

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1165

Introduced by Stinner, 48.

Read first time January 23, 2020

Committee: Agriculture

1 A BILL FOR AN ACT relating to livestock; to amend sections 33-151,
2 54-180, 54-193, 54-194, 54-196, 54-199, 54-1,101, 54-1,102,
3 54-1,103, 54-1,104, 54-1,107, 54-1,116, 54-1,118, 60-3,135,
4 60-480.01, 81-1346, and 84-1005, Reissue Revised Statutes of
5 Nebraska, sections 54-170, 54-198, 54-1,100, 54-1,105, 54-1,115,
6 54-1,128, and 54-415, Revised Statutes Cumulative Supplement, 2018,
7 and sections 11-201, 81-1021, 81-1316, and 84-1411, Revised Statutes
8 Supplement, 2019; to eliminate the Nebraska Brand Committee; to
9 change and eliminate definitions; to state legislative findings; to
10 provide powers and duties for the Department of Agriculture under
11 the Livestock Brand Act; to terminate a fund; to eliminate
12 provisions regarding brand inspection and feedlot registration; to
13 change provisions relating to evidence and questions of ownership,
14 out-of-state brands, and estrays; to transfer powers, duties,
15 functions, obligations, and funds as prescribed; to harmonize
16 provisions; to provide an operative date; to repeal the original
17 sections; to outright repeal sections 54-173, 54-174, 54-175,
18 54-176, 54-182, 54-185, 54-186, 54-188, 54-197, 54-1,106, 54-1,109,
19 54-1,112, 54-1,113, 54-1,114, 54-1,117, and 54-1,127, Reissue
20 Revised Statutes of Nebraska, sections 54-175.01, 54-179, 54-186.01,
21 54-191, 54-195, 54-1,108, 54-1,110, 54-1,111, 54-1,119, 54-1,120,
22 54-1,121, 54-1,122, 54-1,129, 54-1,130, 54-1,131, and 54-1160.01,
23 Revised Statutes Cumulative Supplement, 2018, and section 54-192,

- 1 Revised Statutes Supplement, 2019; and to declare an emergency.
- 2 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 11-201, Revised Statutes Supplement, 2019, is
2 amended to read:

3 11-201 It shall be the duty of the Risk Manager:

4 (1) To prescribe the amount, terms, and conditions of any bond or
5 equivalent commercial insurance when the amount or terms are not fixed by
6 any specific statute. The Risk Manager, in prescribing the amount,
7 deductibles, conditions, and terms, shall consider the type of risks, the
8 relationship of the premium to risks involved, the past and projected
9 trends for premiums, the ability of the Tort Claims Fund, the State Self-
10 Insured Property Fund, and state agencies to pay the deductibles, and any
11 other factors the manager may, in his or her discretion, deem necessary
12 in order to accomplish the provisions of sections 2-1201, 3-103, 8-104,
13 8-105, 9-807, 11-119, 11-121, 11-201, 11-202, 37-110, 48-158, 48-609,
14 48-618, 48-804.03, 53-109, ~~54-191~~, 55-123, 55-126, 55-127, 55-150,
15 57-917, 60-1303, 60-1502, 71-222.01, 72-1241, 77-366, 80-401.02, 81-111,
16 81-151, 81-5,167, 81-8,128, 81-8,141, 81-1108.14, 81-2002, 83-128,
17 84-106, 84-206, and 84-801;

18 (2) To pass upon the sufficiency of and approve the surety on the
19 bonds or equivalent commercial insurance of all officers and employees of
20 the state, when approval is not otherwise prescribed by any specific
21 statute;

22 (3) To arrange for the writing of corporate surety bonds or
23 equivalent commercial insurance for all the officers and employees of the
24 state who are required by statute to furnish bonds;

25 (4) To arrange for the writing of the blanket corporate surety bond
26 or equivalent commercial insurance required by this section; and

27 (5) To order the payment of corporate surety bond or equivalent
28 commercial insurance premiums out of the State Insurance Fund created by
29 section 81-8,239.02.

30 All state employees not specifically required to give bond by
31 section 11-119 shall be bonded under a blanket corporate surety bond or

1 insured under equivalent commercial insurance for faithful performance
2 and honesty in an amount determined by the Risk Manager.

3 The Risk Manager may separately bond any officer, employee, or group
4 thereof under a separate corporate surety bond or equivalent commercial
5 insurance policy for performance and honesty pursuant to the standards
6 set forth in subdivision (1) of this section if the corporate surety or
7 commercial insurer will not bond or insure or excludes from coverage any
8 officer, employee, or group thereof under the blanket bond or commercial
9 insurance required by this section, or if the Risk Manager finds that the
10 reasonable availability or cost of the blanket bond or commercial
11 insurance required under this section is adversely affected by any of the
12 following factors: The loss experience, types of risks to be bonded or
13 insured, relationship of premium to risks involved, past and projected
14 trends for premiums, or any other factors.

