

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 572

FINAL READING

Introduced by Halloran, 33.

Read first time January 19, 2021

Committee: Agriculture

1 A BILL FOR AN ACT relating to livestock; to amend sections 54-173,
2 54-176, 54-182, 54-199, 54-1,101, 54-1,102, 54-1,112, 54-1,113,
3 54-1,114, and 54-1,116, Reissue Revised Statutes of Nebraska, and
4 sections 54-170, 54-171, 54-172, 54-179, 54-189, 54-191, 54-198,
5 54-1,108, 54-1,110, 54-1,111, 54-1,115, 54-1,120, 54-1,122,
6 54-1,128, and 54-415, Revised Statutes Cumulative Supplement, 2020;
7 to define and redefine terms; to change provisions relating to the
8 Nebraska Brand Committee, brand requirements, and brand inspections;
9 to provide and change fees; to provide penalties; to harmonize
10 provisions; and to repeal the original sections.
11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-170, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 54-170 Sections 54-170 to 54-1,131 and sections 3, 4, 5, 6, 7, 8, 9,
4 and 31 of this act shall be known and may be cited as the Livestock Brand
5 Act.

6 Sec. 2. Section 54-171, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 54-171 For purposes of the Livestock Brand Act, the definitions
9 found in sections 54-172 to 54-190 and sections 3, 4, 5, 6, 7, 8, and 9
10 of this act shall be used.

11 Sec. 3. Approved nonvisual identifier means a nonvisual method of
12 livestock identification approved by the Nebraska Brand Committee such as
13 an electronic device, a nose print, a retinal scan, a DNA match, or any
14 other such nonvisual method of livestock identification.

15 Sec. 4. Certified bill of sale means a document generated by the
16 Nebraska Brand Committee from information provided electronically by a
17 qualified dairy when selling calves under thirty days of age for beef
18 production purposes. Such information shall include the name and physical
19 address of the seller, the name and physical address of the purchaser,
20 the number of head being sold, a physical description of the calves
21 including date of birth, the color and sex, any identifiers such as metal
22 tags or dangle tags, and any brands and their location, the date of the
23 transfer of ownership, and if the assessment imposed pursuant to the
24 federal Beef Promotion and Research Order, 7 C.F.R. part 1260, has been
25 collected.

26 Sec. 5. Certified transportation permit means a document generated
27 by the Nebraska Brand Committee from information provided electronically
28 by a qualified dairy when moving calves under thirty days of age out of
29 the inspection area for beef production purposes. Such information shall
30 include the name and physical address of the owner, the number of head
31 being transported, a physical description of the calves including the

1 date of birth, the color and sex, any identifiers such as metal tags or
2 dangle tags, and any brands and their location, and the actual or
3 intended date of transport.

4 Sec. 6. Electronic inspection means a method of performing
5 inspections of livestock enrolled with the Nebraska Brand Committee
6 utilizing approved nonvisual identifier means of identification.

7 Sec. 7. Enrollment means the registration of livestock identified
8 by nonvisual identifier means of livestock identification approved by the
9 Nebraska Brand Committee and which occurs electronically and uses only
10 those approved identifiers for evidence of ownership.

11 Sec. 8. Physical inspection means an inspection for purposes of the
12 Livestock Brand Act performed by an employee of the Nebraska Brand
13 Committee physically present at the location of the inspected animals to
14 verify ownership through visual observation of brands or other
15 distinguishing markings and physical characteristics of the livestock and
16 examination of any associated documentary or other evidence of ownership.

17 Sec. 9. Qualified dairy means a milk production facility with a
18 Grade A milk producer permit or a manufacturing grade milk producer
19 permit pursuant to section 2-3968.

20 Sec. 10. Section 54-172, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

22 54-172 Bill of sale means a formal instrument for the conveyance or
23 transfer of title to livestock or other goods and chattels. The bill of
24 sale shall state the purchaser's name and address, the date of transfer,
25 the guarantee of title, the number of livestock transferred, the sex of
26 such livestock, the brand or brands, the location of the brand or brands
27 or a statement to the effect that the animal is unbranded, any approved
28 nonvisual identifiers, and the name and address of the seller. The
29 signature of the seller shall be attested by at least one witness or
30 acknowledged by a notary public or by some other officer authorized by
31 state law to take acknowledgments. For any conveyance or transfer of

1 title to cattle subject to assessment imposed pursuant to the federal
2 Beef Promotion and Research Order, 7 C.F.R. part 1260, for which the
3 purchaser is the collecting person pursuant to 7 C.F.R. 1260.311 for
4 purposes of collecting and remitting such assessment, the bill of sale
5 shall include a notation of the amount the purchaser collected from the
6 seller or deducted from the sale proceeds for the assessment. A properly
7 executed bill of sale means a bill of sale that is provided by the seller
8 and received by the purchaser.

9 Sec. 11. Section 54-173, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 54-173 Brand clearance means the documentary evidence of ownership
12 that is issued and signed by a brand inspector and given to persons who
13 have legally purchased cattle at a livestock auction or sale where a
14 brand inspection service is provided. The brand clearance shall give the
15 name and address of sale or auction where issued, the name of purchaser,
16 the number and sex of cattle, any the brands, if any, and the location of
17 any brands on the cattle, and any approved nonvisual identifiers.

18 Sec. 12. Section 54-176, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 54-176 Brand inspector means a person employed by the Nebraska Brand
21 Committee, or some other brand inspection agency, inside or outside of
22 the State of Nebraska, for the purpose of identifying brands, marks, or
23 other identifying characteristics of livestock or approved nonvisual
24 identifiers to determine the existence of such brands, marks, or
25 identifying characteristics or identifiers and from such determinations
26 attempt to establish correct and true ownership of such livestock, and
27 generally carry out the provisions and enforcement of all laws pertaining
28 to brands, brand inspection, physical inspection, electronic inspection,
29 and associated livestock laws.

