Introducing by Brewer, 43; Halloran, 33.

Read first time January 23, 2020

Committee: Agriculture

A BILL FOR AN ACT relating to livestock; to amend sections 33-151, 54-173, 54-174, 54-175, 54-176, 54-180, 54-182, 54-183, 54-184, 54-186, 54-193, 54-194, 54-196, 54-197, 54-199, 54-1,101, 54-1,102, 54-1,103, 54-1,104, 54-1,106, 54-1,107, 54-1,109, 54-1,112, 54-1,113, 54-1,114, 54-1,116, 54-1,117, 54-1,118, 54-1,124, 54-1,125, 54-1,126, 54-1,127, 60-3,135, 60-480.01, and 84-1005, Reissue Revised Statutes of Nebraska, sections 54-170, 54-171, 54-172, 54-175.01, 54-179, 54-189, 54-191, 54-195, 54-198, 54-1,100, 54-1,105, 54-1,108, 54-1,110, 54-1,111, 54-1,115, 54-1,119, 54-1,120, 54-1,121, 54-1,122, 54-1,128, 54-1,129, 54-1,130, 54-1,131, 54-415, 54-789, and 54-1160.01, Revised Statutes Cumulative Supplement, 2018, and sections 54-192, 81-1021, 81-1316, and 84-1411, Revised Statutes Supplement, 2019; to rename the Livestock Brand Act; to define and redefine terms; to rename the Nebraska Brand Committee; to rename a fund; to provide for certain livestock identifiers; to change and provide for fees; to change inspection provisions; to provide for violations and penalties; to change registered feedlot requirements; to change provisions relating to estrays; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 33-151, Reissue Revised Statutes of Nebraska, is amended to read:

33-151 All money now in the state treasury to the credit of the Board of Barber Examiners, the State Real Estate Commission, the Board of Engineers and Architects, the State Athletic Commissioner, the Nebraska Oil and Gas Conservation Commission pursuant to sections 57-906 and 57-911, and any other state board, bureau, division, fund, or commission not mentioned in this section, and all money collected by each of such boards, bureaus, divisions, or commissions during any biennium, if and when specifically appropriated by the Legislature for that purpose, are made immediately available for the use and benefit of such board, bureau, division, or commission. This section shall not be construed to apply to the fees inuring to the Nebraska Livestock Identification Brand Inspection and Theft Prevention Fund.

Sec. 2. Section 54-170, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-170 Sections 54-170 to 54-1,131 and sections 4, 5, 6, 9, 10, 11, 13, 16, 17, 18, 19, 22, and 23, of this act shall be known and may be cited as the Livestock Identification Brand Act.

Sec. 3. Section 54-171, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-171 For purposes of the Livestock Identification Brand Act, the definitions found in sections 54-172 to 54-190 and sections 4, 5, 6, 9, 10, 11, 13, 16, 17, 18, 19, 22, and 23 of this act shall be used.

Sec. 4. Agency means the Nebraska Livestock Identification Agency.

Sec. 5. Audit means a review of supporting documents, and livestock as necessary, to ensure that the Livestock Identification Act and all agency rules and regulations are being followed.

Sec. 6. Section 54-174, Reissue Revised Statutes of Nebraska, is amended to read:

54-174 Authority Brand inspection agency means an authority or
agency of a state, or a duly organized livestock association of a state, authorized by state law and registered with the Packers and Stockyards Division of the United States Department of Agriculture to charge and collect, at designated stockyards, packing plants, livestock auction markets sales barns, or farm and ranch loading points, a reasonable and nondiscriminatory fee for the inspection of brands, marks, electronic identifiers, and other identifying characteristics of livestock originating in or shipped from such state for the purpose of determining the ownership of such livestock.

Sec. 7. Section 54-172, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-172 Bill of sale means a formal instrument for the conveyance or transfer of title to livestock or other goods and chattels. The bill of sale shall state the purchaser's name and address, the date of transfer, the guarantee of title, the number of livestock transferred, the sex of such livestock, the brand or brands or other approved individual identifiers, the location of the brand or brands or a statement to the effect that the animal is unbranded, and the name and address of the seller. The signature of the seller shall be attested by at least one witness or acknowledged by a notary public or by some other officer authorized by state law to take acknowledgments. For any conveyance or transfer of title to cattle subject to assessment imposed pursuant to the federal Beef Promotion and Research Order, 7 C.F.R. part 1260, for which the purchaser is the collecting person pursuant to 7 C.F.R. 1260.311 for purposes of collecting and remitting such assessment, the bill of sale shall include a notation of the amount the purchaser collected from the seller or deducted from the sale proceeds for the assessment. A properly executed bill of sale means a bill of sale that is provided by the seller and received by the purchaser.

Sec. 8. Section 54-179, Revised Statutes Cumulative Supplement, 2018, is amended to read:
Certificate of inspection means the official document issued and signed by a livestock identification brand inspector authorizing (1) movement of livestock from a point of origin within the livestock identification brand inspection area to a destination either inside or outside of the livestock identification brand inspection area or outside of this state, (2) slaughter of livestock as specified on such certificate, or (3) the change of ownership of livestock as specified on such certificate. A certificate of inspection shall designate, as needed, the name of the shipper, consignor, or seller of the livestock, the purchaser or consignee of the livestock, the destination of the livestock, the vehicle license number or carrier number, the miles driven by an inspector to perform inspection, the amount of inspection fees collected, the number and sex of the livestock to be moved or slaughtered, the brands or approved individual identifiers, if any, on the livestock, and the brand owner. A certificate of inspection shall be construed and is intended to be documentary evidence of ownership on all livestock covered by such document.

Sec. 9. Electronic inspection means utilizing approved electronic approved evidence of ownership which has been enrolled with the agency.

Sec. 10. Electronic transaction means a transaction by which the producer enters information through the provided portal paying the required portal fee.

Sec. 11. Enrollment means enrollment of cattle identified with electronic identifiers approved by the agency and which occur electronically and use only those approved identifiers for evidence of ownership.

Sec. 12. Section 54-180, Reissue Revised Statutes of Nebraska, is amended to read:

54-180 Estray means any livestock found running at large upon public or private lands, either fenced or unfenced, whose owner is unknown in the area where found, any such livestock which is branded with a brand
which is not on record in the office of the agency Nebraska Brand Committee, or any livestock for which ownership has not been established as provided in section 54-1,118.

Sec. 13. Grow yard means a feedlot that grows cattle before the cattle enter a finishing feedlot.

Sec. 14. Section 54-182, Reissue Revised Statutes of Nebraska, is amended to read:

54-182 Investigator means an employee of the agency Nebraska Brand Committee who is also a deputy state sheriff and has the duty, responsibility, and authority to enforce all state statutes pertaining to brands, livestock identification brand inspection, and associated livestock laws. An investigator is also responsible for the investigation of all problems associated with brands, livestock identification brand inspection, and associated livestock enforcement problems.

Sec. 15. Section 54-183, Reissue Revised Statutes of Nebraska, is amended to read:

54-183 Livestock means any domestic cattle, bison, horses, mules, donkeys, sheep, or swine.

Sec. 16. Section 54-173, Reissue Revised Statutes of Nebraska, is amended to read:

54-173 Livestock identification brand clearance means the documentary evidence of ownership that is issued and signed by a livestock identification brand inspector and given to persons who have legally purchased cattle at a livestock auction or sale where a livestock identification brand inspection service is provided. The livestock identification brand clearance shall give the name and address of sale or auction where issued, the name of purchaser, the number and sex of cattle, the brands or electronic identification, if any, and the location on the cattle.

Sec. 17. Section 54-175, Reissue Revised Statutes of Nebraska, is amended to read:
Livestock identification brand inspection area means that portion of the State of Nebraska designated in section 54-1,109, where physical or electronic livestock identification brand inspection is mandatory.

Sec. 18. Section 54-176, Reissue Revised Statutes of Nebraska, is amended to read:

Livestock identification brand inspector means a person employed by the agency Nebraska Brand Committee, or some other authority brand inspection agency, inside or outside of the State of Nebraska, for the purpose of identifying brands, marks, other approved individual identifiers, or other identifying characteristics of livestock to determine the existence of such brands, marks, other approved individual identifiers, or identifying characteristics and from such determinations attempt to establish correct and true ownership of such livestock, and generally carry out the provisions and enforcement of all laws pertaining to brands, livestock identification brand inspection, and associated livestock laws.

Sec. 19. Section 54-175.01, Revised Statutes Cumulative Supplement, 2018, is amended to read:

Livestock brand inspection service area means all Nebraska counties and areas of Nebraska counties contiguous with the livestock identification brand inspection area designated by section 54-1,109.

Sec. 20. Section 54-184, Reissue Revised Statutes of Nebraska, is amended to read:

A mark means a physical or approved electronic identification that includes, but is not limited to, visible characteristics on an animal such as a natural, accidental, or manmade blemish that sets apart a particular animal from all others. Such marks include, but are not limited to, hair coloration, scars, brands, earmarks, or tattoos, or approved electronic individual identifiers such as electronic tags, nose
prints, or retinal scans.

Sec. 21. Section 54-186, Reissue Revised Statutes of Nebraska, is amended to read:

54-186 Open market means a livestock auction market sales barn, market agency, stockyard, packing plant, or terminal market located outside of the livestock identification brand inspection area or located outside of this state where livestock identification brand inspection is maintained either by employees of the agency Nebraska Brand Committee or by some other state under a reciprocal agreement as allowed under the federal Packers and Stockyards Act, 1921, 7 U.S.C. 181 et seq., as amended.

Sec. 22. Permanent fence means a fence that meets the standards described in section 34-115.

Sec. 23. Physical inspection means an inspection where an employee of the agency is onsite and looking at brands or any other approved evidence of ownership.

