

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 181**

Introduced by Hansen, 42.

Read first time January 07, 2011

Committee: Agriculture

A BILL

1 FOR AN ACT relating to the Livestock Brand Act; to amend sections  
2 54-1,108, 54-1,121, 54-1,122, and 54-1,122.02, Reissue  
3 Revised Statutes of Nebraska; to establish a surcharge;  
4 to harmonize provisions; and to repeal the original  
5 sections.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 54-1,108, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

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

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

22                   (b) A surcharge of not more than twenty dollars, as  
23 established by the brand committee, shall be charged to cover travel  
24 expenses for each round-trip made by the brand inspector when doing  
25 brand inspections. The surcharge shall be collected by the brand

1 inspector and paid by the person requesting the brand inspections or  
2 the person required by law to have the brand inspections.

3 (3) Any person who has reason to believe that cattle were  
4 shipped erroneously due to an inspection error during a brand  
5 inspection may request a reinspection. The person making such request  
6 shall be responsible for the expenses incurred as a result of the  
7 reinspection unless the results of the reinspection substantiate the  
8 claim of inspection error, in which case the brand committee shall be  
9 responsible for the reinspection expenses.

10 Sec. 2. Section 54-1,121, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 54-1,121 Cattle sold or shipped from a registered  
13 feedlot, for purposes other than direct slaughter or sale on any  
14 terminal market, are subject to the brand inspection under sections  
15 54-1,110 to 54-1,119, and the seller or shipper shall bear the cost  
16 of such inspection at the regular fee.

17 Any other cattle shipped from a registered feedlot are  
18 not subject to brand inspection at origin or destination, but the  
19 shipper must have a shipping certificate from the registered feedlot.  
20 The shipping certificate form shall be prescribed by the Nebraska  
21 Brand Committee and shall show the registered feedlot operator's name  
22 and registration number, date shipped, destination, agency receiving  
23 the cattle, number of head in the shipment, and sex of the cattle.  
24 The shipping certificate shall be completed in triplicate by the  
25 registered feedlot operator at the time of shipment. One copy thereof

1 shall be delivered to the brand inspector at the market along with  
2 shipment, if applicable, one copy shall be sent to the brand  
3 committee by the tenth day of the following month, and one copy shall  
4 be retained by the registered feedlot operator. If a shipping  
5 certificate does not accompany a shipment of cattle from a registered  
6 feedlot to any destination where brand inspection is maintained by  
7 the brand committee, all such cattle shall be subject to a brand  
8 inspection and the inspection fees and surcharge provided under  
9 section 54-1,108 shall be charged for the service.

10           Sec. 3. Section 54-1,122, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           54-1,122 Any cattle originating in a state that has a  
13 brand inspection agency and which are accompanied by a certificate of  
14 inspection or brand clearance issued by such agency may be moved  
15 directly from the point of origin into a registered feedlot. Any  
16 cattle not accompanied by such a certificate of inspection or brand  
17 clearance or by satisfactory evidence of ownership from states or  
18 portions of states not having brand inspection shall be inspected for  
19 brands by the Nebraska Brand Committee within a reasonable time after  
20 arrival at a registered feedlot, and the inspection fee and surcharge  
21 provided under section 54-1,108 shall be collected by the brand  
22 inspector at the time the inspection is performed.

23           Sec. 4. Section 54-1,122.02, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           54-1,122.02 (1) Cattle sold or shipped from a registered

1 dairy, for purposes other than direct slaughter or sale on any  
2 terminal market, are subject to the brand inspection under sections  
3 54-1,110 to 54-1,119 and the seller or shipper shall bear the cost of  
4 such inspection at the regular fee.

5 (2) Any other cattle shipped from a registered dairy are  
6 not subject to brand inspection at origin or destination, but the  
7 shipper must have a shipping certificate from the registered dairy.  
8 The shipping certificate form shall be prescribed by the Nebraska  
9 Brand Committee and shall show the registered dairy operator's name  
10 and registration number, date shipped, destination, agency receiving  
11 the cattle, number of head in the shipment, and sex of the cattle.  
12 The shipping certificate shall be completed in triplicate by the  
13 registered dairy operator at the time of shipment. One copy thereof  
14 shall be delivered to the brand inspector at the market along with  
15 shipment, if applicable, one copy shall be sent to the brand  
16 committee by the tenth day of the following month, and one copy shall  
17 be retained by the registered dairy operator. If a shipping  
18 certificate does not accompany a shipment of cattle from a registered  
19 dairy to any destination where brand inspection is maintained by the  
20 brand committee, all such cattle are subject to a brand inspection  
21 and the inspection fees and surcharge provided under section 54-1,108  
22 shall be charged for the service.

23 (3) Any cattle originating in a state that has a brand  
24 inspection agency and which are accompanied by a certificate of  
25 inspection or brand clearance issued by such agency may be moved

1 directly from the point of origin into a registered dairy. Any cattle  
2 not accompanied by such a certificate of inspection or brand  
3 clearance or by satisfactory evidence of ownership from states or  
4 portions of states not having brand inspection shall be inspected for  
5 brands by the Nebraska Brand Committee within a reasonable time after  
6 arrival at a registered dairy, and the inspection fee and surcharge  
7 provided under section 54-1,108 shall be collected by the brand  
8 inspector at the time the inspection is performed.

9           Sec. 5. Original sections 54-1,108, 54-1,121, 54-1,122,  
10 and 54-1,122.02, Reissue Revised Statutes of Nebraska, are repealed.