30 Sec. 13. Section 54-179, Revised Statutes Cumulative Supplement,
31 2020, is amended to read:

1 54-179 Certificate of inspection means the official document issued
2 and signed by a brand inspector authorizing (1) movement of livestock
3 from a point of origin within the brand inspection area to a destination
4 either inside or outside of the brand inspection area or outside of this
5 state, (2) slaughter of livestock as specified on such certificate, or
6 (3) the change of ownership of livestock as specified on such
7 certificate. A certificate of inspection shall designate, as needed, the
8 name of the shipper, consignor, or seller of the livestock, the purchaser
9 or consignee of the livestock, the destination of the livestock, the
10 vehicle license number or carrier number, the miles driven by an
11 inspector to perform inspection, the amount of inspection fees collected,
12 the number and sex of the livestock to be moved or slaughtered, any the
13 brands, ~~if any,~~ on the livestock, any approved nonvisual identifiers, and
14 the brand owner. A certificate of inspection shall be construed and is
15 intended to be documentary evidence of ownership on all livestock covered
16 by such document.

17 Sec. 14. Section 54-182, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 54-182 Investigator means an employee of the Nebraska Brand
20 Committee who is also a deputy state sheriff and has the duty,
21 responsibility, and authority to enforce all state statutes pertaining to
22 brands, brand inspection, physical inspection, electronic inspection, and
23 associated livestock laws. An investigator is also responsible for the
24 investigation of all problems associated with brands, brand inspection,
25 and associated livestock enforcement problems.

26 Sec. 15. Section 54-189, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:

28 54-189 Satisfactory evidence of ownership consists of the brands,
29 tattoos, or marks on the livestock; approved nonvisual identifiers; point
30 of origin of livestock; the physical description of the livestock; the
31 documentary evidence, such as bills of sale, brand clearance,

1 certificates of inspection, breed registration certificates, animal
2 health or testing certificates, genomic testing certificates, recorded
3 brand certificates, purchase sheets, scale tickets, disclaimers of
4 interest, affidavits, court orders, security agreements, powers of
5 attorney, canceled checks, bills of lading, or tags; and such other
6 facts, statements, or circumstances that taken in whole or in part cause
7 an inspector to believe that proof of ownership is established.

8 Sec. 16. Section 54-191, Revised Statutes Cumulative Supplement,
9 2020, is amended to read:

10 54-191 (1) The Nebraska Brand Committee is hereby created. Beginning
11 August 28, 2007, the brand committee shall consist of five members
12 appointed by the Governor, subject to confirmation by the Legislature. At
13 least three appointed members shall be active cattlemen and at least
14 one appointed member shall be an active cattle feeder. The Secretary of
15 State and the Director of Agriculture, or their designees, shall be
16 nonvoting, ex officio members of the brand committee. The appointed
17 members shall be owners of cattle within the brand inspection area, shall
18 reside within the brand inspection area, shall be owners of Nebraska-
19 recorded brands, and shall be persons whose principal business and
20 occupation is the raising or feeding of cattle within the brand
21 inspection area.

22 (2) The members of the brand committee shall elect a chairperson and
23 vice-chairperson from among its appointed members during the first
24 meeting held after September 1 each calendar year. A member may be
25 reelected to serve as chairperson or vice-chairperson.

26 (3) The terms of the members shall be four-year, staggered terms,
27 beginning on August 28 of the year of initial appointment or
28 reappointment and concluding on August 27 of the year of expiration. At
29 the expiration of the term of an appointed member, the Governor shall
30 appoint a successor, subject to confirmation by the Legislature. If there
31 is a vacancy on the brand committee, the Governor shall fill such vacancy

1 by appointing a member to serve during the unexpired term of the member
2 whose office has become vacant. Any appointment to fill a vacancy shall
3 be subject to confirmation by the Legislature.

4 (4) The action of a majority of the members shall be deemed the
5 action of the brand committee. No appointed member shall hold any
6 elective or appointive state or federal office while serving as a member
7 of the brand committee. Each member and each brand committee employee who
8 collects or who is the custodian of any funds shall be bonded or insured
9 as required under section 11-201. The appointed members of the brand
10 committee shall be reimbursed for expenses in attending meetings of the
11 brand committee or in performing any other duties that are prescribed in
12 the Livestock Brand Act or section 54-415, as provided for in sections
13 81-1174 to 81-1177.

14 The purpose of the Nebraska Brand Committee is to protect Nebraska
15 brand and livestock owners from the theft of livestock through
16 established brand recording, brand inspection, and livestock theft
17 investigation.

18 Sec. 17. Section 54-198, Revised Statutes Cumulative Supplement,
19 2020, is amended to read:

20 54-198 (1) Any person may record a brand, which he or she has the
21 exclusive right to use in this state, and it is unlawful to use any brand
22 for branding any livestock unless the person using such brand has
23 recorded that brand with the Nebraska Brand Committee. A brand is a mark
24 consisting of symbols, characters, numerals, or a combination of such
25 intended as a visual means of ownership identification when applied to
26 the hide of an animal ~~or another method of livestock identification~~
27 ~~approved by rule and regulation of the brand committee, including an~~
28 ~~electronic device used for livestock identification.~~ Only a hot iron or
29 freeze brand or other method approved by the brand committee shall be
30 used to apply a brand to a live animal.