Sec. 24. Section 54-189, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-189 Satisfactory evidence of ownership consists of the brands, tattoos, or marks on the livestock; approved electronic individual identification devices, nose prints, retinal scans, DNA match, or any other technology that identifies individual animals; point of origin of livestock; the physical description of the livestock; the documentary evidence, such as bills of sale, brand clearance, certificates of inspection, breed registration certificates, animal health or testing certificates, genomic testing certificates, recorded brand certificates, purchase sheets, scale tickets, disclaimers of interest, affidavits, court orders, security agreements, powers of attorney, canceled checks, bills of lading, or tags; and such other facts, statements, or circumstances that taken in whole or in part cause an inspector to believe that proof of ownership is established.
Sec. 25. Section 54-191, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-191 (1) The Nebraska Livestock Identification Agency Brand Committee is hereby created. The agency beginning August 28, 2007, the brand committee shall consist of five members appointed by the Governor. At least three appointed members shall be active cattlepersons and at least one appointed member shall be an active cattle feeder. The Secretary of State and the Director of Agriculture, or their designees, shall be nonvoting, ex officio members of the agency brand committee. The appointed members shall be owners of cattle within the livestock identification brand inspection area, shall reside within the livestock identification brand inspection area, shall be owners of Nebraska-recorded brands, and shall be persons whose principal business and occupation is the raising or feeding of cattle within the livestock identification brand inspection area.

(2) The members of the agency brand committee shall elect a chairperson and vice-chairperson from among its appointed members during the first meeting held after September 1 each calendar year. A member may be reelected to serve as chairperson or vice-chairperson.

(3) The terms of the members shall be four-year, staggered terms, beginning on August 28 of the year of initial appointment or reappointment and concluding on August 27 of the year of expiration. At the expiration of the term of an appointed member, the Governor shall appoint a successor. If there is a vacancy in the agency brand committee, the Governor shall fill such vacancy by appointing a member to serve during the unexpired term of the member whose office has become vacant.

(4) The action of a majority of the members shall be deemed the action of the agency brand committee. No appointed member shall hold any elective or appointive state or federal office while serving as a member of the agency brand committee. Each member and each agency brand
committee employee who collects or who is the custodian of any funds shall be bonded or insured as required under section 11-201. The appointed members of the agency brand committee shall be paid their actual and necessary traveling expenses in attending meetings of the agency brand committee or in performing any other duties that are prescribed in the Livestock Identification Brand Act or section 54-415, as provided for in sections 81-1174 to 81-1177.

The purpose of the agency Nebraska Brand Committee is to protect Nebraska brand and livestock owners from the theft of livestock through established brand recording, livestock identification brand inspection, and livestock theft investigation.

Sec. 26. Section 54-192, Revised Statutes Supplement, 2019, is amended to read:

54-192 (1) The agency Nebraska Brand Committee shall employ such employees as may be necessary to properly carry out the Livestock Identification Brand Act and section 54-415, fix the salaries of such employees, and make such expenditures as are necessary to properly carry out such act and section. Employees of the agency brand committee shall receive mileage computed at the rate provided in section 81-1176. The agency brand committee shall select and designate a location or locations where the agency brand committee shall keep and maintain an office and where records of the livestock identification brand inspection and investigation proceedings, transactions, communications, brand registrations, and official acts shall be kept.

(2) The agency brand committee shall employ an executive director who shall be the agency brand committee head for administrative purposes. The executive director shall keep a record of all proceedings, transactions, communications, and official acts of the agency brand committee, shall be custodian of all records of the agency brand committee, and shall perform such other duties as may be required by the agency brand committee. The executive director shall call a meeting at
the direction of the chairperson of the agency brand committee, or in his
or her absence the vice-chairperson, or upon the written request of two
or more members of the agency brand committee. The executive director
shall have supervisory authority to direct and control all full-time and
part-time employees of the agency to allow brand committee. This
authority allows the executive director to hire employees as are needed
on an interim basis subject to approval or confirmation by the agency
brand committee for regular employment. The executive director may place
employees on probation and may discharge an employee.

(3) The agency brand committee shall employ a chief investigator who
shall report to the executive director. The chief investigator shall meet
the qualifications of an investigator as defined in section 54-182. Under
the direction of the executive director, the chief investigator shall be
chief of field operations and supervise agency brand committee
investigators and inspectors.

(4) The agency brand committee shall employ a brand recorder who
shall be responsible for the processing of all applications for new
livestock brands, the transfer of ownership of existing livestock brands,
the maintenance of accurate and permanent records relating to livestock
brands, and such other duties as may be required by the agency brand
community.

(5) If any employee of the agency brand committee after having been
disciplined, placed on probation, or having had his or her services
terminated desires to have a hearing before the entire agency brand
committee, such a hearing shall be granted as soon as is practicable and
convenient for all persons concerned. The request for such a hearing
shall be made in writing by the employee alleging the grievance and shall
be directed to the executive director. After hearing all testimony
surrounding the grievance of such employee, the agency brand committee,
at its discretion, may approve, rescind, nullify, or amend all actions as
previously taken by the executive director.
Sec. 27. Section 54-193, Reissue Revised Statutes of Nebraska, is amended to read:

54-193 The Nebraska Brand Committee shall periodically have published in book form, electronic medium, or such other method prescribed by the committee a list of all brands recorded with the Nebraska Brand Committee at the time of such publication. Such publication may be supplemented from time to time. The publication shall contain a facsimile of all recorded brands, together with the owner's name and post office address, and shall be arranged in convenient form for reference. The Nebraska Brand Committee shall send, without any charge, the publication as required by section 51-413 to the Nebraska Publications Clearinghouse and shall provide the publication to each inspector of record and to the county sheriff of each county in the State of Nebraska, which shall be kept as a matter of public record. The publication may be sold to the general public for a price equal to or less than the actual cost of production.

Sec. 28. Section 54-194, Reissue Revised Statutes of Nebraska, is amended to read:

54-194 The executive director of the Nebraska Brand Committee or the chairperson of the Nebraska Brand Committee shall have the authority to sign all certificates and other documents that may by law require certification by signature. Such documents shall include, but not be limited to, new brand certificates, brand transfer certificates, duplicate brand certificates, and brand renewal receipts. A facsimile of the Nebraska Brand Committee seal and the signature of the brand recorder shall also be placed on all brand certificates.

Sec. 29. Section 54-195, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-195 (1) The Nebraska Brand Committee may contract to collect assessments made by any public, quasi-public, or private agency or organization on the sale of cattle, beef, and beef products in
Nebraska by producers and importers of such cattle, beef, and beef products. The agency brand committee may charge such agency or organization for collection of the assessments. The charge for collection of assessments shall be used to cover administrative costs of the agency brand committee, but such charge shall not exceed ten five percent of the assessments collected.

(2) The agency brand committee may authorize and direct its employees to disseminate or otherwise distribute various materials promoting the cattle industry.

Sec. 30. Section 54-196, Reissue Revised Statutes of Nebraska, is amended to read:

54-196 The agency Nebraska Brand Committee may adopt and promulgate rules and regulations to carry out the Livestock Identification Brand Act and section 54-415.

Sec. 31. Section 54-197, Reissue Revised Statutes of Nebraska, is amended to read:

54-197 The Nebraska Livestock Identification Brand Inspection and Theft Prevention Fund is created. Fees and money collected pursuant to the Livestock Identification Brand Act and section 54-415 not otherwise provided for in the act shall be remitted to the State Treasurer for credit to the fund. The fund shall be used by the agency Nebraska Brand Committee in the administration and enforcement of the act and section 54-415. All expenses and salaries provided for under such act or incurred by reason thereof shall be paid out of the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 32. Section 54-198, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-198 (1) Any person may record a brand, which he or she has the exclusive right to use in this state, and it is unlawful to use any brand
for branding any livestock unless the person using such brand has recorded that brand with the Nebraska Brand Committee. A brand is a mark consisting of symbols, characters, numerals, or a combination of such intended as a visual means of identification when applied to the hide of an animal or another method of livestock identification approved by rule and regulation of the Nebraska Brand Committee, including an electronic device, nose print, retinal scan, DNA match, or other technology used for livestock identification. Only a hot iron or freeze brand or other method approved by the Nebraska Brand Committee shall be used to brand a live animal.

(2) A hot iron brand or freeze brand may be used for in-herd identification purposes such as for year or production records. With respect to hot iron brands used for in-herd identification, the numerals 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9 in singular or triangular position are reserved on both the right and left shoulder of all cattle, except that such shoulder location for a single-number hot iron brand may be used for year branding for in-herd identification purposes, and an alphabetical letter may be substituted for one of the numerals used in a triangular configuration for in-herd identification purposes. Hot iron brands used for in-herd identification shall be used in conjunction with the recorded hot iron brand and shall be on the same side of the animal as the recorded hot iron brand. Freeze branding for in-herd identification may be applied in any location and any configuration with any combination of numerals or alphabetical letters.

(3) It shall be unlawful to knowingly maintain a herd containing one or more animals which the possessor has branded, or caused to be branded, in violation of this section or any other provision of the Livestock Identification Brand Act.

Sec. 33. Section 54-199, Reissue Revised Statutes of Nebraska, is amended to read:

54-199 (1) To record a brand, a person shall forward to the Nebraska
Nebraska Brand Committee a facsimile or description of the brand desired to be recorded, a written application, and a recording fee and research fee established by the agency brand committee. Such recording fee may vary according to the number of locations and methods of brand requested but shall not be more than one hundred dollars per application. Such research fee shall be charged on all applications and shall not be more than fifty dollars per application. The research fee is nonrefundable.

(2) For recording of visual brands, upon receipt of a facsimile of the brand, an application, and the required fee, the agency brand committee shall determine compliance with the following requirements:

(a) The brand shall be an identification mark that is applied to the hide of a live animal by hot iron branding or by either hot iron branding or freeze branding. The brand shall be on either side of the animal in any one of three locations, the shoulder, ribs, or hip;

(b) The brand is not recorded under the name of any other person and does not conflict with or closely resemble a prior recorded brand;

(c) The brand application specifies the left or right side of the animal and the location on that side of the animal where the brand is to be placed;

(d) The brand is not recorded as a trade name nor as the name of any profit or nonprofit corporation, unless such trade name or corporation is of record, in current good standing, with the Secretary of State; and

(e) The brand is, in the judgment of the agency brand committee, legible, adequate, and of such a nature that the brand when applied can be properly read and identified by employees of the agency brand committee.

(3) All visual brands shall be recorded as a hot iron brand only unless a co-recording as a freeze brand or other approved method of branding is requested by the applicant. The agency brand committee shall approve co-recording a brand as a freeze brand unless the brand would not be distinguishable from in-herd identification applied by freeze
branding.