15 Surety bonds of collection agencies, as required by section 45-608,
16 and detective agencies, as required by section 71-3207, shall be approved
17 by the Secretary of State. The Attorney General shall approve all bond
18 forms distributed by the Secretary of State.

19 Sec. 2. Section 33-151, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 33-151 All money now in the state treasury to the credit of the
22 Board of Barber Examiners, the State Real Estate Commission, the Board of
23 Engineers and Architects, the State Athletic Commissioner, the Nebraska
24 Oil and Gas Conservation Commission pursuant to sections 57-906 and
25 57-911, and any other state board, bureau, division, fund, or commission
26 not mentioned in this section, and all money collected by each of such
27 boards, bureaus, divisions, or commissions during any biennium, if and
28 when specifically appropriated by the Legislature for that purpose, are
29 made immediately available for the use and benefit of such board, bureau,
30 division, or commission. ~~This section shall not be construed to apply to~~
31 ~~the fees inuring to the Nebraska Brand Inspection and Theft Prevention~~

1 Fund.

2 Sec. 3. Section 54-170, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:

4 54-170 Sections 54-170 to 54-1,126 and sections 5, 22, 23, 24, 25,
5 and 26 of this act ~~54-1,131~~ shall be known and may be cited as the
6 Livestock Brand Act.

7 Sec. 4. Section 54-180, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 54-180 Estray means any livestock found running at large upon public
10 or private lands, either fenced or unfenced, whose owner is unknown in
11 the area where found, any such livestock which is branded with a brand
12 which is not on record in the office of the Department of Agriculture
13 ~~Nebraska Brand Committee~~, or any livestock for which ownership has not
14 been established as provided in section 54-1,118.

15 Sec. 5. The Legislature hereby finds and declares that it is the
16 policy of this state to modernize its brand statutes in order to (1)
17 protect and promote Nebraska's agriculture industry, which includes beef
18 and livestock production, (2) retain cattle producers' right to own and
19 use registered brands, (3) eliminate the competitive disadvantage
20 impacting cattle producers in the State of Nebraska, and (4) simplify the
21 administration and registration of brand applications and renewals.

22 Sec. 6. Section 54-193, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 54-193 The Department of Agriculture ~~Nebraska Brand Committee~~ shall
25 periodically have published in book form, electronic medium, or such
26 other method prescribed by the department ~~committee~~ a list of all brands
27 recorded with the department ~~brand committee~~ at the time of such
28 publication. Such publication may be supplemented from time to time. The
29 publication shall contain a facsimile of all recorded brands, together
30 with the owner's name and post office address, and shall be arranged in
31 convenient form for reference. The department ~~brand committee~~ shall send,

1 without any charge, the publication as required by section 51-413 to the
2 Nebraska Publications Clearinghouse and shall provide the publication to
3 each inspector of record and to the county sheriff of each county in the
4 State of Nebraska, which shall be kept as a matter of public record. The
5 publication may be sold to the general public for a price equal to or
6 less than the actual cost of production.

7 Sec. 7. Section 54-194, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 54-194 The Director ~~director~~ of Agriculture ~~the Nebraska Brand~~
10 ~~Committee or the chairperson of the brand committee~~ shall have the
11 authority to sign all certificates and other documents that may by law
12 require certification by signature. Such documents shall include, but not
13 be limited to, new brand certificates, brand transfer certificates,
14 duplicate brand certificates, and brand renewal receipts. A facsimile of
15 the Department of Agriculture ~~brand committee~~ seal and the signature of
16 the brand recorder shall also be placed on all brand certificates.

17 Sec. 8. Section 54-196, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 54-196 The Department of Agriculture ~~Nebraska Brand Committee~~ may
20 adopt and promulgate rules and regulations to carry out the Livestock
21 Brand Act and section 54-415.

22 Sec. 9. Section 54-198, Revised Statutes Cumulative Supplement,
23 2018, is amended to read:

24 54-198 (1) Any person may record a brand, which he or she has the
25 exclusive right to use in this state, and it is unlawful to use any brand
26 for branding any livestock unless the person using such brand has
27 recorded that brand with the Department of Agriculture ~~Nebraska Brand~~
28 ~~Committee~~. A brand is a mark consisting of symbols, characters, numerals,
29 or a combination of such intended as a visual means of identification
30 when applied to the hide of an animal or another method of livestock
31 identification approved by rule and regulation of the department ~~brand~~

1 ~~committee~~, including an electronic device used for livestock
2 identification. Only a hot iron or freeze brand or other method approved
3 by the department brand committee shall be used to brand a live animal.

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

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

22 Sec. 10. Section 54-199, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 54-199 (1) To record a brand, a person shall forward to the
25 Department of Agriculture Nebraska Brand Committee a facsimile or
26 description of the brand desired to be recorded, a written application,
27 and a recording fee established by the department brand committee. Such
28 recording fee may vary according to the number of locations and methods
29 of brand requested but shall not be more than one hundred dollars per
30 application.

