

AMENDMENTS TO LB 78

Introduced by Government, Military and Veterans Affairs

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

3 Section 1. Section 54-1158, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 54-1158 As used in the Livestock Auction Market Act,
6 unless the context otherwise requires:

7 (1) Accredited veterinarian means a veterinarian duly
8 licensed by the State of Nebraska and approved by the deputy
9 administrator of the United States Department of Agriculture in
10 accordance with 9 C.F.R. part 161 as the regulations existed on
11 September 1, 2001;

12 ~~(2) Board means the Livestock Auction Market Board;~~

13 ~~(3) (2) Department means the Department of Agriculture;~~

14 ~~(4) (3) Designated veterinarian means an accredited~~
15 veterinarian who has been designated and authorized by the State
16 Veterinarian to make inspections of livestock at livestock auction
17 markets as may be required by law or regulation whether such
18 livestock is moved in interstate or intrastate commerce;

19 ~~(5) (4) Director means the Director of Agriculture;~~

20 ~~(6) (5) Livestock means cattle, calves, swine, sheep, and~~
21 goats;

22 ~~(7) (6) Livestock auction market means any place,~~
23 establishment, or facility commonly known as a livestock auction

1 market, sales ring, or the like, conducted or operated for
2 compensation as an auction market for livestock, consisting of pens
3 or other enclosures, and their appurtenances, in which livestock
4 are received, held, sold, or kept for sale or shipment;

5 ~~(8)~~ (7) Livestock auction market operator means any
6 person engaged in the business of conducting or operating a
7 livestock auction market, whether personally or through agents or
8 employees;

9 ~~(9)~~ (8) Market license means the license for a livestock
10 auction market authorized to be issued under the act;

11 ~~(10)~~ (9) Person means any individual, firm, association,
12 partnership, limited liability company, or corporation; and

13 ~~(11)~~ (10) State Veterinarian means the veterinarian in
14 charge of the Bureau of Animal Industry within the department or
15 his or her designee, subordinate to the director.

16 Sec. 2. Section 54-1161, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 54-1161 No person shall conduct or operate a livestock
19 auction market unless he or she holds a market license therefor,
20 upon which the current annual market license fee has been paid. Any
21 person making application for a new market license shall do so to
22 the ~~board~~ director in writing, verified by the applicant, on a form
23 prescribed by the ~~board,~~ department, showing the following:

24 (1) The name and address of the applicant and, if the
25 applicant is an individual, his or her social security number,
26 with statement of the names and addresses of all persons having
27 any financial interest in the applicant and the amount of such

1 interest;

2 (2) Financial responsibility of the applicant in the form
3 of a statement of all assets and liabilities;

4 (3) A legal description of the property and its exact
5 location with a complete description of the facilities proposed to
6 be used in connection with such livestock auction market;

7 (4) The schedule of charges applicant proposes for all
8 services proposed to be rendered; and

9 (5) A detailed statement of the facts upon which the
10 applicant relies showing the general confines of the trade area
11 proposed to be served by such livestock auction market, the
12 benefits to be derived by the livestock industry, and the services
13 proposed to be rendered.

14 Such application shall be accompanied by the annual fee
15 as prescribed in section 54-1165.

16 Sec. 3. Section 54-1162, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 54-1162 Upon the filing of the application as provided
19 in section 54-1161, the director shall fix a reasonable time for
20 the hearing at a place designated by him or her at which time a
21 hearing shall be held on the proposed location of the livestock
22 auction market. The director forthwith shall cause a copy of such
23 application, together with notice of the time and place of hearing,
24 to be served by mail not less than fifteen days prior to such
25 hearing, upon the following:

26 (1) All duly organized statewide livestock associations
27 in the state who have filed written requests with the ~~board~~

1 department to receive notice of such hearings and such other
2 livestock associations as in the opinion of the director would be
3 interested in such application; and

4 (2) All livestock auction market operators in the state.

5 The director shall give further notice of such hearing
6 by publication of the notice thereof once in a daily or weekly
7 newspaper circulated in the city or village where such hearing
8 is to be held, as in the opinion of the director will give
9 reasonable public notice of such time and place of hearing to
10 persons interested therein.

