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LB 213

my amendment would provide that reimbursement is required if there is a deficit of inspection fee revenues over any 12-month period. The amendment also changes the wording of the statute to provide that open markets may be required to guarantee sufficient fee revenue. The effect and intent of the amendment would be to allow the Brand Committee to factor in avoided costs in addition to fee revenues when determining whether to provide inspection service in an open market. The effects of the amendments would be to encourage better use of inspection services at those collection points, such as livestock auction markets. The ability to provide inspection at the auction market saves the expense of performing on-farm brand inspection prior to the movement of livestock. It is more convenient and cost effective for both the Brand Committee and the producer to have brand inspection service provided at the auction site. Finally, the amendment adds a provision relating to enforcement of unlawful branding. Section 12 of the amendment adds language to section 54-198 to provide that it shall be unlawful to knowingly maintain an illegally branded herd. The amendment is intended to overcome an obstacle to enforcement of prohibitions against use of an unrecorded brand or illegal branding methods. The Brand Committee provided us with options...with opinions by a county attorney they had approached to prosecute a case and by the Nebraska Attorney General's Office that the offense was the act of applying a brand illegally, not the act of knowingly keeping an illegally brand herd that's prohibited. Essentially, documentation needed to successfully establish that a violator has committed the act would be difficult to compile absent actually observing the actual branding. This interpretation essentially guts the enforcement against illegal branding. The amendment would enable prosecution to occur when the brand inspector and the prosecutor can establish that an individual has been observed in possession of illegally branded livestock over a period of time. This is consistent with the intent of the brand law and is necessary to maintain the integrity of the statutes. I'd like to thank Senator Schmitt for allowing LB 213 as a vehicle to add these items from the Ag Committee and I urge their adoption. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Dierks. Senator Jones. Senator Schmitt, on the Dierks amendment.