

AMENDMENTS TO LB657

(Amendments to Final Reading copy)

Introduced by Wayne, 13.

1 1. Insert the following new sections:

2 Sec. 20. Section 2-958, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 2-958 (1) A noxious weed control fund may be established for each
5 control authority, which fund shall be available for expenses authorized
6 to be paid from such fund, including necessary expenses of the control
7 authority in carrying out its duties and responsibilities under the
8 Noxious Weed Control Act. The weed control superintendent within the
9 county shall (a) ascertain and tabulate each year the approximate amount
10 of land infested with noxious weeds and its location in the county, (b)
11 ascertain and prepare all information required by the county board in the
12 preparation of the county budget, including actual and expected revenue
13 from all sources, cash balances, expenditures, amounts proposed to be
14 expended during the year, and working capital, and (c) transmit such
15 information tabulated by the control authority to the county board not
16 later than June 1 of each year.

17 (2) The Noxious Weed Cash Fund is created. The fund shall consist of
18 proceeds raised from fees imposed for the registration of pesticides and
19 earmarked for the fund pursuant to section 2-2634, funds credited or
20 transferred pursuant to sections 81-201 and 81-201.05, any gifts, grants,
21 or donations from any source, and any reimbursement funds for control
22 work done pursuant to subdivision (1)(b)(vi) of section 2-954. An amount
23 from the General Fund may be appropriated annually for the Noxious Weed
24 Control Act. The fund shall be administered and used by the director to
25 maintain the noxious weed control program and for expenses directly
26 related to the program. Until January 1, 2020, the fund may also be used

1 to defray all reasonable and necessary costs related to the
2 implementation of the Nebraska Hemp Farming Act. The Department of
3 Agriculture shall document all costs incurred for such purpose. The
4 budget administrator of the budget division of the Department of
5 Administrative Services may transfer a like amount from the Nebraska Hemp
6 Program Fund to the Noxious Weed Cash Fund no later than October 1, 2022.

7 (3) Any money in the fund available for investment shall be invested
8 by the state investment officer pursuant to the Nebraska Capital
9 Expansion Act and the Nebraska State Funds Investment Act.

10 Sec. 23. Sections 17, 18, and 19 of this act become operative on
11 July 1, 2021. The other sections become operative on their effective
12 date.

13 2. On page 1, line 1, after "amend" insert "section 2-958, Reissue
14 Revised Statutes of Nebraska, and"; in line 3 after the semicolon insert
15 "to provide a use for the Noxious Weed Cash Fund and provide for powers
16 and duties;"; and in line 6 after the first semicolon insert "to provide
17 operative dates;".

18 3. On page 2, line 17, strike "and" and insert the following new
19 subdivision:

20 "(6) Facilitate interstate commerce by not impeding the shipment of
21 hemp into and out of this state; and"; and in line 18 strike "(6)" and
22 insert "(7)".

23 4. On page 5, line 16, after "cultivators" insert "and processor-
24 handlers" and after "cultivated" insert ", processed, or handled"; and in
25 line 18 after "act" insert ". The department may, at its discretion,
26 conduct other inspections of a cultivator's or processor-handler's
27 operation, including all sites registered with the department".

28 5. On page 12, line 8, after the period insert "Transfers from the
29 fund to the Noxious Weed Cash Fund may be made as provided in section
30 2-958.".

31 6. On page 17, strike lines 9 through 19 and insert the following

1 new subsections:

2 "(3) Any person other than a cultivator or processor-handler who is
3 transporting hemp shall carry with such hemp being transported (a) a bill
4 of lading indicating the owner of the hemp, the point of origin of the
5 hemp, and the destination of the hemp and (b) either a copy of the test
6 results pertaining to such hemp or other documentation affirming that the
7 hemp was produced in compliance with section 10113 of the federal
8 Agriculture Improvement Act of 2018, Public Law 115-334, as such section
9 existed on January 1, 2019.

10 (4)(a) The department may develop a form bill of lading for use by a
11 person other than a cultivator or processor-handler transporting hemp
12 pursuant to subsection (3) of this section for hemp originating in this
13 state. Such bill of lading shall, at a minimum, identify the transporting
14 person and indicate the owner, point of origin, and destination of the
15 hemp.

16 (b) The department, in consultation with the Nebraska State Patrol,
17 may adopt and promulgate rules and regulations regulating the carrying or
18 transporting of hemp in this state to ensure that marijuana or any other
19 controlled substance is not disguised as hemp and carried or transported
20 into, within, or through this state.

21 (c) No person shall carry or transport hemp in this state unless
22 such hemp is:

23 (i) Produced in compliance with:

24 (A) For hemp originating in this state, the requirements of section
25 10113 of the federal Agriculture Improvement Act of 2018, Public Law
26 115-334, as such section existed on January 1, 2019, and the Nebraska
27 Hemp Farming Act and any rules and regulations adopted and promulgated
28 thereunder; or

29 (B) For hemp originating outside this state, the requirements of
30 section 10113 of the federal Agriculture Improvement Act of 2018, Public
31 Law 115-334, as such section existed on January 1, 2019; and

1 (ii) Carried or transported:

2 (A) By a cultivator or processor-handler as provided in subsections
3 (1) and (2) of this section; or

4 (B) By a person other than a cultivator or processor-handler as
5 provided in subsection (3) of this section.

6 (d) No person shall transport hemp in this state concurrently with
7 any other plant material that is not hemp.

8 (5)(a) A peace officer may detain any person carrying or
9 transporting hemp in this state if such person does not provide the
10 documentation required by this section. Unless the peace officer has
11 probable cause to believe the hemp is, or is being carried or transported
12 with, marijuana or any other controlled substance, the peace officer
13 shall immediately release the hemp and the person carrying or
14 transporting such hemp upon production of such documentation.

15 (b) The failure of a person detained as described in this subsection
16 to produce documentation required by this section shall constitute
17 probable cause to believe the hemp may be marijuana or any other
18 controlled substance. In such case, a peace officer may collect such hemp
19 for testing to determine the delta-9 tetrahydrocannabinol concentration
20 in the hemp, and, if the peace officer has probable cause to believe the
21 person detained is carrying or transporting marijuana or any other
22 controlled substance in violation of state or federal law, the peace
23 officer may seize and impound the hemp or marijuana or other controlled
24 substance and arrest such person.

25 (c) This subsection does not limit or restrict in any way the power
26 of a peace officer to enforce violations of the Uniform Controlled
27 Substances Act and federal law regulating marijuana and other controlled
28 substances.

29 (6) In addition to any other penalties provided by law, including
30 those imposed under the Nebraska Hemp Farming Act, any person who
31 intentionally violates this section shall be guilty of a Class IV

- 1 misdemeanor and fined not more than one thousand dollars.".
- 2 7. Renumber the remaining sections and correct the repealer
- 3 accordingly.