31 (2) For recording of visual brands, upon receipt of a facsimile of

1 the brand, an application, and the required fee, the department brand
2 ~~committee~~ shall determine compliance with the following requirements:

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

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

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

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

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

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

25 (4) The department brand ~~committee~~ may, by rule and regulation,
26 provide for the recording and use of brands by electronic device or other
27 nonvisual method of livestock identification. Any such method of
28 livestock identification shall be approved as a brand only if it
29 functions as a means of identifying ownership of livestock so branded
30 that is equal to, or superior to, visual methods of livestock branding.
31 Before approving any nonvisual method of branding, the department brand

1 ~~committee~~ shall consider the degree to which such method may be
2 susceptible to error, failure, or fraudulent alteration. Any rule or
3 regulation shall be adopted only after public hearing conducted in
4 compliance with the Administrative Procedure Act.

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

16 Sec. 11. Section 54-1,100, Revised Statutes Cumulative Supplement,
17 2018, is amended to read:

18 54-1,100 (1) A recorded brand is the property of the person causing
19 such record to be made and is subject to sale, assignment, transfer,
20 devise, and descent as personal property. Any instrument of writing
21 evidencing the sale, assignment, or transfer of a recorded brand shall be
22 effective upon its recording with the Department of Agriculture Nebraska
23 ~~Brand-Committee~~. No such instrument shall be accepted for recording if
24 the department ~~brand-committee~~ has been duly notified of the existence of
25 a lien or security interest against livestock owned or thereafter
26 acquired by the owner of such brand by the holder of such lien or
27 security interest. Written notification from the holder of such lien or
28 security interest that the lien or security interest has been satisfied
29 or consent from the holder of such lien or security interest shall be
30 required in order for the department ~~brand-committee~~ to accept for
31 recording an instrument selling, assigning, or transferring such recorded

1 brand. Except as provided in subsection (2) of this section, the fee for
2 recording such an instrument shall be established by the department brand
3 ~~committee~~ and shall not be more than forty dollars. Such instrument shall
4 give notice to all third persons of the matter recorded in the instrument
5 and shall be acknowledged by a notary public or any other officer
6 qualified under law to administer oaths.

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

14 Sec. 12. Section 54-1,101, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 54-1,101 The owner of a recorded brand is entitled to one certified
17 copy of the record of such brand from the Department of Agriculture
18 ~~Nebraska Brand Committee~~ without charge. Additional certified copies of
19 the record may be obtained by anyone upon the payment of one dollar for
20 each copy.

21 Copies of any other document of the department brand ~~committee~~ may
22 be requested, and a fee of one dollar shall be collected for each page
23 copied. Only personnel authorized by the department brand ~~committee~~ shall
24 make copies and collect such fees. The party requesting the copies is
25 responsible for payment of the fee and shall reimburse the department
26 ~~brand committee~~ for the research time necessary to furnish the requested
27 documents at a rate of not less than twelve nor more than twenty dollars
28 per hour of research time. The rate shall be reviewed and set annually by
29 the department brand ~~committee~~.

30 Sec. 13. Section 54-1,102, Reissue Revised Statutes of Nebraska, is
31 amended to read:

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

3 (2) On and after January 1, 1994, the expiration date of a recorded
4 brand is the last day of the calendar quarter of the renewal year as
5 designated by the Department of Agriculture Nebraska Brand Committee in
6 the records of the department brand committee.

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

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

28 Sec. 14. Section 54-1,103, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 54-1,103 (1) Cattle brands consisting of alphabetical letters A
31 through Z, and numbers 1, 2, 3, 4, 5, 6, 7, 8, and 9 on the left or right

1 jaw are reserved for assignment by the brand recorder, as designated by
2 the Department of Agriculture Nebraska Brand Committee. The brand
3 recorder shall not assign such brands to any person in the State of
4 Nebraska unless authorized by the department brand committee, and it
5 shall be unlawful for any person to use such brands except as provided in
6 subsection (2) of this section.

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

15 Sec. 15. Section 54-1,104, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 54-1,104 There is a recorded brand consisting of the alphabetical
18 letter N on the entire right and left sides which is assigned to the
19 Department of Agriculture Nebraska Brand Committee to be used only by
20 authorized personnel of the department brand committee to permanently
21 identify livestock which are suspected of having been stolen and may be
22 used as evidence in any court proceeding. It shall in no way signify that
23 the department brand committee (1) is the owner of livestock so branded
24 or (2) claims ownership in any livestock carrying such brand. It shall
25 only be construed and intended that livestock so branded are evidence or
26 portions of evidence seized relative to an alleged theft of livestock.

27 Sec. 16. Section 54-1,105, Revised Statutes Cumulative Supplement,
28 2018, is amended to read:

29 54-1,105 (1) Cattle branded with a Nebraska-recorded visual brand
30 shall be branded so that the recorded brand of the owner shows
31 distinctly.