11 Sec. 4. Section 54-1163, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 54-1163 The hearing required by section 54-1162 shall be
14 heard by ~~two or more members of the board. If the board determines,~~
15 the director and the State Veterinarian. If the director and the
16 State Veterinarian determine, after such hearing, that the proposed
17 livestock auction market would beneficially serve the livestock
18 economy, ~~it~~ the department shall issue a market license to the
19 applicant. In determining whether or not the application should be
20 granted or denied, ~~the board shall give~~ reasonable consideration
21 shall be given to:

22 (1) The ability of the applicant to comply with the
23 federal Packers and Stockyards Act, 1921, 7 U.S.C. 181 et seq., as
24 amended;

25 (2) The financial stability, business integrity, and
26 fiduciary responsibility of the applicant;

27 (3) The adequacy of the facilities described to permit

1 the performance of market services proposed in the application;

2 (4) The present needs for market services or additional
3 services as expressed by livestock growers and feeders in the
4 community; and

5 (5) Whether the proposed livestock auction market would
6 be permanent and continuous.

7 Sec. 5. Section 54-1165, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 54-1165 Every livestock auction market operator shall
10 pay annually, on or before August 1, a market license fee
11 of one hundred fifty dollars to the ~~board~~ department for each
12 livestock auction market operated by him or her, which payment
13 shall constitute a renewal for one year. Fees so paid shall be
14 remitted to the State Treasurer for credit to the Livestock Auction
15 Market Fund for ~~the use of the board in paying~~ the expenses of
16 administration of the Livestock Auction Market Act.

17 Sec. 6. Section 54-1168, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 54-1168 Every market license holder under the Livestock
20 Auction Market Act shall keep an accurate record of all
21 transactions conducted in the ordinary course of his or her
22 business. Such records shall be available for examination of the
23 ~~board,~~ director, or its his or her duly authorized representative,
24 in respect to a market license issued under such act.

25 Sec. 7. Section 54-1169, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 54-1169 (1) The ~~board~~ department may, upon its own

1 motion, whenever it has reason to believe ~~the provisions of the~~
2 Livestock Auction Market Act ~~have~~ has been violated, or upon
3 verified complaint of any person in writing, investigate the
4 actions of any market license holder, and if ~~it~~ the department
5 finds probable cause to do so, shall file a complaint against the
6 market license holder which shall be set down for hearing before
7 ~~the board~~ director and the State Veterinarian upon fifteen days'
8 notice served upon such market license holder either by personal
9 service upon him or her or by registered or certified mail or
10 telegram prior to such hearing.

11 (2) The director shall have the power to administer
12 oaths, certify to all official acts, and subpoena ~~and bring before~~
13 ~~the board~~ any person in this state as a witness, to compel the
14 producing of books and papers, and to take the testimony of any
15 person on deposition in the same manner as is prescribed by law
16 in the procedure before the courts of this state in civil cases.
17 Processes issued by the director shall extend to all parts of
18 the state and may be served by any person authorized to serve
19 processes. Each witness who shall appear by the order of the
20 director at any hearing ~~before the board~~ shall receive for such
21 attendance the same fees allowed by law to witnesses in civil
22 cases appearing in the district court and mileage at the same rate
23 provided in section 81-1176, which amount shall be paid by the
24 party at whose request such witness is subpoenaed. When any witness
25 has not been required to attend at the request of any party, but
26 has been subpoenaed by the director, his or her fees and mileage
27 shall be paid by the director in the same manner as other expenses

1 ~~of the board~~ are paid under the Livestock Auction Market Act.

2 (3) All powers of the director as provided in this
3 section shall likewise be applicable to hearings held on
4 applications for the issuance of a market license.

5 (4) Formal finding by the ~~board~~ director and the State
6 Veterinarian after due hearing that any market license holder+ ~~(1)~~
7 ~~Has~~ (a) has ceased to conduct a livestock auction market business,
8 (b) + ~~(2)~~ has been guilty of fraud or misrepresentation as to
9 the titles, charges, number, brands, weights, proceeds of sale,
10 or ownership of livestock, (c) + ~~(3)~~ has violated any of the
11 provisions of the Livestock Auction Market Act, + ~~(4)~~ (d) has
12 violated any of the rules or regulations adopted and ~~published by~~
13 ~~the board,~~ promulgated under the act, shall be sufficient cause for
14 the suspension or revocation of the market license of the offending
15 livestock auction market operator.

