

LEGISLATIVE BILL 97

Approved by the Governor May 3, 1985

Introduced by Schmit, 23

AN ACT relating to livestock auction markets; to amend sections 54-1160, 54-1166, and 54-1186, Reissue Revised Statutes of Nebraska, 1943; to provide for license termination as prescribed; to redefine an act; and to repeal the original sections.

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

Section 1. That section 54-1160, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1160. There is hereby created in the Department of Agriculture a Livestock Auction Market Board consisting of three members. The board shall consist of the Director of Agriculture, the State Veterinarian, and a livestock auction market operator to be appointed by the Governor. The Director of Agriculture shall be chairman chairperson of the board. The term of office of the appointed member shall be four years. The appointed member shall receive as compensation for his or her services the sum of ten dollars per day and actual expenses incurred while in the discharge of his or her duties. The board shall meet at least quarterly for the ordinary transaction of official business and otherwise at the call of the director. A majority affirmative vote of the board shall be necessary to constitute an official act.

The board shall have power and duty to:

(1) Administer the Nebraska Livestock Market Development Act provisions of this act in respect to recommending the issuance, suspensions, and revocations of market licenses;

(2) Prescribe and adopt the forms of application for market licenses, the forms of notice of hearings on market license applications, and such other forms as necessary to perform and carry out its functions; and

(3) Adopt and promulgate rules subject to the approval of the director governing the conduct of hearings before it for applications for market licenses, transfers, suspensions, and revocations consistent with the Nebraska Livestock Market Development Act provisions of this act and not contrary to the general laws of Nebraska governing hearings before administrative boards; and

(4) Administer section 54-1166 relating to terminations of market licenses and hearings regarding

such terminations.

Sec. 2. That section 54-1166, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1166. Except as otherwise provided in this section, each ~~Each~~ market license shall be personal to the holder and the facilities covered thereby, and transferable without a hearing. The market license covering any livestock auction market which does not hold a sale for a period of one year shall terminate automatically one year from the date of the last sale conducted by the livestock auction market and the license holder whose license is so terminated may request a hearing by filing a written request for such hearing within twenty days after the termination of the license.

Sec. 3. That section 54-1186, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1186. This act Sections 54-1157 to 54-1186 shall be known and may be cited as the Nebraska Livestock Auction Market Development Act.

Sec. 4. That original sections 54-1160, 54-1166, and 54-1186, Reissue Revised Statutes of Nebraska, 1943, are repealed.