairie dogs are not available within the sixty-day period~~
22 ~~specified in this notice, you may satisfy this notice by providing~~
23 ~~evidence that you have arranged for management to occur when available.~~
24 ~~If such notice and evidence are not received by the county board within~~
25 ~~sixty days after the date specified at the bottom of this notice you may,~~
26 ~~upon conviction, be subject to a fine of \$100.00 per day for each day of~~
27 ~~noncompliance beginning on, up to a maximum of fifteen days of~~
28 ~~noncompliance (maximum \$1,500).~~

29 ~~If the county board receives a written request from you within~~
30 ~~fifteen days after the date specified at the bottom of this notice, you~~
31 ~~are entitled to a hearing before the county board to challenge this~~

1 notice.

2 County Board

3 Dated

4 (2) Upon the written request of any landowner served with an
5 individual notice pursuant to subsection (1) of this section received
6 within fifteen days after the date specified by such notice, the county
7 board shall hold an informal public hearing to allow such landowner an
8 opportunity to address the county board's notice.

9 (3) Following the hearing, the county board may affirm, modify, or
10 rescind such notice. ~~If a landowner who has received a notice pursuant to~~
11 ~~subsection (1) of this section fails to comply with the notice, the~~
12 ~~county board shall: (a) If, upon expiration of the sixty-day period~~
13 ~~specified on the notice required by subdivision (1)(d) (1)(d)(i) of this~~
14 ~~section, the landowner has not complied with the notice and has not~~
15 ~~requested a hearing pursuant to subsection (2) of this section, the~~
16 ~~county board may cause proper management methods to be used on such~~
17 ~~property and shall advise the record landowner of the cost incurred in~~
18 ~~connection with such operation. The cost of any such management shall be~~
19 ~~at the expense of the landowner. In addition, the county board shall~~
20 ~~immediately cause notice to be filed of possible unpaid black-tailed~~
21 ~~prairie dog management assessments against the property upon which the~~
22 ~~management measures were used in the register of deeds office in the~~
23 ~~county where the property is located. If unpaid for two months, the~~
24 ~~county board shall certify to the county treasurer the amount of such~~
25 ~~expense and such expense shall become a lien on the property upon which~~
26 ~~the management measures were taken as a special assessment levied on the~~
27 ~~date of management. The county treasurer shall add such expense to and it~~
28 ~~shall become and form a part of the taxes upon such land and shall bear~~
29 ~~interest at the same rate as delinquent taxes; or~~

30 (b) ~~If, upon the expiration of the sixty-day period specified on the~~
31 ~~notice required by subdivision (1)(d)(ii) of this section, the landowner~~

1 ~~has not complied with the notice and has not requested a hearing pursuant~~
2 ~~to subsection (2) of this section, the county board shall notify the~~
3 ~~county attorney who shall proceed against such landowner as prescribed in~~
4 ~~this subdivision. A person who is responsible for an unmanaged colony~~
5 ~~shall, upon conviction, be guilty of an infraction pursuant to sections~~
6 ~~29-431 to 29-438, except that the penalty shall be a fine of one hundred~~
7 ~~dollars per day for each day of violation, up to a total of one thousand~~
8 ~~five hundred dollars for fifteen days of noncompliance.~~

9 (4) ~~This section shall not be construed to limit satisfaction of the~~
10 ~~obligation imposed by this section in whole or in part by tax foreclosure~~
11 ~~proceedings. The expense may be collected by suit instituted for that~~
12 ~~purpose as a debt due the county or by any other or additional remedy~~
13 ~~otherwise available. Amounts collected under this section shall be~~
14 ~~deposited to the black-tailed prairie dog management fund of the county~~
15 ~~board if such fund has been created by the county board or, if no such~~
16 ~~fund has been created, then to the county general fund.~~

17 (5) Any action of the county board taken pursuant to this section
18 may be appealed to any court having jurisdiction.

19 Sec. 12. Section 23-3808, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 23-3808 The county board of a county that has adopted a coordinated
22 program for the management of black-tailed prairie dogs under section
23 23-3803, or anyone authorized by the county board, may enter upon
24 property in the county for purposes of performing the duties and
25 exercising the powers under the Black-Tailed Prairie Dog Management Act
26 after ~~without being subject to any action for trespass or damages,~~
27 ~~including damages for destruction of growing crops, if reasonable care is~~
28 ~~exercised and forty-eight hours' written advance notice of entrance is~~
29 ~~provided to the property owner or occupant.~~

30 Sec. 13. If any section in this act or any part of any section is
31 declared invalid or unconstitutional, the declaration shall not affect

1 the validity or constitutionality of the remaining portions.

2 Sec. 14. Original sections 2-2303, 2-2309, 2-2311, 2-2312, 2-2315,
3 2-2318, 23-3803, 23-3804, 23-3805, 23-3806, and 23-3808, Reissue Revised
4 Statutes of Nebraska, and section 2-958.02, Revised Statutes Cumulative
5 Supplement, 2020, are repealed.