

AMENDMENTS TO LB805

Introduced by Agriculture.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 2-958.02, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

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

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

16 (a) To conduct applied research to solve locally significant weed
17 management problems;

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

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

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

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

1 lands;

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

6 (g) To conduct monitoring or surveillance activities to detect, map,
7 or determine the distribution of invasive plant species and to determine
8 susceptible locations for the introduction or spread of invasive plant
9 species; and

10 (h) To conduct educational activities.

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

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

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

18 (c) The likelihood that the project will prevent or resolve the
19 problem or increase knowledge about resolving similar problems in the
20 future;

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

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

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

29 (g) The extent to which the project will reduce or prevent the total
30 population or area of infestation of a noxious weed or invasive plant
31 species as identified and listed by the Nebraska Invasive Species

1 Council;

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

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

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

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

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

1 (7) The director may annually apply for conservation funding from
2 the Natural Resources Conservation Service of the United States
3 Department of Agriculture.

4 Sec. 2. Section 2-2303, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 2-2303 For purposes of the Nebraska Wheat Resources Act, unless the
7 context otherwise requires:

8 (1) Board means the Nebraska Wheat Development, Utilization, and
9 Marketing Board;

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

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

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

26 (4) Grower means any landowner personally engaged in growing wheat,
27 a tenant of the landowner personally engaged in growing wheat, and both
28 the owner and the tenant jointly and includes an individual or a person,
29 partnership, limited liability company, association, corporation,
30 cooperative, trust, sharecropper, and other business units, devices, and
31 arrangements;

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

4 (6) Net market value means the value found by multiplying the net
5 market price by the appropriate quantity of the volumetric units or the
6 minimum value in a production contract received by a producer for wheat
7 after adjustments for any premium or discount. For wheat pledged as
8 collateral for a loan issued under any Commodity Credit Corporation price
9 support loan program, net market value means the principal amount of the
10 loan; and

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

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

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

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

24 (a) The ~~respecting~~ the discovery, promotion, and development of
25 markets and industries for the utilization of wheat grown within the
26 State of Nebraska;

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

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

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

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

4 (4) Adopt and promulgate such rules and regulations as are necessary
5 to promptly and effectively enforce the Nebraska Wheat Resources Act. The
6 rules and regulations shall include provisions which prescribe the
7 procedure for adjustment of the excise tax by the board pursuant to
8 section 2-2311;

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

16 (a) Research;

17 (b) Accumulation of data;

18 (c) Development of new varieties of wheat;

19 (d) Securing plant variety protection under federal law when
20 possible;

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

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

24 (g) Construction of ethanol production facilities;

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

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

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

31 2-2311 (1) Commencing July 1, 1990, the board may levy on growers of

1 wheat an excise tax of not to exceed one and one-half cents per bushel
2 upon all wheat sold through commercial channels in the State of Nebraska.
3 Commencing on October 1, 2012, there is hereby levied an excise tax of
4 four-tenths percent of the net market value of wheat sold through
5 commercial channels in the State of Nebraska. The first purchaser of such
6 wheat shall levy, impose, and collect the tax at the time of settlement
7 for the wheat tax shall be levied and imposed on the grower at the time
8 of sale or delivery and shall be collected by the first purchaser. Under
9 the Nebraska Wheat Resources Act, no wheat is shall be subject to the tax
10 more than once.

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

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

21 2-2312 In the case of a pledge or mortgage of wheat as security for
22 a loan under the federal price support program, no excise the tax shall
23 be deducted from the proceeds of such loan at the time the loan is made.

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

26 2-2315 (1) The first purchaser, at the time of settlement with a
27 grower therefor, shall deduct the wheat excise tax as provided in section
28 2-2311 and shall maintain a ~~the necessary~~ record of the excise tax for
29 each purchase of wheat on the grain settlement form or check stub showing
30 payment to the grower for each purchase.

31 (2) The first purchaser shall also maintain a record of all

1 settlements in which an excise tax was not deducted from the payment to
2 the grower.

