

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 85

FINAL READING

Introduced by Davis, 43.

Read first time January 08, 2015

Committee: Agriculture

- 1 A BILL FOR AN ACT relating to the Livestock Brand Act; to amend section
- 2 54-1,108, Revised Statutes Cumulative Supplement, 2014; to increase
- 3 the maximum brand inspection fee amount that may be established by
- 4 the Nebraska Brand Committee; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-1,108, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

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

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

26 (b) A surcharge of not more than twenty dollars, as established by
27 the brand committee, may be charged to cover travel expenses incurred by
28 the brand inspector per inspection location when performing brand
29 inspections. The surcharge shall be collected by the brand inspector and
30 paid by the person requesting the inspection or the person required by
31 law to have the inspection.

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

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

20 Sec. 2. Original section 54-1,108, Revised Statutes Cumulative
21 Supplement, 2014, is repealed.