(4) The agency brand committee may, by rule and regulation, provide for the recording and use of livestock identification brands by electronic device or other nonvisual method of livestock identification. Any such method of livestock identification shall be approved as a brand only if it functions as a means of identifying ownership of livestock so identified branded that is equal to, or superior to, visual methods of livestock branding. Before approving any nonvisual method of identification branding, the agency brand committee shall consider the degree to which such method may be susceptible to error, failure, or fraudulent alteration. Any rule or regulation shall be adopted only after public hearing conducted in compliance with the Administrative Procedure Act.

(5) If the facsimile, the description, or the application does not comply with the requirements of this section, the agency brand committee shall not record such brand as requested but shall return the recording fee to the forwarding person. The power of examination and rejection is vested in the agency brand committee, and if the agency brand committee determines that the application for a visual brand falls within the category set out in subdivision (2)(e) of this section, it shall decide whether or not a recorded brand shall be issued. The agency brand committee shall make such examination as promptly as possible. If the brand is recorded, the ownership vests from the date of filing of the application.

Sec. 34. Section 54-1,100, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-1,100 (1) A recorded brand is the property of the person causing such record to be made and is subject to sale, assignment, transfer, devise, and descent as personal property. Any instrument of writing evidencing the sale, assignment, or transfer of a recorded brand shall be effective upon its recording with the agency Nebraska Brand Committee. No
such instrument shall be accepted for recording if the agency brand committee has been duly notified of the existence of a lien or security interest against livestock owned or thereafter acquired by the owner of such brand by the holder of such lien or security interest. Written notification from the holder of such lien or security interest that the lien or security interest has been satisfied or consent from the holder of such lien or security interest shall be required in order for the agency brand committee to accept for recording an instrument selling, assigning, or transferring such recorded brand. Except as provided in subsection (2) of this section, the fee for recording such an instrument shall be established by the agency brand committee and shall not be more than forty dollars. Such instrument shall give notice to all third persons of the matter recorded in the instrument and shall be acknowledged by a notary public or any other officer qualified under law to administer oaths.

(2) The owner of a recorded brand may lease the brand to another person upon compliance with this subsection and subject to the approval of the agency brand committee. The lessee shall pay a filing fee established by the agency brand committee not to exceed one hundred dollars. The leased recorded brand may expire as agreed in the lease, but in no event shall such leased recorded brand exceed the original expiration date.

Sec. 35. Section 54-1,101, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,101 The owner of a recorded brand is entitled to one certified copy of the record of such brand from the agency Nebraska Brand Committee without charge. Additional certified copies of the record may be obtained by anyone upon the payment of one dollar for each copy.

Copies of any other document of the agency brand committee may be requested, and a fee of one dollar shall be collected for each page copied. Only personnel authorized by the agency brand committee shall
make copies and collect such fees. The party requesting the copies is responsible for payment of the fee and shall reimburse the agency brand committee for the research time necessary to furnish the requested documents at a rate of not less than twenty-five dollars nor more than forty dollars per hour of research time. The rate shall be reviewed and set annually by the agency brand committee.

Sec. 36. Section 54-1,102, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,102 (1) A recorded brand may be applied by its owner until its expiration date.

(2) On and after January 1, 1994, the expiration date of a recorded brand is the last day of the calendar quarter of the renewal year as designated by the agency Nebraska Brand Committee in its records of the brand committee.

(3) The agency brand committee shall notify every owner of a recorded brand of its expiration date at least sixty days prior to the expiration date, and the owner of the recorded brand shall pay a renewal fee established by the agency brand committee which shall not be more than two hundred fifty dollars and furnish such other information as may be required by the agency brand committee. The renewal fee is due and payable on or before the expiration date and renews a recorded brand for a period of four years regardless of the number of locations on one side of an animal on which the brand is recorded. If any owner fails, refuses, or neglects to pay the renewal fee by the expiration date, the brand shall expire and be forfeited.

(4) The agency brand committee has the authority to hold an expired brand for one year following the date of expiration. An expired brand may be reinstated by the same owner during such one-year period upon return of a brand application form and payment of the recording fee for such brand established by the agency brand committee under section 54-199 plus a penalty of five dollars for each month or part of a month which has
passed since the date of expiration. A properly reinstated brand may be transferred to another person during such one-year period upon completion of a transfer form, with a notarized bill of sale signed by the prior owner attached to such transfer form.

Sec. 37. Section 54-1,103, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,103 (1) Cattle brands consisting of alphabetical letters A through Z, and numbers 1, 2, 3, 4, 5, 6, 7, 8, and 9 on the left or right jaw are reserved for assignment by the brand recorder, as designated by the Nebraska Brand Committee. The brand recorder shall not assign such brands to any person in the State of Nebraska unless authorized by the Nebraska Brand Committee, and it shall be unlawful for any person to use such brands except as provided in subsection (2) of this section.

(2) Every person when spaying heifers, upon request of the owner thereof, shall brand such heifers with the alphabetical letter O on the left jaw and furnish the owner with a certificate that all heifers so branded have been properly spayed by a licensed veterinarian. Permission may be granted by the Nebraska Brand Committee to state and federal animal disease control agencies to require the use of the letters F, V, B, S, and T and an open-end spade on either the right or left jaw of cattle in a manner consistent with animal disease control laws.

Sec. 38. Section 54-1,104, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,104 There is a recorded brand consisting of the alphabetical letter N on the entire right and left sides which is assigned to the Nebraska Brand Committee to be used only by authorized personnel of the Nebraska Brand Committee to permanently identify livestock which are suspected of having been stolen and may be used as evidence in any court proceeding. It shall in no way signify that the Nebraska Brand Committee (1) is the owner of livestock so branded or (2) claims ownership in any livestock carrying such brand. It shall only be construed and intended
that livestock so branded are evidence or portions of evidence seized relative to an alleged theft of livestock.

Sec. 39. Section 54-1,105, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-1,105 (1) Cattle branded with a Nebraska-recorded visual brand shall be branded so that the recorded brand of the owner shows distinctly.

(2) If the owners of recorded brands which conflict with or closely resemble each other maintain their herds in close proximity to each other, the Nebraska Brand Committee has the authority to decide, after hearing as to which at least ten days' written notice has been given, any dispute arising therefrom and to direct such change or changes in the position or positions where such recorded brand or brands are to be placed as will remove any confusion that might result from such conflict or close resemblance.

Sec. 40. Section 54-1,106, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,106 A person who brings livestock into the State of Nebraska for grazing purposes in any county of this state for grazing purposes which are already branded shall provide the Nebraska Brand Committee with a statement of the brands of such livestock. Failure to comply with this section renders the violating person liable for all damages resulting from such failure.

Sec. 41. Section 54-1,107, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,107 A recorded brand is prima facie evidence of ownership of livestock and is admissible into evidence in any court in this state if the brand meets the requirements of and is recorded as provided in section 54-199. Other documentary evidence such as bills of sale, approved electronic identification devices, DNA matching, retinal scans, nose prints, and other individual identification technologies or
certificates of brand clearance transferring title from an owner to another party may also be introduced as evidence of livestock ownership in any court in this state. The recording of instruments of writing evidencing the sale, assignment, or transfer of a recorded brand gives notice to all third persons of the matter recorded, and certified copies are admissible in evidence without further foundation. In all suits at law or in equity, in any criminal proceedings, or when determining the ownership of estrays wherein the title to livestock is an issue, the certified copy of the record of a recorded brand or instrument of writing evidencing sale, assignment, or transfer of a recorded brand is prima facie evidence of the ownership of such livestock by the person possessing such livestock.

Sec. 42. Section 54-1,108, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-1,108 (1)(a) (1) All physical brand inspections provided for in the Livestock Identification Brand Act or section 54-415 shall be from sunrise to sundown or during such other hours and under such conditions as the agency Nebraska Brand Committee determines. A person requiring a physical inspection shall give the agency forty-eight hours notice of such physical inspection requirement. A fifty-dollar surcharge will be charged if forty-eight hours' notice is not given.

(b) An electronic inspection may occur using electronic individual identifiers including electronic identification devices, DNA matching, nose prints, or retinal scans. Enrollment of electronic individual identifiers with the agency may occur by providing acceptable certification or evidence of ownership. Electronic inspection does not require agency employees to be present. Random audits shall occur.

(c) When using hot iron or freeze brands for evidence of ownership, a physical inspection shall be required.

(2)(a) A physical inspection fee, established by the agency Nebraska Brand Committee, of not more than one dollar and ten cents per
head shall be charged for all cattle physically inspected in accordance with the Livestock Identification Brand Act or section 54-415 or physically inspected within the livestock identification brand inspection area or livestock identification brand inspection service area by court order or at the request of any bank, credit agency, or lending institution with a legal or financial interest in such cattle, or at the request of a neighboring livestock owner with missing cattle. Such fee may vary to encourage inspection to be performed at times and locations that reduce the cost of performing the inspection but shall otherwise be uniform. The inspection fee for court-ordered physical inspections shall be paid from the proceeds of the sale of such cattle if ordered by the court or by either party as the court directs. For other physical inspections, the person requesting the physical inspection of such cattle is responsible for the physical inspection fee. Inspections Brand inspections requested by either a purchaser or seller of cattle located within the livestock identification brand inspection service area shall be provided upon the same terms and charges as physical brand inspections performed within the livestock identification brand inspection area. If estray cattle are identified as a result of the inspection, such cattle shall be processed in the manner provided by section 54-415.

(b) An electronic inspection fee, established by the agency, of not more than one dollar and ten cents per head shall be charged for all cattle electronically inspected in accordance with the Livestock Identification Act or section 54-415. The actual mileage incurred by the livestock identification inspector to perform a physical inspection shall be paid by the party requesting such physical Brand inspection. A surcharge of not more than twenty dollars, as established by the brand committee, may be charged to cover travel expenses incurred by the brand inspector per inspection location when performing brand inspections. The surcharge shall be collected by the brand inspector and paid by the person requesting the inspection or the person required by law to have the
inspection.