31 (2) A hot iron brand or freeze brand may be used for in-herd

1 identification purposes such as for year or production records. With
2 respect to hot iron brands used for in-herd identification, the numerals
3 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9 in singular or triangular position are
4 reserved on both the right and left shoulder of all cattle, except that
5 such shoulder location for a single-number hot iron brand may be used for
6 year branding for in-herd identification purposes, and an alphabetical
7 letter may be substituted for one of the numerals used in a triangular
8 configuration for in-herd identification purposes. Hot iron brands used
9 for in-herd identification shall be used in conjunction with the recorded
10 hot iron brand and shall be on the same side of the animal as the
11 recorded hot iron brand. Freeze branding for in-herd identification may
12 be applied in any location and any configuration with any combination of
13 numerals or alphabetical letters.

14 (3) It shall be unlawful to knowingly maintain a herd containing one
15 or more animals which the possessor has branded, or caused to be branded,
16 in violation of this section or any other provision of the Livestock
17 Brand Act.

18 Sec. 18. Section 54-199, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 54-199 (1) To record a brand, a person shall forward to the Nebraska
21 Brand Committee a facsimile or description of the brand desired to be
22 recorded, a written application, and a recording fee and research fee
23 established by the brand committee. Such recording fee may vary according
24 to the number of locations and methods of brand requested but shall not
25 be more than one hundred fifty dollars per application. Such research fee
26 shall be charged on all applications and shall not be more than fifty
27 dollars per application.

28 (2) For recording of visual brands, upon receipt of a facsimile of
29 the brand, an application, and the required fee, the brand committee
30 shall determine compliance with the following requirements:

31 (a) The brand shall be an identification mark that is applied to the

1 hide of a live animal by hot iron branding or by either hot iron branding
2 or freeze branding. The brand shall be on either side of the animal in
3 any one of three locations, the shoulder, ribs, or hip;

4 (b) The brand is not recorded under the name of any other person and
5 does not conflict with or closely resemble a prior recorded brand;

6 (c) The brand application specifies the left or right side of the
7 animal and the location on that side of the animal where the brand is to
8 be placed;

9 (d) The brand is not recorded as a trade name nor as the name of any
10 profit or nonprofit corporation, unless such trade name or corporation is
11 of record, in current good standing, with the Secretary of State; and

12 (e) The brand is, in the judgment of the brand committee, legible,
13 adequate, and of such a nature that the brand when applied can be
14 properly read and identified by employees of the brand committee.

15 (3) All visual brands shall be recorded as a hot iron brand only
16 unless a co-recording as a freeze brand or other approved method of
17 branding is requested by the applicant. The brand committee shall approve
18 co-recording a brand as a freeze brand unless the brand would not be
19 distinguishable from in-herd identification applied by freeze branding.

20 ~~(4) The brand committee may, by rule and regulation, provide for the~~
21 ~~recording and use of brands by electronic device or other nonvisual~~
22 ~~method of livestock identification. Any such method of livestock~~
23 ~~identification shall be approved as a brand only if it functions as a~~
24 ~~means of identifying ownership of livestock so branded that is equal to,~~
25 ~~or superior to, visual methods of livestock branding. Before approving~~
26 ~~any nonvisual method of branding, the brand committee shall consider the~~
27 ~~degree to which such method may be susceptible to error, failure, or~~
28 ~~fraudulent alteration. Any rule or regulation shall be adopted only after~~
29 ~~public hearing conducted in compliance with the Administrative Procedure~~
30 ~~Act.~~

31 (4) (5) If the facsimile, the description, or the application does

1 not comply with the requirements of this section, the brand committee
2 shall not record such brand as requested but shall return the recording
3 fee to the forwarding person. The power of examination and rejection is
4 vested in the brand committee, and if the brand committee determines that
5 the application for a visual brand falls within the category set out in
6 subdivision (2)(e) of this section, it shall decide whether or not a
7 recorded brand shall be issued. The brand committee shall make such
8 examination as promptly as possible. If the brand is recorded, the
9 ownership vests from the date of filing of the application.

10 (5) The brand committee may by rule and regulation provide for the
11 use of approved nonvisual identifiers for purposes of enrolling cattle
12 identified by such method of livestock identification. Such method of
13 livestock identification shall be approved only if it functions as
14 satisfactory evidence of ownership for the purpose of enrollment of
15 cattle and for electronic inspection authorized under section 54-1,108.
16 Before approving any nonvisual identifier, the brand committee shall
17 consider the degree to which such method may be susceptible to error,
18 failure, or fraudulent alteration. Any rule or regulation shall be
19 adopted and promulgated only after public hearing conducted in compliance
20 with the Administrative Procedure Act.

21 Sec. 19. Section 54-1,101, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 54-1,101 The owner of a recorded brand is entitled to one certified
24 copy of the record of such brand from the Nebraska Brand Committee
25 without charge. Additional certified copies of the record may be obtained
26 by anyone upon the payment of one dollar for each copy.

27 Copies of any other document of the brand committee may be
28 requested, and a fee of one dollar shall be collected for each page
29 copied. Only personnel authorized by the brand committee shall make
30 copies and collect such fees. The party requesting the copies is
31 responsible for payment of the fee and shall reimburse the brand

1 committee for the research time necessary to furnish the requested
2 documents at a rate of not less than twenty ~~twelve~~ nor more than forty
3 ~~twenty~~ dollars per hour of research time. The rate shall be reviewed and
4 set annually by the brand committee.

5 Sec. 20. Section 54-1,102, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 54-1,102 (1) A recorded brand may be applied by its owner until its
8 expiration date.

9 (2) On and after January 1, 1994, the expiration date of a recorded
10 brand is the last day of the calendar quarter of the renewal year as
11 designated by the Nebraska Brand Committee in the records of the brand
12 committee.

