

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT (CORRECTED)
LB142

Hearing Date: Tuesday January 27, 2009
Committee On: Agriculture
Introducer: Hansen
One Liner: Change recorded brand provisions and a fee

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

Vote Results:
Aye: 7 Senators Carlson, Council, Dierks, Dubas, Karpisek, Schilz, Wallman
Nay:
Absent: 1 Senator Price
Present Not Voting:

Proponents:
Senator Tom Hansen
Jerry Stilmock
Pete McClymont

Representing:
Introducer
Nebraska Bankers Association
Nebraska Cattlemen

Opponents:

Representing:

Neutral:
George Cooksley
Steve Stanec

Representing:
Nebraska Brand Committee
Nebraska Brand Committee

Summary of purpose and/or changes:

LB 142 amends Section 54-1,100 of the Nebraska Brand Law pertaining to the recording of the sale, transfer or assignment of a recorded brand. Current law directs that the Brand Committee shall record instruments of writing that evidence such transfer or assignment. LB 142 adds new requirement and procedure for recording assignment of brand ownership:

* Provides that transfer of ownership or lease assignment of a brand is not effective until it is recorded.

* Requires application for recording of transfer to include either

- a) written consent to the transfer by holders of lien or security interests in livestock owned by the transfer applicant, or
- b) a written statement of oath by the requester that livestock of the holder of the brand are free of lien or security encumbrance.

The bill increases the statutory maximum transfer recording fee that may be charged by the Brand Committee from \$35 to \$50.

Explanation of amendments:

The Committee amendment substitutes text to place responsibility for notifying the Brand Committee of a lien or security interest with lenders of brand owners. As amended, the bill would direct that, if the Brand Committee has been notified of a lien or security interest against livestock owned by the brand owner, the Brand Committee shall not accept for

recording instruments evidencing the sale, assignment or transfer unless the lien or security holder gives notification that the lien or security interest is satisfied or otherwise consents to the transfer.

Clarification that a brand transfer does not occur until its recording is retained by the amendment, as well as the increase in the recording fee maximum.

Tom Carlson, Chairperson