(c) For physical fees for inspections performed outside of the livestock identification brand inspection area, in addition to the inspection fee charged under that are not provided for in subdivision (a) of this subsection, the agency shall charge and collect shall be the inspection fee established in such subdivision plus a fee to cover the actual expense of performing the inspection, including mileage at the rate established by the Department of Administrative Services and an hourly rate, not to exceed forty thirty dollars per hour, for the travel and inspection time incurred by the agency brand committee to perform such inspection. The agency brand committee shall charge and collect the actual expense fee. Such fee shall apply to all physical inspections performed outside the livestock identification brand inspection area as part of an investigation into known or alleged violations of the Livestock Identification Brand Act and shall be charged against the person committing the violation.

(3) Any person who has reason to believe that cattle were shipped erroneously due to an inspection error during a physical brand or electronic inspection may request a reinspection. The person making such request shall be responsible for the expenses incurred as a result of the reinspection unless the results of the reinspection substantiate the claim of inspection error, in which case the agency brand committee shall be responsible for the reinspection expenses.

Sec. 43. Section 54-1,109, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,109 The livestock identification brand inspection area of Nebraska consists of the following land area of counties and parts thereof: Arthur, Banner, Blaine, Box Butte, Boyd, Brown, Buffalo, Chase, Cherry, Cheyenne, Custer, Dawes, Dawson, Deuel, Dundy, Franklin, Frontier, part of the south half of section 1, township 3 north, range 21, on railroad right-of-way in the west part of Oxford Town called
Burlington addition in Furnas, Garden, Garfield, Gosper, Grant, Greeley, all of lots 1, 7, and 8 in block 48 in original town of Grand Island, and all of the southeast quarter lying south of the Union Pacific Railroad Company's right-of-way in section 24, township 11 north, range 10, in Hall, Harlan, Hayes, Hitchcock, Holt, Hooker, Howard, Kearney, Keith, Keya Paha, Kimball, all of Knox except Eastern, Dolphin, Dowling, Columbia, Morton, Peoria, Addison, Herrick, Frankfort, and Lincoln townships, Lincoln, Logan, Loup, McPherson, Morrill, Perkins, Phelps, Red Willow, Rock, Scotts Bluff, Sheridan, Sherman, Sioux, Thomas, Valley, the existing livestock auction markets in Blue Hill, all of lots 1 to 6, and lots 7 and 8, except twenty-two feet of the east side of lot 8, all in block 6, original town of Blue Hill, and Red Cloud, part of lot A, Roats subdivision to Red Cloud, lots 1 and 2 and the south one-half of block 32 in original town of Red Cloud, and all of annex lot 21, Red Cloud, in Webster, and all of Wheeler.

Sec. 44. Section 54-1,110, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-1,110 (1) Except as provided in subsections (2) and (3) of this section, no person shall move, in any manner, cattle from a point within the livestock identification brand inspection area to a point outside the livestock identification brand inspection area unless such cattle first have a physical or electronic brand inspection by the agency Nebraska Brand Committee and a certificate of inspection is issued. A copy of such certificate shall accompany the cattle and shall be retained by all persons moving such cattle as a permanent record.

(2) Cattle in a registered feedlot registered under sections 54-1,120 to 54-1,122 are not subject to the livestock identification brand inspection of subsection (1) of this section. Possession by the shipper or trucker of a shipping certificate from the registered feedlot constitutes compliance if the cattle being shipped are as represented on such shipping certificate.
(3) If the line designating the livestock identification brand inspection area divides a farm or ranch or lies between noncontiguous parcels of land which are owned or operated by the same cattle owner or owners, a permit may be issued, at the discretion of the agency Nebraska Brand Committee, to the owner or owners of cattle on such farm, ranch, or parcels of land to move the cattle in and out of the livestock identification brand inspection area without inspection. If the line designating the livestock identification brand inspection area lies between a farm or ranch and nearby veterinary medical facilities, a permit may be issued, at the discretion of the agency brand committee, to the owner or owners of cattle on such farm or ranch to move the cattle in and out of the livestock identification brand inspection area without inspection to obtain care from the veterinary medical facilities. The agency brand committee shall issue initial permits only after receiving an application which includes an application fee established by the agency brand committee which shall not be more than fifty fifteen dollars. The agency brand committee shall mail all current permitholders an annual renewal notice, for January 1 renewal, which requires a renewal fee established by the agency brand committee which shall not be more than fifty fifteen dollars. If the permit conditions still exist, the cattle owner or owners may renew the permit.

(4) No person shall sell any cattle knowing that the cattle are to be moved, in any manner, in violation of this section. Proof of shipment or removal of the cattle from the livestock identification brand inspection area by the purchaser or his or her agent is prima facie proof of knowledge that sale was had for removal from the livestock identification brand inspection area.

(5) In cases of prosecution for violation of this section, venue may be established in the county of origin or any other county through which the cattle may pass in leaving the livestock identification brand inspection area.
(6) A violation of this section is an infraction. Agency investigators shall have the authority to write a citation, which shall be waivable, to offenders in violation of this section. A fine under this section shall not exceed two hundred dollars per offense, and with respect to each animal shall constitute a separate offense. Violations shall be charged in the county in which the violation occurred.

Sec. 45. Section 54-1,111, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-1,111 (1) Except as provided in subsection (2) of this section, no person shall sell or trade any cattle located within the brand inspection area, nor shall any person buy or purchase any such cattle unless the cattle have been inspected for evidence of brands and ownership and a certificate of inspection or livestock identification brand clearance has been issued by the agency Nebraska Brand Committee. Any person selling such cattle shall present to the livestock identification brand inspector a properly executed bill of sale, livestock identification brand clearance, or other satisfactory evidence of ownership which shall be filed with the original certificate of inspection in the records of the agency brand committee. Any time an a brand inspection is required by law, a livestock identification brand investigator or livestock identification brand inspector may transfer evidence of ownership of such cattle from a seller to a purchaser by issuing a certificate of inspection.

(2) An A brand inspection is not required:

(a) For cattle of a registered feedlot registered under sections 54-1,120 to 54-1,122 shipped for direct slaughter or sale on any terminal market;

(b) For cattle that are:

(i) Transferred to a family corporation when all the shares of capital stock of the corporation are owned by the husband, wife, children, or grandchildren of the transferor and there is no
consideration for the transfer other than the issuance of stock of the corporation to such family members; or

(ii) Transferred to a limited liability company in which membership is limited to the husband, wife, children, or grandchildren of the transferor and there is no consideration paid for the transfer other than a membership interest in the limited liability company;

(c) When the change of ownership of cattle is a change in form only and the surviving interests are in the exact proportion as the original interests of ownership. When there is a change of ownership described in subdivision (2)(b) or (c) of this section, an affidavit, on a form prescribed by the agency Nebraska Brand Committee, signed by the transferor and stating the nature of the transfer and the number of cattle involved and the brands presently on the cattle, shall be filed with the agency brand committee;

(d) For cattle sold or purchased for educational or exhibition purposes or other recognized youth activities if a properly executed bill of sale is exchanged and presented upon demand. Educational or exhibition purpose means cattle sold or purchased for the purpose of being fed, bred, managed, or tended in a program designed to demonstrate or instruct in the use of various feed rations, the selection of individuals of certain physical conformation or breeds, the measurement and recording of rate of gain in weight or fat content of meat or milk produced, or the preparation of cattle for the purpose of exhibition or for judging as to quality and conformation;

(e) For calves under the age of thirty days sold or purchased at private treaty if a bill of sale is exchanged and presented upon demand; and

(f) For seedstock cattle raised by the seller and individually registered with an organized breed association if a properly executed bill of sale is exchanged and presented upon demand.

(3) A violation of this section is an infraction. Agency
investigators shall have the authority to write a citation, which shall be waivable, to offenders in violation of this section. A fine under this section shall not exceed two hundred dollars per offense, and with respect to each animal shall constitute a separate offense. Violations shall be charged in the county in which the violation occurred.

Sec. 46. Section 54-1,112, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,112 (1) Any person located within the livestock identification brand inspection area who slaughters or has cattle slaughtered for sale or distribution shall keep, in a book for that purpose, a true and faithful record of all cattle purchased and slaughtered. Such record shall also contain a description of the marks, brands, and electronic identification devices, if present, and age, weight, and color of all cattle slaughtered. Such record shall contain the date when the cattle were slaughtered and a notation which sets forth by whom the cattle were raised or from whom purchased.

(2) All persons who purchase hides shall keep a record of all hides of cattle purchased by them, which record shall state the name or names of the person or persons from whom purchased, their place of residence, the date of purchase, and all marks and brands on the hide, and the record shall at all times be open for inspection by any peace officer.

(3) A violation of this section is an infraction. Agency investigators shall have the authority to write a citation, which shall be waivable, to offenders in violation of this section. A fine under this section shall not exceed two hundred dollars per offense, and with respect to each animal shall constitute a separate offense. Violations shall be charged in the county in which the violation occurred.

Sec. 47. Section 54-1,113, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,113 (1)(a) Inside of the livestock identification brand inspection area, no person shall sell or trade or offer for sale or trade
the carcass of a beef or veal, or any portion thereof, including the hide of such carcass, unless a certificate of inspection is secured from a livestock identification brand inspector. Such person shall exhibit the certificate of inspection upon the demand of any person.

(b) Outside of the livestock identification brand inspection area, no person shall sell or offer for sale, except as a butcher bonded under section 54-1,114, the carcass of a beef or veal, or any portion thereof, without first exhibiting the intact hide of the same and exposing the brand upon the hide, if any, to the purchaser. A person selling or offering for sale any such carcass of beef or veal shall preserve the hide of the same for a period of fifteen days unless a certificate of inspection is secured from a livestock identification brand inspector, and such person shall exhibit the certificate of inspection upon the demand of any person.

(2) No person shall kill for his, her, or its own use and consumption any cattle for beef or veal without preserving the hide of such animal intact with a complete unskinned tail attached thereto for a period of not less than fifteen days unless a certificate of inspection is secured from a livestock identification brand inspector, and such hide shall be presented for inspection upon demand of any person.

(3) A violation of this section is an infraction. Agency investigators shall have the authority to write a citation, which shall be waivable, to offenders in violation of this section. A fine under this section shall not exceed two hundred dollars per offense, and with respect to each animal shall constitute a separate offense. Violations shall be charged in the county in which the violation occurred.