13 (3) The brand committee shall notify every owner of a recorded brand
14 of its expiration date at least sixty days prior to the expiration date,
15 and the owner of the recorded brand shall pay a renewal fee established
16 by the brand committee which shall not be more than two hundred fifty
17 dollars and furnish such other information as may be required by the
18 brand committee. The renewal fee is due and payable on or before the
19 expiration date and renews a recorded brand for a period of four years
20 regardless of the number of locations on one side of an animal on which
21 the brand is recorded. If any owner fails, refuses, or neglects to pay
22 the renewal fee by the expiration date, the brand shall expire and be
23 forfeited.

24 (4) The brand committee has the authority to hold an expired brand
25 for one year following the date of expiration. An expired brand may be
26 reinstated by the same owner during such one-year period upon return of a
27 brand application form and payment of the recording fee and research fee
28 for such brand established by the brand committee under section 54-199
29 plus a penalty of five dollars for each month or part of a month which
30 has passed since the date of expiration. A properly reinstated brand may
31 be transferred to another person during such one-year period upon

1 completion of a transfer form, with a notarized bill of sale signed by
2 the prior owner attached to such transfer form.

3 Sec. 21. Section 54-1,108, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 54-1,108 (1)(a) ~~(1)~~ All physical brand inspections for brands
6 provided for in the Livestock Brand Act or section 54-415 shall be from
7 sunrise to sundown or during such other hours and under such conditions
8 as the Nebraska Brand Committee determines. ~~The brand committee shall~~
9 assess a fifty-dollar late notice surcharge if a request for a physical
10 inspection is made less than forty-eight hours prior to the date of
11 inspection.

12 (b) A physical inspection shall be required when brands applied by
13 hot iron or freeze branding methods are the exclusive means of ownership
14 identification and in all other cases that do not qualify for electronic
15 inspection as provided in subsection (2) of this section.

16 (c) Beginning October 1, 2021, a physical ~~(2)(a)~~ An inspection fee
17 of eighty-five cents per head until June 30, 2023, and beginning July 1,
18 2023, a fee established by the Nebraska Brand Committee, of not more than
19 one dollar and ten cents per head shall be charged for all cattle
20 inspected in accordance with the Livestock Brand Act or section 54-415,
21 ~~or inspected within the brand inspection area or brand inspection service~~
22 area by court order, inspected ~~or~~ at the request of any bank, credit
23 agency, or lending institution with a legal or financial interest in such
24 cattle, or inspected at the request of a neighboring livestock owner with
25 missing cattle. ~~Such fee may vary to encourage inspection to be performed~~
26 at times and locations that reduce the cost of performing the inspection
27 but shall otherwise be uniform. The inspection fee for court-ordered
28 inspections shall be paid from the proceeds of the sale of such cattle if
29 ordered by the court or by either party as the court directs. For other
30 inspections, the person requesting the inspection of such cattle is
31 responsible for the inspection fee. Brand inspections requested by either

1 a purchaser or seller of cattle located within the brand inspection
2 service area shall be provided upon the same terms and charges as brand
3 inspections performed within the brand inspection area. If stray cattle
4 are identified as a result of the inspection, such cattle shall be
5 processed in the manner provided by section 54-415.

6 (d) The actual mileage incurred by the inspector to perform a
7 physical inspection shall be paid by the party requesting inspection and
8 paid at the rate established by the Department of Administrative Services
9 pursuant to section 81-1176.

10 ~~(b) A surcharge of not more than twenty dollars, as established by~~
11 ~~the brand committee, may be charged to cover travel expenses incurred by~~
12 ~~the brand inspector per inspection location when performing brand~~
13 ~~inspections. The surcharge shall be collected by the brand inspector and~~
14 ~~paid by the person requesting the inspection or the person required by~~
15 ~~law to have the inspection.~~

16 (e) For physical ~~(c) Fees for~~ inspections performed outside of the
17 brand inspection area that are not provided for in subdivision (c) ~~(a)~~ of
18 this subsection, the fee shall be the inspection fee established in such
19 subdivision plus a fee to cover the actual expense of performing the
20 inspection, including mileage at the rate established by the Department
21 of Administrative Services and an hourly rate, not to exceed thirty
22 dollars per hour, for the travel and inspection time incurred by the
23 brand committee to perform such inspection. The brand committee shall
24 charge and collect the actual expense fee. Such fee shall apply to
25 inspections performed outside the brand inspection area as part of an
26 investigation into known or alleged violations of the Livestock Brand Act
27 and shall be charged against the person committing the violation.

28 (2)(a) The brand committee may provide for electronic inspection of
29 enrolled cattle identified by approved nonvisual identifiers pursuant to
30 subsection (5) of section 54-199. The brand committee shall establish
31 procedures for enrollment of such cattle with the brand committee which

1 shall include providing acceptable certification or evidence of
2 ownership. Electronic inspection shall not require agency employees to be
3 present, except that random audits shall occur.

4 (b) Beginning October 1, 2021, an electronic inspection fee not to
5 exceed eighty-five cents per head until June 30, 2023, and beginning July
6 1, 2023, a fee established by the brand committee of not more than one
7 dollar and ten cents per head shall be charged for all cattle subjected
8 to electronic inspection in accordance with the Livestock Brand Act or
9 section 54-415.

10 (c) A certified bill of sale for sale of calves shall be provided to
11 qualified dairies once the required information is electronically
12 transferred to the brand committee on calves under thirty days of age.
13 The fee shall be the same as for an electronic inspection under
14 subdivision (2)(b) of this section.

15 (d) A certified transportation permit shall be provided to qualified
16 dairies after the required information is electronically transferred to
17 the brand committee on calves under thirty days of age which are moved
18 out of the inspection area. The fee shall be the same as for an
19 electronic inspection under subdivision (2)(b) of this section.