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

9 Sec. 17. Section 54-1,107, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 54-1,107 A recorded brand is prima facie evidence of ownership of
12 livestock and is admissible into evidence in any court in this state if
13 the brand meets the requirements of and is recorded as provided in
14 section 54-199. Other documentary evidence such as bills of sale or
15 certificates of brand clearance transferring title from an owner to
16 another party and evidence of marks may also be introduced as evidence of
17 livestock ownership in any court in this state. The recording of
18 instruments of writing evidencing the sale, assignment, or transfer of a
19 recorded brand gives notice to all third persons of the matter recorded,
20 and certified copies are admissible in evidence without further
21 foundation. In all suits at law or in equity, in any criminal
22 proceedings, or when determining the ownership of estrays wherein the
23 title to livestock is an issue, the certified copy of the record of a
24 recorded brand or instrument of writing evidencing sale, assignment, or
25 transfer of a recorded brand and evidence of marks are ~~is~~ prima facie
26 evidence of the ownership of such livestock by the person possessing such
27 livestock.

28 Sec. 18. Section 54-1,115, Revised Statutes Cumulative Supplement,
29 2018, is amended to read:

30 54-1,115 (1) Any person, other than the owner or the owner's
31 employee, using a motor vehicle or trailer to transport livestock or

1 carcasses over any land within the State of Nebraska not owned or rented
2 by such person or who is so transporting such livestock upon a highway,
3 public street, or thoroughfare within the State of Nebraska shall have in
4 his or her possession a livestock transportation authority form,
5 ~~certificate of inspection,~~ or shipping certificate from a registered
6 feedlot, authorizing such movement as to each head of livestock
7 transported by such vehicle.

8 (2) A livestock transportation authority form shall be in writing
9 and shall state the name of the owner of the livestock, the owner's post
10 office address, the place from which the livestock are being moved,
11 including the name of the ranch, if any, the destination, the name and
12 address of the carrier, the license number and make of motor vehicle to
13 which consigned, together with the number of livestock and a description
14 thereof including kind, sex, breed, color, ~~and marks, and brands,~~ if any,
15 ~~and in the case of livestock shipments originating within the brand~~
16 ~~inspection area, the brands, if there are any.~~ The authority form shall
17 be signed by the owner of the livestock or the owner's authorized agent.

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

22 Sec. 19. Section 54-1,116, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 54-1,116 All livestock sold or otherwise disposed of shall be
25 accompanied by a properly executed bill of sale in writing ~~or, for~~
26 ~~cattle, a certificate of inspection.~~ All owners of or persons possessing
27 livestock have a duty to exhibit, upon request of any person, the bill of
28 sale or other satisfactory evidence of ownership of the livestock.

29 Sec. 20. Section 54-1,118, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 54-1,118 All persons possessing livestock must be able to produce

1 ~~prima facie evidence of ownership. The possessor, If any livestock~~
2 ~~inspected under the Livestock Brand Act or section 54-415 is unbranded or~~
3 ~~bears a brand or brands in addition to, or other than, the recorded brand~~
4 ~~or brands of the shipper or seller, then the shipper, or seller may be~~
5 ~~required by law enforcement to establish his or her ownership of such~~
6 ~~livestock by exhibiting to the Nebraska Brand Committee a bill of sale to~~
7 ~~such livestock or by other satisfactory evidence of ownership.—If~~
8 ~~ownership of the livestock is not established, the livestock may be sold,~~
9 ~~and the selling agent who sells such livestock shall hold the proceeds of~~
10 ~~the sale. If any shipper or seller who has offered such livestock for~~
11 ~~sale refuses to accept the bids offered, ownership must be established,~~
12 ~~or a cash bond posted with the selling agent in an amount equal to the~~
13 ~~approximate value of the livestock and payable to the brand committee,~~
14 ~~before such livestock may be removed from the premises. When ownership~~
15 ~~has been established the cash bond shall be returned to the person who or~~
16 ~~which posted it.~~

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

30 Sec. 21. Section 54-1,128, Revised Statutes Cumulative Supplement,
31 2018, is amended to read:

1 54-1,128 (1) An owner may brand cattle with a brand recorded or
2 registered in another state when:

3 (a) Cattle are purchased at a livestock auction market licensed
4 under the Livestock Auction Market Act or congregated at another location
5 approved by the Department of Agriculture Nebraska Brand Committee;

6 (b) The cattle will be imminently exported from Nebraska;

7 (c) The cattle are branded at the livestock auction market or other
8 approved location; and

9 (d) An out-of-state brand permit has been obtained prior to branding
10 the cattle.

11 (2) ~~A written~~ An application for an out-of-state brand permit shall
12 be made to the Department of Agriculture ~~a brand inspector~~ and shall
13 include a description of the brand, ~~a written application~~, and a fee not
14 to exceed fifty dollars as determined by the department Nebraska Brand
15 Committee. ~~The department~~ ~~A brand inspector~~ shall evaluate and may
16 approve an out-of-state brand permit within a reasonable period of time.

17 (3) Cattle branded under an out-of-state brand permit shall remain
18 subject to all other brand inspection requirements under the Livestock
19 Brand Act.