Sec. 48. Section 54-1,114, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,114 (1) Except as provided in subsections (2) and (3) of this section, no butcher, packer, or vendor engaged in the slaughter of cattle within the livestock identification brand inspection area shall kill or
otherwise dispose of any cattle until a **livestock identification brand** inspection is performed by the **agency Nebraska Brand Committee** on the premises where such slaughter is to take place and until a certificate of inspection from the **agency brand committee** is filed and is made a part of such operator's permanent records. All such certificates of inspection shall, upon demand, be displayed to any peace officer or to the **agency brand committee** at any time.

(2) If cattle requiring inspection under this section are to be slaughtered and are purchased by such butcher, packer, or vendor at a regularly **livestock identification-inspected livestock auction market** brand-inspected sales barn and are destined for direct slaughter upon reaching their destination, the **livestock identification brand** inspector at such **livestock auction market sales barn** shall be advised that such cattle are destined for direct slaughter. The **livestock auction market brand** inspector shall then issue a certificate of inspection for the cattle, such certificate to indicate that the cattle are to go to direct slaughter and that the cattle are not to be retained by such butcher, packer, or vendor for longer than ninety-six hours prior to slaughter. Cattle inspected at the point of origin by a **livestock identification brand** inspector shall not require an additional **livestock identification brand** inspection upon reaching a destination within the state if the certificate of inspection designates that the cattle are to go directly for slaughter and not to be retained by such butcher, packer, or vendor longer than ninety-six hours prior to slaughter.

(3) If cattle required to be inspected under this section are offered for slaughter and satisfactory evidence of ownership has not been provided, the butcher, packer, or vendor may, with the approval of the **livestock identification brand** inspector, slaughter the cattle and hold the meat until such time as satisfactory evidence of ownership is provided to the **agency brand committee**. The **livestock identification brand** inspector shall provide the butcher, packer, or vendor with an
official notice advising the operator not to release the meat until authorized by the agency brand committee. The agency brand committee may provide for a cash bond to be posted with the executive director of the agency brand committee so that the meat may be released prior to the establishment of satisfactory evidence of ownership. The amount of the bond shall be set at the approximate value of the cattle. When satisfactory evidence of ownership has been provided by the person offering the cattle for slaughter, the executive director shall authorize the release of the meat or the return of the bond.

(4) A violation of this section is an infraction. Agency investigators shall have the authority to write a citation, which shall be waivable, to offenders in violation of this section. A fine under this section shall not exceed two hundred dollars per offense, and with respect to each animal shall constitute a separate offense. Violations shall be charged in the county in which the violation occurred.

Sec. 49. Section 54-1,115, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-1,115 (1) Any person, other than the owner or the owner's employee, using a motor vehicle or trailer to transport livestock or carcasses over any land within the State of Nebraska not owned or rented by such person or who is so transporting such livestock upon a highway, public street, or thoroughfare within the State of Nebraska shall have in his or her possession a livestock transportation authority form, certificate of inspection, or shipping certificate from a registered feedlot, authorizing such movement as to each head of livestock transported by such vehicle.

(2) A livestock transportation authority form shall be in writing and shall state the name of the owner of the livestock, the owner's post office address, the place from which the livestock are being moved, including the name of the ranch, if any, the destination, the name and address of the carrier, the license number and make of motor vehicle to

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which consigned, together with the number of livestock and a description thereof including kind, sex, breed, color, and marks and electronic identifiers, if any, and in the case of livestock shipments originating within the livestock identification brand inspection area, the brands, if there are any. The livestock transportation authority form shall be signed by the owner of the livestock or the owner's authorized agent.

(3) Any peace officer, based upon probable cause to question the ownership of the livestock being transported, may stop a motor vehicle or motor vehicle and trailer and request exhibition of any livestock transportation authority form or certificate required by this section.

(4) A violation of this section is an infraction. Agency investigators shall have the authority to write a citation, which shall be waivable, to offenders in violation of this section. A fine under this section shall not exceed two hundred dollars per offense, and with respect to each animal shall constitute a separate offense. Violations shall be charged in the county in which the violation occurred.

Sec. 50. Section 54-1,116, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,116  (1) All livestock sold or otherwise disposed of shall be accompanied by a properly executed bill of sale in writing or, for cattle, a certificate of inspection. All owners of or persons possessing livestock have a duty to exhibit, upon request of any person, the bill of sale or other satisfactory evidence of ownership of the livestock.

(2) A violation of this section is an infraction. Agency investigators shall have the authority to write a citation, which shall be waivable, to offenders in violation of this section. A fine under this section shall not exceed two hundred dollars per offense, and with respect to each animal shall constitute a separate offense. Violations shall be charged in the county in which the violation occurred.

Sec. 51. Section 54-1,117, Reissue Revised Statutes of Nebraska, is amended to read:
54-1,117 No consignment of livestock within, entering into, or passing through the livestock identification brand inspection area, after having been inspected by a livestock identification brand inspector, shall be permitted to intermingle with any other livestock located within the livestock identification brand inspection area. If, at any time after livestock identification brand inspection has been performed or a certificate of inspection has been issued on any shipment of livestock, the livestock become intermingled with other livestock located within the livestock identification brand inspection area, the original livestock identification brand inspection is void and before further movement of the livestock out of the livestock identification brand inspection area may be made, reinspection for identification of brands is required. A livestock identification brand inspector may require reinspection if he or she has reason to believe a consignment of livestock has become intermingled.

Sec. 52. Section 54-1,118, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,118 If any livestock inspected under the Livestock Identification Brand Act or section 54-415 is unbranded or bears a brand or brands in addition to, or other than, the recorded brand or brands of the shipper or seller, then the shipper or seller may be required to establish his or her ownership of such livestock by exhibiting to the Nebraska Brand Committee a bill of sale to such livestock or by other satisfactory evidence of ownership. If ownership of the livestock is not established, the livestock may be sold, and the selling agent who sells such livestock shall hold the proceeds of the sale. If any shipper or seller who has offered such livestock for sale refuses to accept the bids offered, ownership must be established, or a cash bond posted with the selling agent in an amount equal to the approximate value of the livestock and payable to the Nebraska Brand Committee, before such livestock may be removed from the premises. When ownership has been
established cash bond shall be returned to the person who or which posted it.

The shipper or seller of the livestock is required to establish ownership of such livestock within sixty days after its sale. If such shipper or seller establishes ownership of such livestock, the agency Nebraska Brand Committee shall order the selling agent of such livestock to pay the proceeds of sale to the shipper or seller. If such shipper or seller fails to establish ownership within the sixty days, such livestock shall be considered an estray and the agency Nebraska Brand Committee shall order the selling agent to pay the proceeds of sale over to the agency brand committee. All funds that the agency brand committee receives from the sale of any estray shall be placed in a separate custodial fund known as the estray fund. The agency brand committee shall determine the ownership of estrays that originate within the livestock identification brand inspection area. Such funds shall be disposed of in the manner provided in section 54-415.

Sec. 53. Section 54-1,119, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-1,119 (1) Any livestock auction market, whether within or outside of the state, or any meat packing plant which maintains livestock identification brand inspection under the supervision of the agency Nebraska Brand Committee and under such rules and regulations as are specified by the United States Department of Agriculture, may be designated by the agency brand committee as an open market.

(2) When cattle originating from within the livestock identification brand inspection area are consigned for sale to any commission company at any open market designated as such by the agency Nebraska Brand Committee where livestock identification brand inspection is maintained, no livestock identification brand inspection is required at the point of origin but is required at the point of destination unless the point of origin is a registered feedlot. If cattle are consigned to a commission
company at an open market, the carrier transporting the cattle shall not allow the owner, shipper, or party in charge to change the billing to any point other than the commission company at the open market designated on the original billing, unless the carrier secures from the agency brand committee a certificate of inspection on the cattle so consigned. Any cattle originating in a registered feedlot consigned to a commission company at any terminal market destined for direct slaughter may be shipped in accordance with rules and regulations governing registered feedlots.

(3) Until the cattle are inspected for brands on the premises by the agency Nebraska Brand Committee, no person shall sell or cause to be sold or offer for sale (a) any cattle at a livestock auction market located within the livestock identification brand inspection area or at a farm or ranch sale located within the livestock identification brand inspection area or (b) any cattle originating within the livestock identification brand inspection area consigned to an open market.

Sec. 54. Section 54-1,120, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-1,120 (1) Any person who operates a cattle feeding operation located within the livestock identification brand inspection area may make application to the agency Nebraska Brand Committee for registration as a registered feedlot. The application form shall be prescribed by the agency brand committee and shall be made available by the executive director of the agency brand committee for such this purpose upon written request. If the applicant is an individual, the application shall include the applicant's social security number. After the agency brand committee has received a properly completed application, an agent of the agency brand committee shall within thirty days make an investigation to determine if the following requirements are satisfied:

(a) The operator's feedlot must be permanently fenced; and

(b) The operator must commonly practice feeding cattle to finish for
slaughter.

If the application is satisfactory, and upon payment of an initial registration fee by the applicant of not more than five hundred dollars, the agency brand committee shall issue a registration number and registration certificate valid for one year unless rescinded for cause. If the registration is rescinded for cause, any registration fee shall be forfeited by the applicant. The annual renewal fee shall be two hundred fifty dollars initial fee for a registered feedlot shall be an amount for a registered feedlot having one thousand head or less capacity and an equal amount for each additional one thousand head capacity, or part thereof, of such registered feedlot. For each subsequent year, the renewal fee for a registered feedlot shall be an amount for the first one thousand head or portion thereof of average annual inventory of cattle on feed of the registered feedlot and an equal amount for each additional one thousand head or portion thereof of average annual inventory of cattle on feed of the registered feedlot. The brand committee shall set the fee per one thousand head capacity or average annual inventory so as to correspond with the inspection fee provided under section 54-1,108. The registration fee shall be paid on an annual basis.

(2)(a) A registered feedlot utilizing a grow yard within the livestock identification inspection area may affiliate such grow yard with such registered feedlot for the purpose of movement into the registered feedlot without livestock identification inspection upon entering the registered feedlot if the following requirements are satisfied:

(i) One hundred percent of the cattle are in the management of the registered feedlot under which a grow yard is affiliated;

(ii) The grow yard is permanently fenced; and

(iii) The cattle have been properly inspected upon entering the grow yard as required in section 54-1,108.

