

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 218**

FINAL READING

Introduced by Ibach, 44; Hughes, 24; Jacobson, 42; Brewer, 43.

Read first time January 10, 2023

Committee: Agriculture

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

1 Section 1. Section 2-958.02, Reissue Revised Statutes of Nebraska,  
2 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 ~~2024-25~~ ~~2022-23~~, it is the intent of the Legislature to appropriate six  
6 ~~three~~ million dollars annually for the management of vegetation within  
7 the banks or flood plain of a natural stream. Such funds shall only be  
8 used to pay for activities and equipment as part of vegetation management  
9 programs that have as their primary objective improving conveyance of  
10 streamflow in natural streams. Grants from funds appropriated as provided  
11 in this subsection shall be disbursed only to weed management entities,  
12 local weed control authorities, and natural resources districts whose  
13 territory includes river basins, with priority given to river basins that  
14 are the subject of an interstate compact or decree. The Game and Parks  
15 Commission shall assist grant recipients in implementing grant projects  
16 under this subsection, and interlocal agreements under the Interlocal  
17 Cooperation Act or the Joint Public Agency Act shall be utilized whenever  
18 possible in carrying out the grant projects.

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

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

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

28 Sec. 2. Original section 2-958.02, Reissue Revised Statutes of  
29 Nebraska, is repealed.