20 (e) On or before December 1, 2021, the brand committee shall report
21 to the Legislature any actions taken or necessary for implementing
22 electronic inspection authorized by this subsection, including personnel
23 and other resources utilized to support electronic inspection, how the
24 brand committee's information technology capabilities are utilized to
25 support electronic inspection, a listing of approved nonvisual
26 identifiers, the requirements for enrolling cattle identified by approved
27 nonvisual identifiers, current and anticipated utilization of electronic
28 inspection by the livestock industry, and the fees required to recover
29 costs of performing electronic inspection.

30 (3) Any person who has reason to believe that cattle were shipped
31 erroneously due to an inspection error during a brand inspection may

1 request a reinspection. The person making such request shall be
2 responsible for the expenses incurred as a result of the reinspection
3 unless the results of the reinspection substantiate the claim of
4 inspection error, in which case the brand committee shall be responsible
5 for the reinspection expenses.

6 Sec. 22. Section 54-1,110, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 54-1,110 (1) Except as provided in subsections (2) and (3) of this
9 section, no person shall move, in any manner, cattle from a point within
10 the brand inspection area to a point outside the brand inspection area
11 unless such cattle first have a brand inspection by the Nebraska Brand
12 Committee and a certificate of inspection is issued. A copy of such
13 certificate shall accompany the cattle and shall be retained by all
14 persons moving such cattle as a permanent record.

15 (2) Cattle in a registered feedlot registered under sections
16 54-1,120 to 54-1,122 are not subject to the brand inspection of
17 subsection (1) of this section. Possession by the shipper or trucker of a
18 shipping certificate from the registered feedlot constitutes compliance
19 if the cattle being shipped are as represented on such shipping
20 certificate.

21 (3) If the line designating the brand inspection area divides a farm
22 or ranch or lies between noncontiguous parcels of land which are owned or
23 operated by the same cattle owner or owners, a permit may be issued, at
24 the discretion of the Nebraska Brand Committee, to the owner or owners of
25 cattle on such farm, ranch, or parcels of land to move the cattle in and
26 out of the brand inspection area without inspection. If the line
27 designating the brand inspection area lies between a farm or ranch and
28 nearby veterinary medical facilities, a permit may be issued, at the
29 discretion of the brand committee, to the owner or owners of cattle on
30 such farm or ranch to move the cattle in and out of the brand inspection
31 area without inspection to obtain care from the veterinary medical

1 facilities. The brand committee shall issue initial permits only after
2 receiving an application which includes an application fee established by
3 the brand committee which shall not be more than fifteen dollars. The
4 brand committee shall mail all current permit holders an annual renewal
5 notice, for January 1 renewal, which requires a renewal fee established
6 by the brand committee which shall not be more than fifty fifteen
7 dollars. If the permit conditions still exist, the cattle owner or owners
8 may renew the permit.

9 (4) No person shall sell any cattle knowing that the cattle are to
10 be moved, in any manner, in violation of this section. Proof of shipment
11 or removal of the cattle from the brand inspection area by the purchaser
12 or his or her agent is prima facie proof of knowledge that sale was had
13 for removal from the brand inspection area.

14 (5) A violation of this section is an infraction. A peace officer
15 shall have the authority to write a citation, which shall be waivable, to
16 offenders in violation of this section. A fine under this section shall
17 not exceed two hundred dollars per head for each offense. Violations
18 shall be charged in the county of origin of the cattle or any other
19 county through which the cattle were moved from the brand inspection area
20 ~~In cases of prosecution for violation of this section, venue may be~~
21 ~~established in the county of origin or any other county through which the~~
22 ~~cattle may pass in leaving the brand inspection area.~~

23 Sec. 23. Section 54-1,111, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 54-1,111 (1) Except as provided in subsection (2) of this section,
26 no person shall sell or trade any cattle located within the brand
27 inspection area, nor shall any person buy or purchase any such cattle
28 unless the cattle have been inspected for evidence of brands and
29 ownership and a certificate of inspection or brand clearance has been
30 issued by the Nebraska Brand Committee. Any person selling such cattle
31 shall present to the brand inspector a properly executed bill of sale,

1 brand clearance, or other satisfactory evidence of ownership which shall
2 be filed with the original certificate of inspection in the records of
3 the brand committee. Any time a brand inspection is required by law, a
4 brand investigator or brand inspector may transfer evidence of ownership
5 of such cattle from a seller to a purchaser by issuing a certificate of
6 inspection.

7 (2) A brand inspection is not required:

8 (a) For cattle of a registered feedlot registered under sections
9 54-1,120 to 54-1,122 shipped for direct slaughter or sale on any terminal
10 market;

11 (b) For cattle that are:

12 (i) Transferred to a family corporation when all the shares of
13 capital stock of the corporation are owned by the husband, wife,
14 children, or grandchildren of the transferor and there is no
15 consideration for the transfer other than the issuance of stock of the
16 corporation to such family members; or

17 (ii) Transferred to a limited liability company in which membership
18 is limited to the husband, wife, children, or grandchildren of the
19 transferor and there is no consideration paid for the transfer other than
20 a membership interest in the limited liability company;

21 (c) When the change of ownership of cattle is a change in form only
22 and the surviving interests are in the exact proportion as the original
23 interests of ownership. When there is a change of ownership described in
24 subdivision (2)(b) or (c) of this section, an affidavit, on a form
25 prescribed by the Nebraska Brand Committee, signed by the transferor and
26 stating the nature of the transfer and the number of cattle involved and
27 the brands presently on the cattle, shall be filed with the brand
28 committee;

29 (d) For cattle sold or purchased for educational or exhibition
30 purposes or other recognized youth activities if a properly executed bill
31 of sale is exchanged and presented upon demand. Educational or exhibition

1 purpose means cattle sold or purchased for the purpose of being fed,
2 bred, managed, or tended in a program designed to demonstrate or instruct
3 in the use of various feed rations, the selection of individuals of
4 certain physical conformation or breeds, the measurement and recording of
5 rate of gain in weight or fat content of meat or milk produced, or the
6 preparation of cattle for the purpose of exhibition or for judging as to
7 quality and conformation;

8 (e) For calves under the age of thirty days sold or purchased at
9 private treaty if a bill of sale is exchanged and presented upon demand;
10 and

11 (f) For seedstock cattle raised by the seller and individually
12 registered with an organized breed association if a properly executed
13 bill of sale is exchanged and presented upon demand.