3 (3) Such records maintained by the first purchaser shall provide the
4 following information: (a) Name and address of the grower and seller; (b)
5 the date of the purchase; (c) the number of bushels of wheat sold; (d)
6 the net market value of the wheat sold; and (e) and ~~(d)~~ the amount of
7 wheat excise tax collected on each purchase. Such records shall be open
8 for inspection and audit by authorized representatives of the board
9 during normal business hours observed by the purchaser.

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

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

19 2-2318 (1) The Nebraska Wheat Development, Utilization, and
20 Marketing Board shall not be authorized to set up research or development
21 units or agencies of its own. The board may cooperate with, provide
22 grants to, or contract with any of the following for the purposes
23 described in subdivisions (1) and (5) of section 2-2309, with preference
24 given to private-sector individuals or entities:

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

26 (b) The ~~τ~~, but shall limit its activity to cooperation and contracts
27 with the Department of Agriculture; ~~τ~~

28 (c) The University of Nebraska Institute of Agriculture and Natural
29 Resources; ~~τ~~ or

30 (d) Any other public or private proper local, state, or national
31 organization organizations, public or private, in carrying out the

1 ~~Nebraska Wheat Resources Act.~~

2 (2) This section shall not be construed to prohibit the board from
3 exercising its powers under subdivisions (1)(b) and (c) of section
4 2-2309, including its ability to produce and sell wheat for use as seed
5 without cooperating with, providing grants to, or contracting with any of
6 the individuals or entities described in subsection (1) of this section.

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

9 23-3803 (1) A county may adopt by resolution and carry out a
10 coordinated program for the management of black-tailed prairie dogs on
11 property within the county consistent with the Black-Tailed Prairie Dog
12 Management Act. When a county adopts such a resolution, the county shall
13 assume the authority and duties provided in the act and the act shall be
14 applicable to persons owning or controlling property within the county.

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

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

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

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

27 (d) Not conflict with any state management plan for black-tailed
28 prairie dogs or any rules or regulations adopted and promulgated pursuant
29 to the Nongame and Endangered Species Conservation Act or ~~and shall not~~
30 ~~conflict~~ with any state or federal recovery plan for endangered or
31 threatened species.

1 (3) A county may cooperate and coordinate with the Animal and Plant
2 Health Inspection Service of the United States Department of Agriculture,
3 the Game and Parks Commission, the United States Fish and Wildlife
4 Service, and other local, state, and national agencies and organizations,
5 public or private, to prepare a coordinated program for the control and
6 management of black-tailed prairie dogs and to carry out its duties and
7 responsibilities under the Black-Tailed Prairie Dog Management Act.

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

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

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

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

25 23-3805 A county board of a county that has adopted a coordinated
26 program for the management of black-tailed prairie dogs under section
27 23-3803 may:

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

31 (2) Issue general and individual notices as provided in section

1 23-3806 for the management of colonies;~~and~~

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

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

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

9 23-3806 (1)(a) Notices for management of colonies shall consist of
10 two kinds: General notice and individual notices, which notices shall be
11 on a form prescribed by this section. ~~Failure to publish general notice~~
12 ~~or to serve individual notices as provided in this section shall not~~
13 ~~relieve any person from the necessity of full compliance with the Black-~~
14 ~~Tailed Prairie Dog Management Act.~~

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

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

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

3 ~~(i)~~ County Board

4 OFFICIAL NOTICE

5 Information received by the county board, including from an onsite
6 investigation, indicates the existence of an unmanaged black-tailed
7 prairie dog colony on property owned by you
8 at: The method of management
9 recommended by the county board is as
10 follows: Other
11 appropriate management methods are acceptable if approved by the county
12 board.

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

1 ~~property as a special assessment levied on the date of control.~~

2 If the county board receives a written request from you within
3 fifteen days after the date specified at the bottom of this notice, you
4 are entitled to a hearing before the county board to challenge this
5 notice.