(b) An annual enrollment fee of not more than fifty dollars shall be
paid by a registered feedlot on each grow yard affiliated with such
registered feedlot.

(3) (2) The agency brand committee may adopt and promulgate rules
and regulations for the operation of registered feedlots to assure that
livestock identification brand laws are complied with, that registered
feedlot shipping certificates are available, and that proper records are
maintained. Violation of sections 54-1,120 to 54-1,122 subjects the
operator to revocation or suspension of the feedlot registration issued.
Sections 54-1,120 to 54-1,122 shall not be construed as prohibiting the
operation of nonregistered feedlots.

(4) (3) Registered feedlots are subject to inspection at any
reasonable time at the discretion of the agency brand committee and its
authorized agents, and the operator shall show cattle purchase records or
certificates of inspection to cover all cattle in his or her feedlot.
Cattle having originated from such registered feedlots may from time to
time, at the discretion of the agency committee, be subject to a spot-
check physical inspection and audit at destination to enable the agency
brand committee to assure satisfactory compliance with the livestock
identification brand laws by the registered feedlot operator.

(5) (4) The operator of a registered feedlot shall keep cattle
inventory records. A form for such purpose shall be prescribed by the
agency brand committee. The agency brand committee and its employees may
from time to time make spot checks and audits of the registered feedlots
and the records of cattle on feed in such feedlots. A registered feedlot
shall be audited a minimum of four times per year. An audit shall be
performed for each seven thousand five hundred head count of average
annual capacity with a maximum of twelve audits performed per year. The
registered feedlot shall pay an audit fee of XX for each required audit
and the actual agency employee mileage costs incurred for the audit.

(6) (5) The agency brand committee may rescind the registration of
any registered feedlot operator who fails to cooperate or violates the
laws or rules and regulations of the agency brand committee covering registered feedlots.

Sec. 55. Section 54-1,121, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-1,121 Cattle sold or shipped from a registered feedlot, for purposes other than direct slaughter or sale on any terminal market, are subject to the livestock identification brand inspection under sections 54-1,110 to 54-1,119, and the seller or shipper shall bear the cost of such inspection at the regular fee.

Any other cattle shipped from a registered feedlot are not subject to livestock identification brand inspection at origin or destination, but the shipper must have a shipping certificate from the registered feedlot. The shipping certificate form shall be prescribed by the agency Nebraska Brand Committee and shall show the registered feedlot operator's name and registration number, date shipped, destination, agency receiving the cattle, number of head in the shipment, and sex of the cattle. The shipping certificate shall be completed in triplicate by the registered feedlot operator at the time of shipment. One copy thereof shall be delivered to the livestock identification brand inspector at the market along with shipment, if applicable, one copy shall be sent to the agency brand committee by the tenth day of the following month, and one copy shall be retained by the registered feedlot operator. If a shipping certificate does not accompany a shipment of cattle from a registered feedlot to any destination where livestock identification brand inspection is maintained by the agency brand committee, all such cattle shall be subject to a livestock identification brand inspection and the inspection fees and actual mileage costs to perform the inspection surcharge provided under section 54-1,108 shall be charged for the service.

Sec. 56. Section 54-1,122, Revised Statutes Cumulative Supplement, 2018, is amended to read:
54-1,122 Any cattle originating in a state that has a brand inspection authority agency and which are accompanied by a certificate of inspection or livestock identification brand clearance issued by such authority agency may be moved directly from the point of origin into a registered feedlot. Any cattle not accompanied by such a certificate of inspection or livestock identification brand clearance or by satisfactory evidence of ownership from states or portions of states not having livestock identification brand inspection shall be inspected for identifiers brands by the agency Nebraska Brand Committee within a reasonable time after arrival at a registered feedlot, and the appropriate inspection fee and mileage reimbursement, if applicable, surcharge provided under section 54-1,108 shall be collected by the livestock identification brand inspector at the time the inspection is performed.

Sec. 57. Section 54-1,124, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,124 If any person willfully and knowingly brands, marks, identifies, or causes to be branded, or marked, or identified, livestock owned by another with the intent to deprive such owner of the livestock or willfully and knowingly effaces, defaces, or obliterates any mark or identifier upon any livestock owned by another with the intent to deprive such owner of the livestock, such person is guilty of a Class III felony.

Sec. 58. Section 54-1,125, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,125 (1) Any person who offers as evidence of ownership for any livestock sold, traded, or otherwise disposed of as provided in the Livestock Identification Brand Act or section 54-415, any forged, altered, or otherwise falsely prepared document or form, knowing the same to be forged, altered, or otherwise falsely prepared, is guilty of the Class IV felony of criminal possession of a forged instrument as defined in section 28-604.
(2) Any person who forges, alters, or otherwise changes in any manner any of the forms or documents which are satisfactory evidence of ownership or any other form or document required by or provided for in the Livestock Identification Brand Act or section 54-415, is guilty of second degree forgery as defined in section 28-603, and shall be punished in accordance with such section.

(3) Any person who knowingly misrepresents or misuses any certificate of inspection or other satisfactory evidence of ownership is guilty of a Class II misdemeanor.

Sec. 59. Section 54-1,126, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,126 Any person who violates any provision of the Livestock Identification Brand Act is guilty of a Class II misdemeanor unless another penalty is specifically provided for such violation.

Sec. 60. Section 54-1,127, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,127 Whenever any person is arrested for a violation of the Livestock Identification Brand Act or section 54-415 punishable as a misdemeanor, the arresting peace officer shall, except as otherwise provided in this section, take the name and address of such person and the license number of his or her motor vehicle. The peace officer shall issue a summons or otherwise notify him or her in writing to appear at a time and place to be specified in such summons or notice. Such time shall be at least five days after such arrest, unless the person arrested demands an earlier hearing. Such person, if he or she so desires, has a right to an immediate hearing or a hearing within twenty-four hours at a convenient hour, such hearing to be before a magistrate within the county where such offense was committed. The peace officer shall thereupon, and upon the giving by such person of his or her written promise to appear at such time and place, forthwith release him or her from custody. Any person refusing to give such written promise to appear shall be taken
immediately by the arresting peace officer before the nearest or most
accessible magistrate.

Sec. 61. Section 54-1,128, Revised Statutes Cumulative Supplement,
2018, is amended to read:

54-1,128 (1) An owner may brand cattle with a brand recorded or
registered in another state when:
(a) Cattle are purchased at a livestock auction market licensed
under the Livestock Auction Market Act or congregated at another location
approved by the agency Nebraska Brand Committee;
(b) The cattle will be imminently exported from Nebraska;
(c) The cattle are branded at the livestock auction market or other
approved location; and
(d) An out-of-state brand permit has been obtained prior to branding
the cattle.
(2) An application for an out-of-state brand permit shall be made to
a livestock identification brand inspector and shall include a
description of the brand, a written application, and a fee not to exceed
fifty dollars as determined by the agency Nebraska Brand Committee. A
livestock identification brand inspector shall evaluate and may approve
an out-of-state brand permit within a reasonable period of time.
(3) Cattle branded under an out-of-state brand permit shall remain
subject to all other livestock identification brand inspection
requirements under the Livestock Identification Brand Act.
(4) A violation of this section is an infraction. Agency
investigators shall have the authority to write a citation, which shall
be waivable, to offenders in violation of this section. A fine under this
section shall not exceed two hundred dollars per offense, and with
respect to each animal shall constitute a separate offense. Violations
shall be charged in the county in which the violation occurred.

Sec. 62. Section 54-1,129, Revised Statutes Cumulative Supplement,
2018, is amended to read:
54-1,129 The owner or operator of any livestock auction market, as defined in section 54-1158, or packing plant located in any county outside the livestock identification brand inspection area may voluntarily elect to provide livestock identification brand inspection for all cattle brought to such livestock auction market or packing plant from within the livestock identification brand inspection area upon compliance with sections 54-1,129 to 54-1,131.

Sec. 63. Section 54-1,130, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-1,130 The election provided for by section 54-1,129 shall be made by (1) filing with the Secretary of State, in form to be prescribed by the secretary, a written notice of such election and agreement to be bound by section 54-1,131 and (2) posting conspicuously on the premises a notice of the fact that livestock identification brand inspection is provided at such livestock auction market or packing plant.

Sec. 64. Section 54-1,131, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-1,131 Inspection provided for in sections 54-1,129 to 54-1,131 shall be conducted in the manner established by the Livestock Identification Brand Act. The owner or operator making such election may be required to guarantee to the agency Nebraska Brand Committee that inspection fees derived from such livestock auction market or packing plant will be sufficient, in each twelve-month period, to pay the per diem and mileage of the inspectors required and that he or she will reimburse the agency committee for any deficit incurred in any such twelve-month period. Such guarantee shall be secured by a corporate surety bond, to be approved by the Secretary of State, in a penal sum to be established by the agency Nebraska Brand Committee.

Sec. 65. Section 54-415, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-415 (1) Any person taking up an estray within the livestock
identification brand inspection area or livestock identification brand inspection service area shall report the same within seven days thereafter to the Nebraska Livestock Identification Agency Brand Committee. Any person taking up an estray in any other area of the state shall report the same to the county sheriff of the county where the estray was taken. If the animal is determined to be an estray by a representative of the Nebraska Livestock Identification Agency Brand Committee or the county sheriff, as the case may be, such animal shall, as promptly as may be practicable, be sold through the most convenient livestock auction market. The proceeds of such sale, after deducting the selling expenses, shall be paid over to the Nebraska Livestock Identification Agency Brand Committee to be placed in the estray fund identified in section 54-1,118, if such estray was taken up within the livestock identification brand inspection area or livestock identification brand inspection service area, and otherwise to the treasurer of the county in which such estray was taken up. During the time such proceeds are impounded, any person taking up such estray may file a claim with the Nebraska Livestock Identification Agency Brand Committee or the county treasurer, as the case may be, for the expense of feeding and keeping such estray while in his or her possession. When such claim is filed, it shall be the duty of the Nebraska Livestock Identification Agency Brand Committee or the county board, as the case may be, to decide on the validity of the claim so filed and allow the claim for such amount as may be deemed equitable. When the estray is taken up within the livestock identification brand inspection area or livestock identification brand inspection service area, such proceeds shall be impounded for one year, unless ownership is determined sooner by the Nebraska Livestock Identification Agency Brand Committee, and if ownership is not determined within such one-year period, the proceeds shall be paid into the permanent school fund, less the actual expenses incurred in the investigation and processing of the estray fund. Any
amount deducted as actual expenses incurred shall be deposited in the Nebraska Livestock Identification Brand Inspection and Theft Prevention Fund. When the estray is taken up outside the livestock identification brand inspection area or livestock identification brand inspection service area and ownership cannot be determined by the county board, the county board shall then order payment of the balance of the sale proceeds less expenses, to the permanent school fund. If the brand committee or the county board determines ownership of an estray sold in accordance with this section by means of evidence of ownership other than the owner's recorded Nebraska brand, an amount not to exceed the actual investigative costs or expenses may be deducted from the proceeds of the sale. Any person who violates this section is guilty of a Class II misdemeanor. The definitions found in sections 54-172 to 54-190 and sections 4, 5, 6, 9, 10, 11, 13, 16, 17, 18, 19, 22, and 23 of this act apply to this section.

