

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014
COMMITTEE STATEMENT
LB768

Hearing Date: Tuesday February 11, 2014
Committee On: Agriculture
Introducer: Schilz
One Liner: Change fee provisions of the Livestock Brand Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Bloomfield, Hansen, Harr, Johnson, Lathrop, Schilz, Wallman
Nay:
Absent: 1 Senator Chambers
Present Not Voting:

Proponents:

Senator Ken Schilz
Linda Andersen
Pete McClymont
John Hansen
Steve Stanec
Jim Pappas

Representing:

Introducer
Nebraska Brand Committee
Nebraska Cattlemen
Nebraska Farmers Union
Nebraska Brand Committee
Independent Cattlemen of Nebraska

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 768 inserts express statutory authority for, and statutory definition of, charges collected for brand inspection performed outside the Brand Inspection Area. The bill amends section 54-1,108 by inserting a new subsection 2 c setting forth express authorization for the Brand Committee to charge and collect a fee to cover the actual expenses, including mileage and time, for brand inspections occurring outside the brand inspection area. The amendment specifies that this fee includes applicability to inspections performed in the course of investigation of violations of the brand law.

The bill also amends sections 54-1 120 and 54-1 122.01 to strike the existing statutory cap on the fee thousand head capacity that is charged annually to registered feedlots and registered dairies to allow the fee to be set consistent with statutory intent and current practice that the fee correspond with the per/head inspection fee established pursuant to section 54-1,108.

Explanation of amendments:

The committee amendment (AM1945) strikes the original provisions and becomes the bill. The amendment further revises the fee calculation for registered feedlots and dairies in sections 54-1,120 and 54-1,122.01 by basing the calculation of the registered feedlot and dairy fees upon capacity only upon an initial application, and to utilize annual average inventory for calculating the fee for subsequent renewals to reflect current practice.

The amendment also incorporates the provisions of LB 846. With the committee amendment, the bill would create the brand inspection area defined as the area of Nebraska counties, or portions thereof, adjacent to the mandatory brand inspection area designated by section 54-1,109. While brand inspection is not required in the brand inspection service area, the bill makes the following distinctions with respect to availability of brand inspection with the brand inspection service area:

Section 54-1,108 is amended to provide that brand inspection requested by a buyer or seller within a brand inspection service area shall be performed at the same terms as inspection performed within the brand inspection area.

54-415 of the Law of Estrays is amended to provide that the duty for disposition of stray livestock is assumed by the Brand Committee in brand inspection service areas. Currently, this duty is assigned to the Brand Committee when strays are taken up within the Brand Area, but is assigned to the county sheriff outside of the brand area.

The bill also amends section 54-172 which defines the elements of a bill of sale. The amendment incorporates the provision of LB 846 to add to the elements of a bill of sale enumerated in that section that the bill of sale include a notation of the amount of federal beef checkoff collected and remitted pursuant to the Federal Beef Promotion and Research Order when the seller is a collecting person pursuant to 7 CFR 1260.311.

Ken Schilz, Chairperson