6 County Board

7 Dated ; or

8 (ii) County Board

9 OFFICIAL NOTICE

10 ~~Information received by the county board indicates the presence of~~
11 ~~an unmanaged black-tailed prairie dog colony on property owned by you~~
12 ~~at:~~ The method of
13 ~~management recommended by the county board is as~~
14 ~~follows:~~ Other
15 ~~appropriate management methods are acceptable if approved by the county~~
16 ~~board.~~

17 ~~State law specifies a duty of each person who owns or controls~~
18 ~~property within a county that has adopted a coordinated program for the~~
19 ~~management of black-tailed prairie dogs under section 23-3803 to manage~~
20 ~~black-tailed prairie dog colonies present upon his or her property to~~
21 ~~prevent the expansion of colonies to adjacent property if the owner of~~
22 ~~the adjacent property objects to such expansion. You must provide notice~~
23 ~~and evidence to the county board within sixty days after the date~~
24 ~~specified at the bottom of this notice that appropriate management as~~
25 ~~specified in this notice, or alternative management that is approved by~~
26 ~~the board, has been initiated. If services for the management of black-~~
27 ~~tailed prairie dogs are not available within the sixty-day period~~
28 ~~specified in this notice, you may satisfy this notice by providing~~
29 ~~evidence that you have arranged for management to occur when available.~~
30 ~~If such notice and evidence are not received by the county board within~~
31 ~~sixty days after the date specified at the bottom of this notice you may,~~

1 ~~upon conviction, be subject to a fine of \$100.00 per day for each day of~~
2 ~~noncompliance beginning on, up to a maximum of fifteen days of~~
3 ~~noncompliance (maximum \$1,500).~~

4 ~~If the county board receives a written request from you within~~
5 ~~fifteen days after the date specified at the bottom of this notice, you~~
6 ~~are entitled to a hearing before the county board to challenge this~~
7 ~~notice.~~

8 ~~County Board~~

9 ~~Dated~~

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

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

1 ~~the management measures were taken as a special assessment levied on the~~
2 ~~date of management. The county treasurer shall add such expense to and it~~
3 ~~shall become and form a part of the taxes upon such land and shall bear~~
4 ~~interest at the same rate as delinquent taxes; or~~

5 ~~(b) If, upon the expiration of the sixty-day period specified on the~~
6 ~~notice required by subdivision (1)(d)(ii) of this section, the landowner~~
7 ~~has not complied with the notice and has not requested a hearing pursuant~~
8 ~~to subsection (2) of this section, the county board shall notify the~~
9 ~~county attorney who shall proceed against such landowner as prescribed in~~
10 ~~this subdivision. A person who is responsible for an unmanaged colony~~
11 ~~shall, upon conviction, be guilty of an infraction pursuant to sections~~
12 ~~29-431 to 29-438, except that the penalty shall be a fine of one hundred~~
13 ~~dollars per day for each day of violation, up to a total of one thousand~~
14 ~~five hundred dollars for fifteen days of noncompliance.~~

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

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

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

27 23-3808 The county board of a county that has adopted a coordinated
28 program for the management of black-tailed prairie dogs under section
29 23-3803, or anyone authorized by the county board, may enter upon
30 property in the county for purposes of performing the duties and
31 exercising the powers under the Black-Tailed Prairie Dog Management Act

1 ~~after without being subject to any action for trespass or damages,~~
2 ~~including damages for destruction of growing crops, if reasonable care is~~
3 ~~exercised and~~ forty-eight hours' written advance notice of entrance is
4 provided to the property owner or occupant.

5 Sec. 13. If any section in this act or any part of any section is
6 declared invalid or unconstitutional, the declaration shall not affect
7 the validity or constitutionality of the remaining portions.

8 Sec. 14. Original sections 2-2303, 2-2309, 2-2311, 2-2312, 2-2315,
9 2-2318, 23-3803, 23-3804, 23-3805, 23-3806, and 23-3808, Reissue Revised
10 Statutes of Nebraska, and section 2-958.02, Revised Statutes Cumulative
11 Supplement, 2020, are repealed.