16 Sec. 8. Section 54-1170, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 54-1170 The ~~board~~ director shall keep a complete
19 transcript of all proceedings and evidence presented in any hearing
20 ~~before it.~~ under the Livestock Auction Market Act. The applicant
21 for a market license, any protestant formally appearing in the
22 hearing ~~before the board~~ for such market license, the holder of any
23 market license suspended or revoked, or any party to a transfer
24 application may appeal the order, ~~of the board,~~ and the appeal
25 shall be in accordance with the Administrative Procedure Act.

26 Sec. 9. Section 54-1172, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 54-1172 Salaries and expenses of employees, costs of
2 hearings, and all other costs of ~~the board in the~~ administration of
3 the Livestock Auction Market Act shall be paid from the Livestock
4 Auction Market Fund which is hereby created. Any money in the
5 Livestock Auction Market Fund available for investment shall be
6 invested by the state investment officer pursuant to the Nebraska
7 Capital Expansion Act and the Nebraska State Funds Investment Act.

8 Sec. 10. Section 81-1201.01, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-1201.01 As used in sections 81-1201.01 to 81-1201.22,
11 unless the context otherwise requires:

12 ~~(1) Commission shall mean the Economic Development~~
13 ~~Commission;~~

14 ~~(2) (1) Community Development Block Grant shall mean~~
15 means the grants distributed pursuant to the Housing and Community
16 Development Act of 1974 as amended by the Housing and Urban-Rural
17 Recovery Act of 1983;

18 ~~(3) (2) Department shall mean~~ means the Department of
19 Economic Development;

20 ~~(4) (3) Director shall mean~~ means the Director of
21 Economic Development;

22 ~~(5) (4) Economic articulation shall mean~~ means the
23 creation of economic activities which will provide inputs to
24 and markets for other businesses in the state;

25 ~~(6) (5) Educational institutions shall mean~~ means
26 nonprofit public and private colleges, community colleges, state
27 colleges, and universities in the state; and

1 ~~(7)~~ (6) Value-adding industry ~~shall mean~~ means
2 an economic enterprise that adds value through processing,
3 fabrication, or other means to goods or services.

4 Sec. 11. Section 81-1201.02, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 81-1201.02 There is hereby created an executive
7 department of state government to be known as the Department of
8 Economic Development, ~~and a commission to be known as the Economic~~
9 ~~Development Commission.~~ The purpose of the department ~~and the~~
10 ~~commission shall be~~ is to maintain and develop the economy of the
11 state to provide opportunities for the people which will enhance
12 and expand the quality of their lives. The department ~~and the~~
13 ~~commission~~ shall promote the:

14 (1) Expansion of personal income through the development
15 of business and employment opportunities which afford sufficient
16 compensation to ensure an adequate standard of living for the
17 people of the state;

18 (2) Development of an economy that contributes to and
19 enhances the environmental quality of the state;

20 (3) Development of a stable economy within the state;

21 (4) Development of economic health and opportunities
22 throughout the communities and counties of the state;

23 (5) Development of an economy which is capable of
24 providing the necessary revenue for state government, local
25 governments, and other political subdivisions of the state and in
26 this way minimize the tax burden faced by all taxpayers of the
27 state; and

1 (6) Structuring of the department and its staff as a
2 nonpolitical, professionally managed division of state government.

3 Sec. 12. Section 81-1201.03, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-1201.03 The chief executive officer of the department
6 shall be the Director of Economic Development who shall be
7 appointed by the Governor with the consent of a majority of
8 the Legislature. The director shall administer the affairs of the
9 department and shall serve at the pleasure of the Governor. The
10 director shall have equal rank with the heads of other state
11 departments, and his or her salary shall be fixed by the Governor,
12 ~~with the advice of the commission.~~ The director shall employ
13 a deputy director with significant and extensive professional
14 experience in the field of economic development. The director shall
15 employ division directors and such other assistants, professional
16 staff, and other employees as he or she deems necessary to
17 effectively carry out sections 81-1201.01 to 81-1201.20 within the
18 appropriations the Legislature provides.

