

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 768

Introduced by Schilz, 47; Davis, 43.

Read first time January 09, 2014

Committee:

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 54-1,120 and
2 54-1,122.01, Reissue Revised Statutes of Nebraska, and
3 section 54-1,108, Revised Statutes Cumulative Supplement,
4 2012; to change fee provisions of the Livestock Brand
5 Act; to repeal the original sections; and to declare an
6 emergency.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-1,108, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 54-1,108 (1) All brand inspections provided for in the
4 Livestock Brand Act or section 54-415 shall be from sunrise to
5 sundown or during such other hours and under such conditions as the
6 Nebraska Brand Committee determines.

7 (2)(a) An inspection fee, established by the Nebraska
8 Brand Committee, of not more than seventy-five cents per head shall
9 be charged for all cattle inspected in accordance with the Livestock
10 Brand Act or section 54-415 or inspected within the brand inspection
11 area by court order or at the request of any bank, credit agency, or
12 lending institution with a legal or financial interest in such
13 cattle. Such fee may vary to encourage inspection to be performed at
14 times and locations that reduce the cost of performing the inspection
15 but shall otherwise be uniform. The inspection fee for court-ordered
16 inspections shall be paid from the proceeds of the sale of such
17 cattle if ordered by the court or by either party as the court
18 directs. For other inspections, the person requesting the inspection
19 of such cattle is responsible for the inspection fee. If stray
20 cattle are identified as a result of the inspection, such cattle
21 shall be processed in the manner provided by section 54-415.

22 (b) A surcharge of not more than twenty dollars, as
23 established by the brand committee, may be charged to cover travel
24 expenses incurred by the brand inspector per inspection location when
25 performing brand inspections. The surcharge shall be collected by the

1 brand inspector and paid by the person requesting the inspection or
2 the person required by law to have the inspection.

3 (c) For inspections performed outside of the brand
4 inspection area, in addition to the inspection fee under subdivision
5 (a) of this subsection, the brand committee shall charge and collect
6 a fee to cover the actual expense of performing the inspection,
7 including mileage at the rate established by the Department of
8 Administrative Services and an hourly rate, not to exceed thirty
9 dollars per hour, for the travel and inspection time incurred by the
10 brand committee to perform such inspection. Such fee shall apply to
11 inspections performed outside the brand inspection area as part of an
12 investigation into known or alleged violations of the Livestock Brand
13 Act and shall be charged against the person committing the violation.

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

21 Sec. 2. Section 54-1,120, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 54-1,120 (1) Any person who operates a cattle feeding
24 operation located within the brand inspection area may make
25 application to the Nebraska Brand Committee for registration as a

1 registered feedlot. The application form shall be prescribed by the
2 brand committee and shall be made available by the director of the
3 brand committee for this purpose upon written request. If the
4 applicant is an individual, the application shall include the
5 applicant's social security number. After the brand committee has
6 received a properly completed application, an agent of the brand
7 committee shall within thirty days make an investigation to determine
8 if the following requirements are satisfied:

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

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

13 If the application is satisfactory, and upon payment of a
14 registration fee by the applicant, the brand committee shall issue a
15 registration number and registration certificate valid for one year
16 unless rescinded for cause. If the registration is rescinded for
17 cause, any registration fee shall be forfeited by the applicant. The
18 fees for registered feedlots shall be ~~not less than one hundred~~
19 ~~dollars nor more than six hundred fifty dollars~~ an amount for each
20 such registered feedlot having one thousand head or less capacity and
21 an equal amount for each additional one thousand head capacity, or
22 part thereof, of such registered feedlot. The brand committee shall
23 set the fee per one thousand head capacity so as to correspond with
24 the inspection fee provided under section 54-1,108. The registration
25 fee shall be paid on an annual basis.

1 (2) The brand committee may adopt and promulgate rules
2 and regulations for the operation of registered feedlots to assure
3 that brand laws are complied with, that registered feedlot shipping
4 certificates are available, and that proper records are maintained.
5 Violation of sections 54-1,120 to 54-1,122 subjects the operator to
6 revocation or suspension of the feedlot registration issued. Sections
7 54-1,120 to 54-1,122 shall not be construed as prohibiting the
8 operation of nonregistered feedlots.

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

18 (4) The operator of a registered feedlot shall keep
19 cattle inventory records. A form for such purpose shall be prescribed
20 by the brand committee. The brand committee and its employees may
21 from time to time make spot checks and audits of the registered
22 feedlots and the records of cattle on feed in such feedlots.

23 (5) The brand committee may rescind the registration of
24 any registered feedlot operator who fails to cooperate or violates
25 the laws or rules and regulations of the brand committee covering

1 registered feedlots.

2 Sec. 3. Section 54-1,122.01, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 54-1,122.01 (1) Any person who operates a dairy operation
5 located within the brand inspection area may make application to the
6 Nebraska Brand Committee for registration as a registered dairy. The
7 application form shall be prescribed by the brand committee and shall
8 be made available by the director of the brand committee for this
9 purpose upon written request. If the applicant is an individual, the
10 application shall include the applicant's social security number.
11 After the brand committee has received a properly completed
12 application, an agent of the brand committee shall within thirty days
13 make an investigation to determine if the following requirements are
14 satisfied:

- 15 (a) The operator's dairy must be permanently fenced; and
16 (b) The operator must identify each animal individually
17 as directed by the Nebraska Brand Committee.

18 If the application is satisfactory, and upon payment of a
19 registration fee by the applicant, the brand committee shall issue a
20 registration number and registration certificate valid for one year
21 unless rescinded for cause. If the registration is rescinded for
22 cause, any registration fee shall be forfeited by the applicant. The
23 fee for a registered dairy shall be ~~not less than one hundred dollars~~
24 ~~nor more than six hundred fifty dollars~~ an amount for each such
25 registered dairy having one thousand head or less capacity and an

1 equal amount for each additional one thousand head capacity, or part
2 thereof, of such registered dairy. The brand committee shall set the
3 fee per one thousand head capacity so as to correspond with the
4 inspection fee provided under section 54-1,108. The registration fee
5 shall be paid on an annual basis.

6 (2) The brand committee may adopt and promulgate rules
7 and regulations for the operation of registered dairies to assure
8 that brand laws are complied with, that registered dairy shipping
9 certificates are available, and that proper records are maintained.
10 This section shall not be construed as prohibiting the operation of
11 nonregistered dairies.

12 (3) A registered dairy is subject to inspection at any
13 reasonable time at the discretion of the brand committee and its
14 authorized agents, and the operator shall show cattle purchase
15 records or certificates of inspection to cover all cattle in his or
16 her dairy. Cattle having originated from any such registered dairy
17 may from time to time, at the discretion of the committee, be subject
18 to a spot-check inspection and audit at the destination to enable the
19 brand committee to assure satisfactory compliance with the brand laws
20 by the registered dairy operator.

21 (4) The operator of a registered dairy shall keep cattle
22 inventory records. A form for such purpose shall be prescribed by the
23 brand committee. The brand committee and its employees may from time
24 to time make spot checks and audits of registered dairies and the
25 records of cattle in such registered dairies.

1 (5) The brand committee may rescind or suspend the
2 registration of any registered dairy operator who fails to cooperate
3 or violates the laws or rules and regulations of the brand committee
4 covering registered dairies.

5 Sec. 4. Original sections 54-1,120 and 54-1,122.01,
6 Reissue Revised Statutes of Nebraska, and section 54-1,108, Revised
7 Statutes Cumulative Supplement, 2012, are repealed.

8 Sec. 5. Since an emergency exists, this act takes effect
9 when passed and approved according to law.