20 Sec. 22. On and after July 1, 2020, positions of employment in the
21 Nebraska Brand Committee related to the powers, duties, and functions
22 transferred to the Department of Agriculture pursuant to this legislative
23 bill are transferred to the Department of Agriculture. For purposes of
24 the transition, employees of the Nebraska Brand Committee shall be
25 considered employees of the Department of Agriculture and shall retain
26 their rights under the state personnel system or pertinent bargaining
27 agreement, and their service shall be deemed continuous. This section
28 does not grant employees any new rights or benefits not otherwise
29 provided by law or bargaining agreement or preclude the department or the
30 Director of Agriculture from exercising any of the prerogatives of
31 management set forth in section 81-1311 or as otherwise provided by law.

1 This section is not an amendment to or substitute for the provisions of
2 any existing bargaining agreements.

3 Sec. 23. Any appropriation and salary limit provided in any
4 legislative bill enacted by the One Hundred Sixth Legislature, Second
5 Session, to Agency No. 39, Nebraska Brand Committee, in the following
6 program classification, shall be null and void, and any such amounts are
7 hereby appropriated to Agency No. 18, Department of Agriculture: Program
8 No. 75, Nebraska Brand Committee. Any financial obligations of the
9 Nebraska Brand Committee that remain unpaid as of June 30, 2020, and that
10 are subsequently certified as valid encumbrances to the accounting
11 division of the Department of Administrative Services pursuant to
12 sections 81-138.01 to 81-138.04, shall be paid by the Department of
13 Agriculture from the unexpended balance of appropriations existing in
14 such program classifications on June 30, 2020.

15 Sec. 24. On and after July 1, 2020, whenever the Nebraska Brand
16 Committee is referred to or designated by any contract or other document
17 in connection with the duties and functions of the Department of
18 Agriculture, such reference or designation shall apply to the Department
19 of Agriculture. All contracts entered into by the Nebraska Brand
20 Committee prior to July 1, 2020, in connection with the duties and
21 functions of the Department of Agriculture are hereby recognized, with
22 the Department of Agriculture succeeding to all rights and obligations
23 under such contracts. Any cash funds, custodial funds, gifts, trusts,
24 grants, and any appropriations of funds from prior fiscal years available
25 to satisfy obligations incurred under such contracts shall be transferred
26 and appropriated to such department for the payments of such obligations.
27 All documents and records transferred, or copies of the same, may be
28 authenticated or certified by such department for all legal purposes.

29 Sec. 25. (1) No suit, action, or other proceeding, judicial or
30 administrative, lawfully commenced prior to July 1, 2020, or which could
31 have been commenced prior to that date, by or against the Nebraska Brand

1 Committee, or the director or any employee thereof in such director's or
2 employee's official capacity or in relation to the discharge of his or
3 her official duties, shall abate by reason of the transfer of duties and
4 functions from the Nebraska Brand Committee to the Department of
5 Agriculture.

6 (2) Any suit, action, or other proceeding, judicial or
7 administrative, which was lawfully commenced prior to July 1, 2020, under
8 the Livestock Brand Act shall be subject to the provisions of the act as
9 they existed prior to such date.

10 Sec. 26. (1) On and after July 1, 2020, unless otherwise specified,
11 whenever any provision of law refers to the Nebraska Brand Committee in
12 connection with duties and functions of the Department of Agriculture,
13 such law shall be construed as referring to the Department of
14 Agriculture.

15 (2) All rules and regulations adopted prior to July 1, 2020, under
16 the Livestock Brand Act shall continue to be effective to the extent not
17 in conflict with the changes made by this legislative bill.

18 (3) All certificates or other forms of approval issued prior to July
19 1, 2020, in accordance with the Livestock Brand Act shall remain valid as
20 issued for purposes of the changes made by this legislative bill unless
21 revoked or otherwise terminated by law.

22 (4) The State Treasurer shall transfer any money in the Nebraska
23 Brand Inspection and Theft Prevention Fund to the Management Services
24 Expense Revolving Fund on July 1, 2020.

25 Sec. 27. Section 54-415, Revised Statutes Cumulative Supplement,
26 2018, is amended to read:

27 ~~54-415 Any person taking up an estray within the brand inspection~~
28 ~~area or brand inspection service area shall report the same within seven~~
29 ~~days thereafter to the Nebraska Brand Committee. Any person taking up an~~
30 ~~estray in any other area of the state shall report the same to the county~~
31 ~~sheriff of the county where the estray was taken. If the animal is~~