19 Sec. 13. Section 81-1201.18, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 81-1201.18 (1) The department shall administer the
22 Community Development Block Grant Program. In addition to the
23 performance review requirements in section 81-1201.10, the
24 department shall develop an ongoing program of monitoring the
25 impact of grants on the communities receiving the grants. The
26 monitoring program shall include, but not be limited to, the
27 following information: ~~(1)~~ (a) The status of the project for

1 which such grant was awarded; ~~(2)~~ (b) the grant amount; ~~(3)~~ (c)
2 the local government contribution; ~~(4)~~ (d) the private financial
3 contribution; ~~(5)~~ (e) the goals and objectives of the grant;
4 and ~~(6)~~ (f) the impact of the grant relative to the goals and
5 objectives of the grant.

6 (2) The department, ~~in consultation with the commission,~~
7 shall determine community development objectives, state priorities,
8 and guidelines for the distribution of funds for community
9 development projects within the Community Development Block Grant
10 Program, which shall conform to the objectives as set forth in
11 the Housing and Community Development Act of 1974, as amended, and
12 which shall:

13 (a) Include statistical community need factors; as
14 ~~selected by the commission;~~ and

15 (b) Require that grant applicants submit evidence of
16 a community assessment process for the project, which assessment
17 process the ~~commission~~ department shall design.

18 (3) To the extent possible, the Community Development
19 Block Grant funds shall be allocated on a need and competitive
20 basis.

21 Sec. 14. Section 81-12,149, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 81-12,149 (1) During each calendar year in which funds
24 are available from the Site and Building Development Fund for
25 use by the Department of Economic Development, the department
26 shall allocate a specific amount of funds, not less than forty
27 percent, to nonmetropolitan areas. For purposes of this section,

1 nonmetropolitan areas means counties with fewer than one hundred
2 thousand inhabitants according to the most recent federal decennial
3 census. In selecting projects to receive fund assistance, the
4 department shall develop a qualified action plan by January 1
5 of each even-numbered year. The plan shall give first priority
6 to financially viable projects that have an agreement with a
7 business that will locate a site within ninety days of the signed
8 agreement. The plan shall set forth selection criteria to be
9 used to determine priorities of the fund which are appropriate
10 to local conditions, including the community's immediate need for
11 site and building development, proposed increases in jobs and
12 investment, private dollars leveraged, level of local government
13 support and participation, and repayment, in part or in whole,
14 of financial assistance awarded by the fund. The Director of
15 Economic Development, ~~in consultation with the Economic Development~~
16 ~~Commission,~~ shall submit the plan to the Governor for approval.

17 (2) The department shall fund in order of priority as
18 many applications as will utilize available funds less actual
19 administrative costs of the department in administering the
20 program. In administering the program the department may contract
21 for services or directly provide funds to other governmental
22 entities or instrumentalities.

23 Sec. 15. Section 81-12,150, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 81-12,150 The Department of Economic Development, ~~in~~
26 ~~consultation with the Economic Development Commission,~~ shall adopt
27 and promulgate rules and regulations to carry out the Site and

1 Building Development Act.

2 Sec. 16. Section 81-12,155, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 81-12,155 In selecting projects to receive financial
5 assistance under the Business Innovation Act, the department shall
6 develop a qualified action plan by January 1 of each even-numbered
7 year. The plan shall set forth selection criteria to be used
8 to determine priorities which are appropriate to local conditions
9 and the state's economy, including the state's immediate need for
10 innovation development, proposed increases in jobs and investment,
11 private dollars leveraged, industry support and participation, and
12 repayment, in part or in whole, of financial assistance awarded
13 under the act. ~~The Economic Development Commission~~ department shall
14 submit the plan to the Governor for approval.