14 (3) A violation of this section is an infraction. A peace officer
15 shall have the authority to write a citation, which shall be waivable, to
16 offenders in violation of this section. A fine under this section shall
17 not exceed two hundred dollars per head for each offense. Violations
18 shall be charged in the county in which the offense occurred.

19 Sec. 24. Section 54-1,112, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 54-1,112 (1) Any person located within the brand inspection area who
22 slaughters or has cattle slaughtered for sale or distribution shall keep,
23 in a book for that purpose, a true and faithful record of all cattle
24 purchased and slaughtered. Such record shall also contain a description
25 of the marks, brands, age, weight, and color of all cattle slaughtered.
26 Such record shall contain the date when the cattle were slaughtered and a
27 notation which sets forth by whom the cattle were raised or from whom
28 purchased.

29 (2) All persons who purchase hides shall keep a record of all hides
30 of cattle purchased by them, which record shall state the name or names
31 of the person or persons from whom purchased, their place of residence,

1 the date of purchase, and all marks and brands on the hide, and the
2 record shall at all times be open for inspection by any peace officer.

3 (3) A violation of this section is an infraction. A peace officer
4 shall have the authority to write a citation, which shall be waivable, to
5 offenders in violation of this section. A fine under this section shall
6 not exceed two hundred dollars per head for each offense. Violations
7 shall be charged in the county in which the offense occurred.

8 Sec. 25. Section 54-1,113, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 54-1,113 (1)(a) Inside of the brand inspection area, no person shall
11 sell or trade or offer for sale or trade the carcass of a beef or veal,
12 or any portion thereof, including the hide of such carcass, unless a
13 certificate of inspection is secured from a brand inspector. Such person
14 shall exhibit the certificate of inspection upon the demand of any
15 person.

16 (b) Outside of the brand inspection area, no person shall sell or
17 offer for sale, except as a butcher bonded under section 54-1,114, the
18 carcass of a beef or veal, or any portion thereof, without first
19 exhibiting the intact hide of the same and exposing the brand upon the
20 hide, if any, to the purchaser. A person selling or offering for sale any
21 such carcass of beef or veal shall preserve the hide of the same for a
22 period of fifteen days unless a certificate of inspection is secured from
23 a brand inspector, and such person shall exhibit the certificate of
24 inspection upon the demand of any person.

25 (2) No person shall kill for his, her, or its own use and
26 consumption any cattle for beef or veal without preserving the hide of
27 such animal intact with a complete unskinned tail attached thereto for a
28 period of not less than fifteen days unless a certificate of inspection
29 is secured from a brand inspector, and such hide shall be presented for
30 inspection upon demand of any person.

31 (3) A violation of this section is an infraction. A peace officer

1 shall have the authority to write a citation, which shall be waivable, to
2 offenders in violation of this section. A fine under this section shall
3 not exceed two hundred dollars per head for each offense. Violations
4 shall be charged in the county in which the offense occurred.

5 Sec. 26. Section 54-1,114, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 54-1,114 (1) Except as provided in subsections (2) and (3) of this
8 section, no butcher, packer, or vendor engaged in the slaughter of cattle
9 within the brand inspection area shall kill or otherwise dispose of any
10 cattle until a brand inspection is performed by the Nebraska Brand
11 Committee on the premises where such slaughter is to take place and until
12 a certificate of inspection from the brand committee is filed and is made
13 a part of such operator's permanent records. All such certificates of
14 inspection shall, upon demand, be displayed to any peace officer or to
15 the brand committee at any time.

16 (2) If cattle requiring inspection under this section are to be
17 slaughtered and are purchased by such butcher, packer, or vendor at a
18 regularly brand-inspected sales barn and are destined for direct
19 slaughter upon reaching their destination, the brand inspector at such
20 sales barn shall be advised that such cattle are destined for direct
21 slaughter. The brand inspector shall then issue a certificate of
22 inspection for the cattle, such certificate to indicate that the cattle
23 are to go to direct slaughter and that the cattle are not to be retained
24 by such butcher, packer, or vendor for longer than ninety-six hours prior
25 to slaughter. Cattle inspected at the point of origin by a brand
26 inspector shall not require an additional brand inspection upon reaching
27 a destination within the state if the certificate of inspection
28 designates that the cattle are to go directly for slaughter and not to be
29 retained by such butcher, packer, or vendor longer than ninety-six hours
30 prior to slaughter.

31 (3) If cattle required to be inspected under this section are

1 offered for slaughter and satisfactory evidence of ownership has not been
2 provided, the butcher, packer, or vendor may, with the approval of the
3 brand inspector, slaughter the cattle and hold the meat until such time
4 as satisfactory evidence of ownership is provided to the brand committee.
5 The brand inspector shall provide the butcher, packer, or vendor with an
6 official notice advising the operator not to release the meat until
7 authorized by the brand committee. The brand committee may provide for a
8 cash bond to be posted with the executive director of the brand committee
9 so that the meat may be released prior to the establishment of
10 satisfactory evidence of ownership. The amount of the bond shall be set
11 at the approximate value of the cattle. When satisfactory evidence of
12 ownership has been provided by the person offering the cattle for
13 slaughter, the executive director shall authorize the release of the meat
14 or the return of the bond.