1 ~~determined to be an estray by a representative of the Nebraska Brand~~
2 ~~Committee or the county sheriff, as the case may be,~~ such animal shall,
3 as promptly as may be practicable, be sold through the most convenient
4 livestock auction market. The proceeds of such sale, ~~after deducting the~~
5 ~~selling expenses,~~ shall be paid over to the Nebraska Brand Committee to
6 ~~be placed in the estray fund identified in section 54-1,118, if such~~
7 ~~estray was taken up within the brand inspection area or brand inspection~~
8 ~~service area, and otherwise to the treasurer of the county in which such~~
9 ~~estray was taken up. During the time such proceeds are impounded, any~~
10 ~~person taking up such estray may file claim with the Nebraska Brand~~
11 ~~Committee or the county treasurer, as the case may be,~~ for the expense of
12 feeding and keeping such estray while in his or her possession. When such
13 claim is filed, it shall be the duty of the Nebraska Brand Committee or
14 the county board, ~~as the case may be,~~ to decide on the validity of the
15 claim so filed and allow the claim for such amount as may be deemed
16 equitable. ~~When the estray is taken up within the brand inspection area~~
17 ~~or brand inspection service area, such proceeds shall be impounded for~~
18 ~~one year, unless ownership is determined sooner by the Nebraska Brand~~
19 ~~Committee, and if ownership is not determined within such one-year~~
20 ~~period, the proceeds shall be paid into the permanent school fund, less~~
21 ~~the actual expenses incurred in the investigation and processing of the~~
22 ~~estray fund. Any amount deducted as actual expenses incurred shall be~~
23 ~~deposited in the Nebraska Brand Inspection and Theft Prevention Fund.~~
24 ~~When the estray is taken up outside the brand inspection area or brand~~
25 ~~inspection service area and ownership cannot be determined by the county~~
26 ~~board, the county board shall then order payment of the balance of the~~
27 ~~sale proceeds less expenses, to the permanent school fund. If the brand~~
28 ~~committee or the county board determines ownership of an estray sold in~~
29 ~~accordance with this section by means of evidence of ownership other than~~
30 ~~the owner's recorded Nebraska brand, an amount not to exceed the actual~~
31 ~~investigative costs or expenses may be deducted from the proceeds of the~~

1 sale. Any person who violates this section is guilty of a Class II
2 misdemeanor. The definitions found in sections 54-172 to 54-190 apply to
3 this section.

4 Sec. 28. Section 60-3,135, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 60-3,135 (1)(a) Undercover license plates may be issued to federal,
7 state, county, city, or village law enforcement agencies and shall be
8 used only for legitimate criminal investigatory purposes. Undercover
9 license plates may also be issued to the Nebraska State Patrol, the Game
10 and Parks Commission, deputy state sheriffs employed by the ~~Nebraska~~
11 ~~Brand Committee~~ and State Fire Marshal for state law enforcement
12 purposes, persons employed by the Tax Commissioner for state revenue
13 enforcement purposes, the Department of Health and Human Services for the
14 purposes of communicable disease control, the prevention and control of
15 those communicable diseases which endanger the public health, the
16 enforcement of drug control laws, or other investigation purposes, the
17 Department of Agriculture for special investigative purposes, and the
18 Insurance Fraud Prevention Division of the Department of Insurance for
19 investigative purposes. Undercover license plates shall not be used on
20 personally owned vehicles or for personal use of government-owned
21 vehicles.

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

29 (2) The agency shall include the name and signature of the contact
30 person for the agency on the form and pay the fee prescribed in section
31 60-3,102. If the undercover license plates will be used for the

1 investigation of a specific event rather than for ongoing investigations,
2 the agency shall designate on the form an estimate of the length of time
3 the undercover license plates will be needed. The contact person in the
4 agency shall sign the form and verify the information contained in the
5 form.

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

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

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

19 (a) The undercover license plates expire and are not renewed;

20 (b) The purpose for which the undercover license plates were issued
21 has been completed or terminated; or

22 (c) The director requests their return.

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

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

6 Sec. 29. Section 60-480.01, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 60-480.01 (1)(a) Undercover drivers' licenses may be issued to
9 federal, state, county, city, or village law enforcement agencies and
10 shall be used only for legitimate criminal investigatory purposes.
11 Undercover drivers' licenses may also be issued to the Nebraska State
12 Patrol, the Game and Parks Commission, deputy state sheriffs employed by
13 the ~~Nebraska Brand Committee~~ and State Fire Marshal for state law
14 enforcement purposes, persons employed by the Tax Commissioner for state
15 revenue enforcement purposes, the Department of Health and Human Services
16 for the purposes of communicable disease control, the prevention and
17 control of those communicable diseases which endanger the public health,
18 the enforcement of drug control laws, or other investigation purposes,
19 the Department of Agriculture for special investigative purposes, and the
20 Insurance Fraud Prevention Division of the Department of Insurance for
21 investigative purposes. Undercover drivers' licenses are not for personal
22 use.

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

29 (2) The agency shall include the name and signature of the contact
30 person for the agency on the form and pay the fees prescribed in section
31 60-4,115. If the undercover drivers' licenses will be used for the

1 investigation of a specific event rather than for ongoing investigations,
2 the agency shall designate on the form an estimate of the length of time
3 the undercover drivers' licenses will be needed. The contact person in
4 the agency shall sign the form and verify the information contained in
5 the form.

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

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

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

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

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

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

27 (d) The director requests their return.