(2) Upon completion of any investigation under this section, the agency shall determine its actual administrative costs incurred and notify the owner or custodian of the estray in writing. Such owner or custodian shall reimburse the agency its actual administrative costs within thirty days after receipt of the written notice.

(3) Any person failing to reimburse the agency pursuant to subsection (2) of this section shall be assessed a late fee of twenty-five percent of the amount due.

Sec. 66. Section 54-789, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-789 (1) Except as otherwise provided in this section, individual identification of cattle imported into Nebraska shall not be required if (a) the cattle are identified by a registered brand and accompanied by an official brand inspection certificate issued by the recognized brand inspection or livestock identification authority of the state of origin and (b) such cattle are imported directly from a mandatory brand
inspection area of any state.

(2) The Department of Agriculture may require cattle imported into Nebraska to be identified by individual identification to enter the state if the Director of Agriculture determines that:

(a) The state of origin recognized brand registration or brand inspection procedures and documentation are insufficient to enable the tracing of individual animals to the animal's herd of origin;

(b) Identification by brand alone is in conflict with a standard of federal law or regulation regarding identification of cattle moved into Nebraska; or

(c) The cattle originate from a location that is not a tuberculosis accredited-free state or zone pursuant to 9 C.F.R. 77.7 or is not designated a brucellosis Class Free or Class A state or area pursuant to 9 C.F.R. 78.41, as such regulations existed on January 1, 2013.

(3) At no time shall a registered brand inspection certificate be used in lieu of a certificate of veterinary inspection.

(4) This section does not limit the authority of the State Veterinarian to issue import orders imposing additional requirements for animals imported into Nebraska from any state, country, zone, or other area, including requirements relating to identification.

(5) For purposes of this section:

(a) Individual identification means a device or method approved by the Department of Agriculture of uniquely identifying a specific animal to its herd of origin and is not synonymous with official identification; and

(b) Official identification means identifying an animal or group of animals using devices or methods approved by the Veterinary Services Office of the Animal and Plant Health Inspection Service of the United States Department of Agriculture, including, but not limited to, official tags, tattoos, and registered brands when accompanied by a certificate of inspection from a recognized brand inspection authority.
Sec. 67. Section 54-1160.01, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-1160.01 The owner or operator of any livestock auction market located in any county outside the livestock identification brand inspection area created in section 54-1,109 may voluntarily elect to provide livestock identification brand inspection as provided in sections 54-1,129 to 54-1,131.

Sec. 68. Section 60-3,135, Reissue Revised Statutes of Nebraska, is amended to read:

60-3,135 (1)(a) Undercover license plates may be issued to federal, state, county, city, or village law enforcement agencies and shall be used only for legitimate criminal investigatory purposes. Undercover license plates may also be issued to the Nebraska State Patrol, the Game and Parks Commission, deputy state sheriffs employed by the Nebraska Livestock Identification Agency Brand Committee and State Fire Marshal for state law enforcement purposes, persons employed by the Tax Commissioner for state revenue enforcement purposes, the Department of Health and Human Services for the purposes of communicable disease control, the prevention and control of those communicable diseases which endanger the public health, the enforcement of drug control laws, or other investigation purposes, the Department of Agriculture for special investigative purposes, and the Insurance Fraud Prevention Division of the Department of Insurance for investigative purposes. Undercover license plates shall not be used on personally owned vehicles or for personal use of government-owned vehicles.

(b) The director shall prescribe a form for agencies to apply for undercover license plates. The form shall include a space for the name and signature of the contact person for the requesting agency, a statement that the undercover license plates are to be used only for legitimate criminal investigatory purposes, and a statement that undercover license plates are not to be used on personally owned vehicles.
or for personal use of government-owned vehicles.

(2) The agency shall include the name and signature of the contact person for the agency on the form and pay the fee prescribed in section 60-3,102. If the undercover license plates will be used for the investigation of a specific event rather than for ongoing investigations, the agency shall designate on the form an estimate of the length of time the undercover license plates will be needed. The contact person in the agency shall sign the form and verify the information contained in the form.

(3) Upon receipt of a completed form, the director shall determine whether the undercover license plates will be used by an approved agency for a legitimate purpose pursuant to subsection (1) of this section. If the director determines that the undercover license plates will be used for such a purpose, he or she may issue the undercover license plates in the form and under the conditions he or she determines to be necessary. The decision of the director regarding issuance of undercover license plates is final.

(4) The department shall keep records pertaining to undercover license plates confidential, and such records shall not be subject to public disclosure.

(5) The contact person shall return the undercover license plates to the department if:

   (a) The undercover license plates expire and are not renewed;
   (b) The purpose for which the undercover license plates were issued has been completed or terminated; or
   (c) The director requests their return.

(6) A state agency, board, or commission that uses motor vehicles from the transportation services bureau of the Department of Administrative Services shall notify the bureau immediately after undercover license plates have been assigned to the motor vehicle and shall provide the equipment and license plate number and the undercover
license plate number to the bureau. The transportation services bureau shall maintain a list of state-owned motor vehicles which have been assigned undercover license plates. The list shall be confidential and not be subject to public disclosure.

(7) The contact person shall be held accountable to keep proper records of the number of undercover plates possessed by the agency, the particular license plate numbers for each motor vehicle, and the person who is assigned to the motor vehicle. This record shall be confidential and not be subject to public disclosure.

Sec. 69. Section 60-480.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-480.01 (1)(a) Undercover drivers' licenses may be issued to federal, state, county, city, or village law enforcement agencies and shall be used only for legitimate criminal investigatory purposes. Undercover drivers' licenses may also be issued to the Nebraska State Patrol, the Game and Parks Commission, deputy state sheriffs employed by the Nebraska Livestock Identification Agency Brand Committee and State Fire Marshal for state law enforcement purposes, persons employed by the Tax Commissioner for state revenue enforcement purposes, the Department of Health and Human Services for the purposes of communicable disease control, the prevention and control of those communicable diseases which endanger the public health, the enforcement of drug control laws, or other investigation purposes, the Department of Agriculture for special investigative purposes, and the Insurance Fraud Prevention Division of the Department of Insurance for investigative purposes. Undercover drivers' licenses are not for personal use.

(b) The director shall prescribe a form for agencies to apply for undercover drivers' licenses. The form shall include a space for the name and signature of the contact person for the requesting agency, a statement that the undercover drivers' licenses are to be used only for legitimate criminal investigatory purposes, and a statement that
undercover drivers' licenses are not for personal use.

(2) The agency shall include the name and signature of the contact person for the agency on the form and pay the fees prescribed in section 60-4.115. If the undercover drivers' licenses will be used for the investigation of a specific event rather than for ongoing investigations, the agency shall designate on the form an estimate of the length of time the undercover drivers' licenses will be needed. The contact person in the agency shall sign the form and verify the information contained in the form.

(3) Upon receipt of a completed form, the director shall determine whether the undercover drivers' licenses will be used by an approved agency for a legitimate purpose pursuant to subsection (1) of this section. If the director determines that the undercover drivers' licenses will be used for such a purpose, he or she may issue the undercover drivers' licenses in the form and under the conditions he or she determines to be necessary. The decision of the director regarding issuance of undercover drivers' licenses is final.

(4) The Department of Motor Vehicles shall keep records pertaining to undercover drivers' licenses confidential, and such records shall not be subject to public disclosure. Any person who receives information pertaining to undercover drivers' licenses in the course of his or her employment and who discloses any such information to any unauthorized individual shall be guilty of a Class III misdemeanor.

(5) The contact person shall return the undercover drivers' licenses to the Department of Motor Vehicles if:

(a) The undercover drivers' licenses expire and are not renewed;

(b) The purpose for which the undercover drivers' licenses were issued has been completed or terminated;

(c) The persons for whom the undercover drivers' licenses were issued cease to be employees of the agency; or

(d) The director requests their return.
Sec. 70. Section 81-1021, Revised Statutes Supplement, 2019, is amended to read:

81-1021 (1) All motor vehicles acquired by the State of Nebraska except any vehicle rented as a bureau fleet vehicle shall be indelibly and conspicuously lettered, in plain letters of a contrasting color or reflective material:

(a) On each side thereof with the words State of Nebraska and following such words the name of whatever board, department, bureau, division, institution, including the University of Nebraska or state college, office, or other state expending agency of the state to which the motor vehicle belongs; and

(b) On the back thereof with the words State of Nebraska.

(2) This section shall not apply to motor vehicles used or controlled by:

(a) The Nebraska State Patrol, the Public Service Commission, the Game and Parks Commission, deputy state sheriffs employed by the Nebraska Livestock Identification Agency Brand Committee and State Fire Marshal for state law enforcement purposes, inspectors employed by the Nebraska Liquor Control Commission, and persons employed by the Tax Commissioner for state revenue enforcement purposes, the exemption for state law enforcement purposes and state revenue enforcement purposes being confined strictly to the seven agencies specifically named;

(b) The Department of Health and Human Services or the Department of Correctional Services for the purpose of apprehending and returning escaped offenders or parole violators to facilities in the Department of Correctional Services and transporting offenders and personnel of the Department of Correctional Services and patients and personnel of the Department of Health and Human Services who are engaged in off-campus program activities;

(c) The Military Department;

(d) Vocational rehabilitation counselors and the Department of
Health and Human Services for the purposes of communicable disease control, for the prevention and control of those communicable diseases which endanger the public health, or used by the Department of Health and Human Services in the enforcement of drug control laws or for other investigation purposes;

(e) The Department of Agriculture for special investigative purposes;

(f) The Nebraska Motor Vehicle Industry Licensing Board for investigative purposes;

(g) The Insurance Fraud Prevention Division of the Department of Insurance for investigative purposes; and

(h) The Department of Justice.