15 (4) A violation of this section is an infraction. A peace officer
16 shall have the authority to write a citation, which shall be waivable, to
17 offenders in violation of this section. A fine under this section shall
18 not exceed two hundred dollars per head for each offense. Violations
19 shall be charged in the county in which the offense occurred.

20 Sec. 27. Section 54-1,115, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

22 54-1,115 (1) Any person, other than the owner or the owner's
23 employee, using a motor vehicle or trailer to transport livestock or
24 carcasses over any land within the State of Nebraska not owned or rented
25 by such person or who is so transporting such livestock upon a highway,
26 public street, or thoroughfare within the State of Nebraska shall have in
27 his or her possession a livestock transportation authority form,
28 certificate of inspection, or shipping certificate from a registered
29 feedlot, authorizing such movement as to each head of livestock
30 transported by such vehicle.

31 (2) A livestock transportation authority form shall be in writing

1 and shall state the name of the owner of the livestock, the owner's post
2 office address, the place from which the livestock are being moved,
3 including the name of the ranch, if any, the destination, the name and
4 address of the carrier, the license number and make of motor vehicle to
5 which consigned, together with the number of livestock and a description
6 thereof including kind, sex, breed, color, and marks, if any, and in the
7 case of livestock shipments originating within the brand inspection area,
8 the brands, if there are any. The authority form shall be signed by the
9 owner of the livestock or the owner's authorized agent.

10 (3) Any peace officer, based upon probable cause to question the
11 ownership of the livestock being transported, may stop a motor vehicle or
12 motor vehicle and trailer and request exhibition of any authority form or
13 certificate required by this section.

14 (4) A violation of this section is an infraction. A peace officer
15 shall have the authority to write a citation, which shall be waivable, to
16 offenders in violation of this section. A fine under this section shall
17 not exceed two hundred dollars per head for each offense. Violations
18 shall be charged in the county in which the offense occurred.

19 Sec. 28. Section 54-1,116, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 54-1,116 (1) All livestock sold or otherwise disposed of shall be
22 accompanied by a properly executed bill of sale in writing or, for
23 cattle, a certificate of inspection. All owners of or persons possessing
24 livestock have a duty to exhibit, upon request of any person, the bill of
25 sale or other satisfactory evidence of ownership of the livestock.

26 (2) A violation of this section is an infraction. A peace officer
27 shall have the authority to write a citation, which shall be waivable, to
28 offenders in violation of this section. A fine under this section shall
29 not exceed two hundred dollars per head for each offense. Violations
30 shall be charged in the county in which the offense occurred.

31 Sec. 29. Section 54-1,120, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 54-1,120 (1) Any person who operates a cattle feeding operation
3 located within the brand inspection area may make application to the
4 Nebraska Brand Committee for registration as a registered feedlot. The
5 application form shall be prescribed by the brand committee and shall be
6 made available by the executive director of the brand committee for this
7 purpose upon written request. If the applicant is an individual, the
8 application shall include the applicant's social security number. After
9 the brand committee has received a properly completed application, an
10 agent of the brand committee shall within thirty days make an
11 investigation to determine if the following requirements are satisfied:

12 (a) The operator's feedlot must be permanently fenced; and

13 (b) The operator must commonly practice feeding cattle to finish for
14 slaughter.

15 If the application is satisfactory, and upon payment of an initial
16 registration fee by the applicant, the brand committee shall issue a
17 registration number and registration certificate valid for one year
18 unless rescinded for cause. If the registration is rescinded for cause,
19 any registration fee shall be forfeited by the applicant. The initial fee
20 for a registered feedlot shall be an amount for a registered feedlot
21 having one thousand head or less capacity and an equal amount for each
22 additional one thousand head capacity, or part thereof, of such
23 registered feedlot. For each subsequent year, the renewal fee for a
24 registered feedlot shall be an amount for the first one thousand head or
25 portion thereof of average annual inventory of cattle on feed of the
26 registered feedlot and an equal amount for each additional one thousand
27 head or portion thereof of average annual inventory of cattle on feed of
28 the registered feedlot. The brand committee shall set the fee per one
29 thousand head capacity or average annual inventory so as to correspond
30 with the inspection fee provided under section 54-1,108. The registration
31 fee shall be paid on an annual basis.

1 (2) The brand committee may adopt and promulgate rules and
2 regulations for the operation of registered feedlots to assure that brand
3 laws are complied with, that registered feedlot shipping certificates are
4 available, and that proper records are maintained. Violation of sections
5 54-1,120 to 54-1,122 subjects the operator to revocation or suspension of
6 the feedlot registration issued. Sections 54-1,120 to 54-1,122 shall not
7 be construed as prohibiting the operation of nonregistered feedlots.

8 (3) Registered feedlots are subject to inspection at any reasonable
9 time at the discretion of the brand committee and its authorized agents,
10 and the operator shall show cattle purchase records or certificates of
11 inspection to cover all cattle in his or her feedlot. Cattle having
12 originated from such registered feedlots may from time to time, at the
13 discretion of the committee, be subject to a spot-check inspection and
14 audit at destination to enable the brand committee to assure satisfactory
15 compliance with the brand laws by the registered feedlot operator.

16 (4) The operator of a registered feedlot shall keep cattle inventory
17 records. A form for such purpose shall be prescribed by the brand
18 committee. The brand committee and its employees may from time to time
19 make spot checks and audits of the registered feedlots and the records of
20 cattle on feed in such feedlots.

21 (5) The brand committee may rescind the registration of any
22 registered feedlot operator who fails to cooperate or violates the laws
23 or rules and regulations of the brand committee covering registered
24 feedlots.