28 Sec. 30. Section 81-1021, Revised Statutes Supplement, 2019, is
29 amended to read:

30 81-1021 (1) All motor vehicles acquired by the State of Nebraska
31 except any vehicle rented as a bureau fleet vehicle shall be indelibly

1 and conspicuously lettered, in plain letters of a contrasting color or
2 reflective material:

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

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

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

11 (a) The Nebraska State Patrol, the Public Service Commission, the
12 Game and Parks Commission, deputy state sheriffs employed by the Nebraska
13 ~~Brand Committee~~ and State Fire Marshal for state law enforcement
14 purposes, inspectors employed by the Nebraska Liquor Control Commission,
15 and persons employed by the Tax Commissioner for state revenue
16 enforcement purposes, the exemption for state law enforcement purposes
17 and state revenue enforcement purposes being confined strictly to the
18 seven agencies specifically named;

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

26 (c) The Military Department;

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

1 investigation purposes;

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

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

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

8 (h) The Department of Justice.

9 Sec. 31. Section 81-1316, Revised Statutes Supplement, 2019, is
10 amended to read:

11 81-1316 (1) All agencies and personnel of state government shall be
12 covered by sections 81-1301 to 81-1319 and shall be considered subject to
13 the State Personnel System, except the following:

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

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

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

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

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

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

20 (g) All personnel of the Legislature;

21 (h) All personnel of the court systems;

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

23 (j) All personnel of the Public Service Commission;

24 ~~(k) All personnel of the Nebraska Brand Committee;~~

25 (k) ~~(l)~~ All personnel of the Commission of Industrial Relations;

26 (l) ~~(m)~~ All personnel of the State Department of Education;

27 (m) ~~(n)~~ All personnel of the Nebraska state colleges and the Board
28 of Trustees of the Nebraska State Colleges;

29 (n) ~~(o)~~ All personnel of the University of Nebraska;

30 (o) ~~(p)~~ All personnel of the Coordinating Commission for
31 Postsecondary Education;

1

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

2

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

3

~~(r)~~ ~~(s)~~ All agency heads;

4

~~(s)~~~~(i)~~ ~~(t)~~~~(i)~~ The Director of Behavioral Health of the Division of

5 Behavioral Health; (ii) the Director of Children and Family Services of

6 the Division of Children and Family Services; (iii) the Director of

7 Developmental Disabilities of the Division of Developmental Disabilities;

8 (iv) the Director of Medicaid and Long-Term Care of the Division of

9 Medicaid and Long-Term Care; and (v) the Director of Public Health of the

10 Division of Public Health;

11

~~(t)~~ ~~(u)~~ The chief medical officer established under section 81-3115,

12 the Administrator of the Office of Juvenile Services, and the chief

13 executive officers of the Beatrice State Developmental Center, Lincoln

14 Regional Center, Norfolk Regional Center, Hastings Regional Center, Grand

15 Island Veterans' Home, Norfolk Veterans' Home, Eastern Nebraska Veterans'

16 Home, Western Nebraska Veterans' Home, Youth Rehabilitation and Treatment

17 Center-Kearney, and Youth Rehabilitation and Treatment Center-Geneva;

18

~~(u)~~ ~~(v)~~ The chief executive officers of all facilities operated by

19 the Department of Correctional Services and the medical director for the

20 department appointed pursuant to section 83-4,156;

21

~~(v)~~ ~~(w)~~ All personnel employed as pharmacists, physicians,

22 psychiatrists, or psychologists by the Department of Correctional

23 Services;

24

~~(w)~~ ~~(x)~~ All personnel employed as pharmacists, physicians,

25 psychiatrists, psychologists, service area administrators, or facility

26 operating officers of the Department of Health and Human Services or the

27 Department of Veterans' Affairs;

28

~~(x)~~ ~~(y)~~ Deputies and examiners of the Department of Banking and

29 Finance and the Department of Insurance as set forth in sections 8-105

30 and 44-119, except for those deputies and examiners who remain in the

31 State Personnel System;

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

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

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

10	Number of Agency	Number of Noncovered
11	Employees	Positions
12	less than 25	0
13	25 to 100	1
14	101 to 250	2
15	251 to 500	3
16	501 to 1000	4
17	1001 to 2000	5
18	2001 to 3000	8
19	3001 to 4000	11
20	4001 to 5000	40
21	over 5000	50

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

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

8 Sec. 32. Section 81-1346, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 81-1346 There is hereby established a program to be known as the
11 employee suggestion system to encourage the development of ideas for
12 improving the economy and efficiency of state government and to grant
13 awards for ideas of proper merit and implement them in the governmental
14 process. The employee suggestion system shall apply to all state
15 personnel except those personnel listed in subdivisions (1)(m) ~~(1)(n)~~,
16 (n) ~~(o)~~, and (r) ~~(s)~~ of section 81-1316, any judge, or any elected
17 official.