15 Sec. 17. Section 81-12,164, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 81-12,164 The department, ~~in consultation with the~~
18 ~~Economic Development Commission~~, may adopt and promulgate rules and
19 regulations to carry out the Business Innovation Act, including
20 application procedures.

21 Sec. 18. Section 81-1361, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 81-1361 Each agency shall submit a plan for that agency
24 to the office and ~~the Affirmative Action Committee~~ for review
25 and shall work with the administrator to insure effectiveness of
26 the plan. Each agency shall annually update its plan based on
27 guidelines developed by the administrator.

1 Sec. 19. Section 81-1368, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-1368 Each agency plan shall be reviewed by the
4 office and approved or disapproved after submission. In every
5 case when noncompliance is indicated, efforts shall be made to
6 secure compliance through a corrective action plan. A specific
7 commitment shall be put forth in writing. The commitment shall
8 indicate the precise action to be taken and dates for completion.
9 The time period allowed shall be no longer than thirty calendar
10 days to effect the desired change. If an agency's plan does not
11 comply with the rules and regulations adopted and promulgated
12 by the office or if the agency's goals and timetables are
13 not being met, the office shall meet with the director of
14 the agency to discuss the deficiencies. ~~If an agreement cannot~~
15 ~~be reached in the informal meeting, the agency's noncompliance~~
16 ~~shall be reviewed by the Affirmative Action Committee.~~ Agency
17 directors shall take responsibility for all noncompliance within
18 their particular agency. In all cases when such corrective action
19 plan does not resolve the noncompliance, ~~the Affirmative Action~~
20 ~~Committee~~ office shall report such noncompliance to the Governor.
21 Such report shall be in writing and shall be made available to
22 the news media at the same time that it is submitted to the
23 Governor. The Governor shall take appropriate action to resolve the
24 noncompliance elements and issues which were cited by the office,
25 ~~and the Affirmative Action Committee.~~

26 Sec. 20. Section 81-3607, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 81-3607 The Nebraska Development Network Program is
2 created in the ~~Rural Development Commission~~. The ~~commission~~
3 Department of Economic Development. The department shall administer
4 the program and may contract for services to carry out the purposes
5 of the Nebraska Development Network Program.

6 Sec. 21. Section 81-3609, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 81-3609 The Legislature finds and declares:

9 (1) That it is a benefit to the state and in the best
10 interest of the citizens of Nebraska to deliver economic and
11 community development services in an integrated and coordinated
12 system through increased community, state, and federal cooperation
13 and collaboration;

14 (2) That the Partnership for Rural Nebraska is recognized
15 as a strategic partnership between the State of Nebraska, the
16 University of Nebraska, and the United States Department of
17 Agriculture, the purpose of which is to provide a formal structure
18 of organizational collaboration and delivery of rural economic and
19 community development resources and programs to Nebraska's rural
20 communities;

21 (3) That the Partnership for Rural Nebraska has earned
22 national recognition as a model for cooperative and collaborative
23 delivery of services; and

24 (4) That it encourages the continued participation of the
25 State of Nebraska, through the Department of Economic Development,
26 ~~the Rural Development Commission~~, and the University of Nebraska,
27 in the Partnership for Rural Nebraska.

1 Sec. 22. Original sections 54-1158, 54-1161, 54-1162,
2 54-1163, 54-1165, 54-1168, 54-1169, 54-1170, 54-1172, 81-1201.01,
3 81-1201.02, 81-1201.03, 81-1361, 81-1368, 81-3607, and 81-3609,
4 Reissue Revised Statutes of Nebraska, and sections 81-1201.18,
5 81-12,149, 81-12,150, 81-12,155, and 81-12,164, Revised Statutes
6 Cumulative Supplement, 2012, are repealed.

7 Sec. 23. The following sections are outright repealed:
8 Sections 3-801, 3-802, 3-803, 3-804, 3-805, 54-1160, 81-1201.05,
9 81-1201.06, 81-1363, 81-1364, 81-1365, 81-1366, 81-3601, 81-3603,
10 and 81-3604, Reissue Revised Statutes of Nebraska and sections
11 81-8,139.01, 81-1201.04, 81-3602, and 81-3605, Revised Statutes
12 Cumulative Supplement, 2012.