Sec. 71. Section 81-1316, Revised Statutes Supplement, 2019, is amended to read:

81-1316 (1) All agencies and personnel of state government shall be covered by sections 81-1301 to 81-1319 and shall be considered subject to the State Personnel System, except the following:

(a) All personnel of the office of the Governor;

(b) All personnel of the office of the Lieutenant Governor;

(c) All personnel of the office of the Secretary of State;

(d) All personnel of the office of the State Treasurer;

(e) All personnel of the office of the Attorney General;

(f) All personnel of the office of the Auditor of Public Accounts;

(g) All personnel of the Legislature;

(h) All personnel of the court systems;

(i) All personnel of the Board of Educational Lands and Funds;

(j) All personnel of the Public Service Commission;

(k) All personnel of the Nebraska Livestock Identification Agency Brand Committee;

(l) All personnel of the Commission of Industrial Relations;

(m) All personnel of the State Department of Education;
(n) All personnel of the Nebraska state colleges and the Board of Trustees of the Nebraska State Colleges;

(o) All personnel of the University of Nebraska;

(p) All personnel of the Coordinating Commission for Postsecondary Education;

(q) All personnel of the Governor's Policy Research Office;

(r) All personnel of the Commission on Public Advocacy;

(s) All agency heads;

(t)(i) The Director of Behavioral Health of the Division of Behavioral Health; (ii) the Director of Children and Family Services of the Division of Children and Family Services; (iii) the Director of Developmental Disabilities of the Division of Developmental Disabilities; (iv) the Director of Medicaid and Long-Term Care of the Division of Medicaid and Long-Term Care; and (v) the Director of Public Health of the Division of Public Health;

(u) The chief medical officer established under section 81-3115, the Administrator of the Office of Juvenile Services, and the chief executive officers of the Beatrice State Developmental Center, Lincoln Regional Center, Norfolk Regional Center, Hastings Regional Center, Grand Island Veterans' Home, Norfolk Veterans' Home, Eastern Nebraska Veterans' Home, Western Nebraska Veterans' Home, Youth Rehabilitation and Treatment Center-Kearney, and Youth Rehabilitation and Treatment Center-Geneva;

(v) The chief executive officers of all facilities operated by the Department of Correctional Services and the medical director for the department appointed pursuant to section 83-4,156;

(w) All personnel employed as pharmacists, physicians, psychiatrists, or psychologists by the Department of Correctional Services;

(x) All personnel employed as pharmacists, physicians, psychiatrists, psychologists, service area administrators, or facility operating officers of the Department of Health and Human Services or the
Department of Veterans' Affairs;

(y) Deputies and examiners of the Department of Banking and Finance and the Department of Insurance as set forth in sections 8-105 and 44-119, except for those deputies and examiners who remain in the State Personnel System;

(z) All personnel of the Tax Equalization and Review Commission; and

(aa) The associate director of the Conservation Division of the Nebraska State Historical Society and all personnel employed as a Conservator I or Conservator II of the Conservation Division of the Nebraska State Historical Society.

(2) At each agency head's discretion, up to the following number of additional positions may be exempted from the State Personnel System, based on the following agency size categories:

<table>
<thead>
<tr>
<th>Number of Agency Employees</th>
<th>Number of Noncovered Positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 25</td>
<td>0</td>
</tr>
<tr>
<td>25 to 100</td>
<td>1</td>
</tr>
<tr>
<td>101 to 250</td>
<td>2</td>
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<tr>
<td>251 to 500</td>
<td>3</td>
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<tr>
<td>501 to 1000</td>
<td>4</td>
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<tr>
<td>2001 to 3000</td>
<td>8</td>
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<td>3001 to 4000</td>
<td>11</td>
</tr>
<tr>
<td>4001 to 5000</td>
<td>40</td>
</tr>
<tr>
<td>over 5000</td>
<td>50</td>
</tr>
</tbody>
</table>

The purpose of having such noncovered positions shall be to allow agency heads the opportunity to recruit, hire, and supervise critical, confidential, or policymaking personnel without restrictions from selection procedures, compensation rules, career protections, and grievance privileges. Persons holding the noncovered positions shall serve at the pleasure of the agency head and shall be paid salaries set
by the agency head. An agency with over five thousand employees shall
provide notice in writing to the Health and Human Services Committee of
the Legislature when forty noncovered positions have been filled by the
agency head pursuant to this subsection.

(3) No changes to this section or to the number of noncovered
positions within an agency shall affect the status of personnel employed
on the date the changes become operative without their prior written
agreement. A state employee's career protections or coverage by personnel
rules and regulations shall not be revoked by redesignation of the
employee's position as a noncovered position without the prior written
agreement of such employee.

Sec. 72. Section 84-1005, Reissue Revised Statutes of Nebraska, is
amended to read:

84-1005 Subsection (2) of section 84-1001 shall not apply to (1)
employees of the University of Nebraska, the state colleges, the Nebraska Livestock Identification Agency Brand Committee, or the Nebraska Oil and Gas Conservation Commission, (2) the Superintendent of Law Enforcement and Public Safety, his or her deputies and assistants, members of the Nebraska State Patrol, or carrier enforcement officers designated under section 60-1303, or (3) the employees of the Division of Motor Fuels of the office of the Tax Commissioner who render service on such days and maintain such hours as the Governor may designate, except that when employees are required to work on any day designated as a paid holiday, subsections (4) and (5) of section 84-1001 shall apply.

Sec. 73. Section 84-1411, Revised Statutes Supplement, 2019, is
amended to read:

84-1411 (1) Each public body shall give reasonable advance
publicized notice of the time and place of each meeting by a method
designated by each public body and recorded in its minutes. Such notice
shall be transmitted to all members of the public body and to the public.
Such notice shall contain an agenda of subjects known at the time of the
publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting or (b) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than one county in this state, of the governing body of a public power and irrigation district having a chartered territory of more than one county in this state, of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, or of a community college board of governors may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

(a) Reasonable advance publicized notice is given;

(b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the
same extent as would be provided if videoconferencing or telephone conferencing was not used;

(c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;

(d) At least one member of the state entity, advisory committee, board, council, or governing body is present at each site of the videoconference or telephone conference, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site; and

(e)(i) Except as provided in subdivision (2)(e)(ii) of this section, no more than one-half of the state entity's, advisory committee's, board's, council's, or governing body's meetings in a calendar year are held by videoconference or telephone conference; or

(ii) In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, such organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conferencing.

Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(3) A meeting of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing
body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, of a community college board of governors, of the governing body of a public power district, of the governing body of a public power and irrigation district, or of the Nebraska Livestock Identification Agency Brand Committee may be held by telephone conference call if:

(a) The territory represented by the educational service unit, member educational service units, community college board of governors, public power district, public power and irrigation district, Nebraska Livestock Identification Agency Brand Committee, or member public agencies of the entity or pool covers more than one county;

(b) Reasonable advance publicized notice is given which identifies each telephone conference location at which there will be present: (i) A member of the educational service unit board, council, community college board of governors, governing body of a public power district, governing body of a public power and irrigation district, Nebraska Livestock Identification Agency Brand Committee, or entity's or pool's governing body; or (ii) A nonvoting designee designated under subdivision (3)(f) of this section;

(c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Livestock Identification Agency Brand Committee, or entity or pool or at a place which will accommodate the anticipated audience;

(d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;
(e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;

(f) At least one member of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Livestock Identification Agency Brand Committee, or governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site;

(g) The telephone conference call lasts no more than five hours; and

(h) No more than one-half of the board's, council's, governing body's, committee's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that:

(i) The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing; and

(ii) An organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act may hold more than one-half of its meetings by telephone conference call if the organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conference call.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing
body at sites not identified in the public notice. Telephone conference
calls, emails, faxes, or other electronic communication shall not be used
to circumvent any of the public government purposes established in the
Open Meetings Act.

(4) The secretary or other designee of each public body shall
maintain a list of the news media requesting notification of meetings and
shall make reasonable efforts to provide advance notification to them of
the time and place of each meeting and the subjects to be discussed at
that meeting.

(5) When it is necessary to hold an emergency meeting without
reasonable advance public notice, the nature of the emergency shall be
stated in the minutes and any formal action taken in such meeting shall
certain only to the emergency. Such emergency meetings may be held by
means of electronic or telecommunication equipment. The provisions of
subsection (4) of this section shall be complied with in conducting
emergency meetings. Complete minutes of such emergency meetings
specifying the nature of the emergency and any formal action taken at the
meeting shall be made available to the public by no later than the end of
the next regular business day.

(6) A public body may allow a member of the public or any other
witness other than a member of the public body to appear before the
public body by means of video or telecommunications equipment.

Sec. 74. Original sections 33-151, 54-173, 54-174, 54-175, 54-176,
54-180, 54-182, 54-183, 54-184, 54-186, 54-193, 54-194, 54-196, 54-197,
54-199, 54-1,101, 54-1,102, 54-1,103, 54-1,104, 54-1,106, 54-1,107,
54-1,109, 54-1,112, 54-1,113, 54-1,114, 54-1,116, 54-1,117, 54-1,118,
54-1,124, 54-1,125, 54-1,126, 54-1,127, 60-3,135, 60-480.01, and 84-1005,
Reissue Revised Statutes of Nebraska, sections 54-170, 54-171, 54-172,
54-175.01, 54-179, 54-189, 54-191, 54-195, 54-198, 54-1,100, 54-1,105,
54-1,108, 54-1,110, 54-1,111, 54-1,115, 54-1,119, 54-1,120, 54-1,121,
54-1,122, 54-1,128, 54-1,129, 54-1,130, 54-1,131, 54-1,415, 54-789, and
54-1160.01, Revised Statutes Cumulative Supplement, 2018, and sections
54-192, 81-1021, 81-1316, and 84-1411, Revised Statutes Supplement, 2019,
are repealed.