25 Sec. 30. Section 54-1,122, Revised Statutes Cumulative Supplement,
26 2020, is amended to read:

27 54-1,122 Any cattle originating in a state that has a brand
28 inspection agency and which are accompanied by a certificate of
29 inspection or brand clearance issued by such agency may be moved directly
30 from the point of origin into a registered feedlot. Any cattle not
31 accompanied by such a certificate of inspection or brand clearance or by

1 satisfactory evidence of ownership from states or portions of states not
2 having brand inspection shall be subjected to physical inspection
3 ~~inspected~~ for brands by the Nebraska Brand Committee or, if applicable,
4 subjected to electronic inspection, within a reasonable time after
5 arrival at a registered feedlot, and the inspection fee and mileage
6 charge, if applicable, surcharge provided under section 54-1,108 shall be
7 collected by the brand inspector at the time the inspection is performed.

8 Sec. 31. A person commits a Class III felony if:

9 (1) Such person willfully and knowingly performs or causes to be
10 performed any act to:

11 (a) Apply, remove, damage, or alter an approved nonvisual
12 identifier; or

13 (b) Expunge, alter, render inaccessible, or otherwise corrupt
14 information recorded or embedded on or in an approved nonvisual
15 identifier; and

16 (2) Such conduct is done with the intent to deprive an owner of
17 livestock or falsely assert ownership of livestock.

18 Sec. 32. Section 54-1,128, Revised Statutes Cumulative Supplement,
19 2020, is amended to read:

20 54-1,128 (1) An owner may brand cattle with a brand recorded or
21 registered in another state when:

22 (a) Cattle are purchased at a livestock auction market licensed
23 under the Livestock Auction Market Act or congregated at another location
24 approved by the Nebraska Brand Committee;

25 (b) The cattle will be imminently exported from Nebraska;

26 (c) The cattle are branded at the livestock auction market or other
27 approved location; and

28 (d) An out-of-state brand permit has been obtained prior to branding
29 the cattle.

30 (2) An application for an out-of-state brand permit shall be made to
31 a brand inspector and shall include a description of the brand, a written

1 application, and a fee not to exceed fifty dollars as determined by the
2 Nebraska Brand Committee. A brand inspector shall evaluate and may
3 approve an out-of-state brand permit within a reasonable period of time.

4 (3) Cattle branded under an out-of-state brand permit shall remain
5 subject to all other brand inspection requirements under the Livestock
6 Brand Act.

7 (4) A violation of this section is an infraction. A peace officer
8 shall have the authority to write a citation, which shall be waivable, to
9 offenders in violation of this section. A fine under this section shall
10 not exceed two hundred dollars per head for each offense. Violations
11 shall be charged in the county in which the offense occurred.

12 Sec. 33. Section 54-415, Revised Statutes Cumulative Supplement,
13 2020, is amended to read:

14 54-415 Any person taking up an estray within the brand inspection
15 area or brand inspection service area shall report the same within seven
16 days thereafter to the Nebraska Brand Committee. Any person taking up an
17 estray in any other area of the state shall report the same to the county
18 sheriff of the county where the estray was taken. If the animal is
19 determined to be an estray by a representative of the Nebraska Brand
20 Committee or the county sheriff, as the case may be, such animal shall,
21 as promptly as may be practicable, be sold through the most convenient
22 livestock auction market. The proceeds of such sale, after deducting the
23 selling expenses, shall be paid over to the Nebraska Brand Committee to
24 be placed in the estray fund identified in section 54-1,118, if such
25 estray was taken up within the brand inspection area or brand inspection
26 service area, and otherwise to the treasurer of the county in which such
27 estray was taken up. During the time such proceeds are impounded, any
28 person taking up such estray may file claim with the Nebraska Brand
29 Committee or the county treasurer, as the case may be, for the expense of
30 feeding and keeping such estray while in his or her possession. When such
31 claim is filed it shall be the duty of the Nebraska Brand Committee or

1 the county board, as the case may be, to decide on the validity of the
2 claim so filed and allow the claim for such amount as may be deemed
3 equitable. When the estray is taken up within the brand inspection area
4 or brand inspection service area, such proceeds shall be impounded for
5 one year, unless ownership is determined sooner by the Nebraska Brand
6 Committee, and if ownership is not determined within such one-year
7 period, the proceeds shall be paid into the permanent school fund, less
8 the actual expenses incurred in the investigation and processing of the
9 estray fund. Any amount deducted as actual expenses incurred shall be
10 deposited in the Nebraska Brand Inspection and Theft Prevention Fund.
11 When the estray is taken up outside the brand inspection area or brand
12 inspection service area and ownership cannot be determined by the county
13 board, the county board shall then order payment of the balance of the
14 sale proceeds less expenses, to the permanent school fund. If the brand
15 committee or the county board determines ownership of an estray sold in
16 accordance with this section by means of evidence of ownership other than
17 the owner's recorded Nebraska brand, an amount not to exceed the actual
18 investigative costs or expenses may be deducted from the proceeds of the
19 sale. Any person who violates this section is guilty of a Class II
20 misdemeanor. The definitions found in sections 54-172 to 54-190 and
21 sections 3, 4, 5, 6, 7, 8, and 9 of this act apply to this section.

22 Sec. 34. Original sections 54-173, 54-176, 54-182, 54-199,
23 54-1,101, 54-1,102, 54-1,112, 54-1,113, 54-1,114, and 54-1,116, Reissue
24 Revised Statutes of Nebraska, and sections 54-170, 54-171, 54-172,
25 54-179, 54-189, 54-191, 54-198, 54-1,108, 54-1,110, 54-1,111, 54-1,115,
26 54-1,120, 54-1,122, 54-1,128, and 54-415, Revised Statutes Cumulative
27 Supplement, 2020, are repealed.