18 Sec. 33. Section 84-1005, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 84-1005 Subsection (2) of section 84-1001 shall not apply to (1)
21 employees of the University of Nebraska, the state colleges, ~~the Nebraska~~
22 ~~Brand Committee~~, or the Nebraska Oil and Gas Conservation Commission, (2)
23 the Superintendent of Law Enforcement and Public Safety, his or her
24 deputies and assistants, members of the Nebraska State Patrol, or carrier
25 enforcement officers designated under section 60-1303, or (3) the
26 employees of the Division of Motor Fuels of the office of the Tax
27 Commissioner who render service on such days and maintain such hours as
28 the Governor may designate, except that when employees are required to
29 work on any day designated as a paid holiday, subsections (4) and (5) of
30 section 84-1001 shall apply.

31 Sec. 34. Section 84-1411, Revised Statutes Supplement, 2019, is

1 amended to read:

2 84-1411 (1) Each public body shall give reasonable advance
3 publicized notice of the time and place of each meeting by a method
4 designated by each public body and recorded in its minutes. Such notice
5 shall be transmitted to all members of the public body and to the public.
6 Such notice shall contain an agenda of subjects known at the time of the
7 publicized notice or a statement that the agenda, which shall be kept
8 continually current, shall be readily available for public inspection at
9 the principal office of the public body during normal business hours.
10 Agenda items shall be sufficiently descriptive to give the public
11 reasonable notice of the matters to be considered at the meeting. Except
12 for items of an emergency nature, the agenda shall not be altered later
13 than (a) twenty-four hours before the scheduled commencement of the
14 meeting or (b) forty-eight hours before the scheduled commencement of a
15 meeting of a city council or village board scheduled outside the
16 corporate limits of the municipality. The public body shall have the
17 right to modify the agenda to include items of an emergency nature only
18 at such public meeting.

19 (2) A meeting of a state agency, state board, state commission,
20 state council, or state committee, of an advisory committee of any such
21 state entity, of an organization created under the Interlocal Cooperation
22 Act, the Joint Public Agency Act, or the Municipal Cooperative Financing
23 Act, of the governing body of a public power district having a chartered
24 territory of more than one county in this state, of the governing body of
25 a public power and irrigation district having a chartered territory of
26 more than one county in this state, of a board of an educational service
27 unit, of the Educational Service Unit Coordinating Council, of the
28 governing body of a risk management pool or its advisory committees
29 organized in accordance with the Intergovernmental Risk Management Act,
30 or of a community college board of governors may be held by means of
31 videoconferencing or, in the case of the Judicial Resources Commission in

1 those cases specified in section 24-1204, by telephone conference, if:

2 (a) Reasonable advance publicized notice is given;

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

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

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

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

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

31 Videoconferencing, telephone conferencing, or conferencing by other

1 electronic communication shall not be used to circumvent any of the
2 public government purposes established in the Open Meetings Act.

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

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

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

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

31 (d) Reasonable arrangements are made to accommodate the public's

1 right to attend, hear, and speak at the meeting, including seating,
2 recordation by audio recording devices, and a reasonable opportunity for
3 input such as public comment or questions to at least the same extent as
4 would be provided if a telephone conference call was not used;

5 (e) At least one copy of all documents being considered is available
6 to the public at each site of the telephone conference call;

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

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

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

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

28 (ii) An organization created under the Interlocal Cooperation Act
29 that sells electricity or natural gas at wholesale on a multistate basis
30 or an organization created under the Municipal Cooperative Financing Act
31 may hold more than one-half of its meetings by telephone conference call

1 if the organization holds at least one meeting each calendar year that is
2 not by videoconferencing or telephone conference call.

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

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

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

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

27 Sec. 35. This act becomes operative on July 1, 2020.

28 Sec. 36. Original sections 33-151, 54-180, 54-193, 54-194, 54-196,
29 54-199, 54-1,101, 54-1,102, 54-1,103, 54-1,104, 54-1,107, 54-1,116,
30 54-1,118, 60-3,135, 60-480.01, 81-1346, and 84-1005, Reissue Revised
31 Statutes of Nebraska, sections 54-170, 54-198, 54-1,100, 54-1,105,

1 54-1,115, 54-1,128, and 54-415, Revised Statutes Cumulative Supplement,
2 2018, and sections 11-201, 81-1021, 81-1316, and 84-1411, Revised
3 Statutes Supplement, 2019, are repealed.

4 Sec. 37. The following sections are outright repealed: Sections
5 54-173, 54-174, 54-175, 54-176, 54-182, 54-185, 54-186, 54-188, 54-197,
6 54-1,106, 54-1,109, 54-1,112, 54-1,113, 54-1,114, 54-1,117, and 54-1,127,
7 Reissue Revised Statutes of Nebraska, sections 54-175.01, 54-179,
8 54-186.01, 54-191, 54-195, 54-1,108, 54-1,110, 54-1,111, 54-1,119,
9 54-1,120, 54-1,121, 54-1,122, 54-1,129, 54-1,130, 54-1,131, and
10 54-1160.01, Revised Statutes Cumulative Supplement, 2018, and section
11 54-192, Revised Statutes Supplement, 2019.

12 Sec. 38. Since an emergency exists, this act takes effect when
13 passed and approved according to law.