

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 572

Introduced by Halloran, 33.

Read first time January 19, 2021

Committee: Agriculture

1 A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections
2 54-173, 54-176, 54-182, 54-199, 54-1,101, 54-1,102, 54-1,112,
3 54-1,113, 54-1,114, and 54-1,116, Reissue Revised Statutes of
4 Nebraska, and sections 54-170, 54-171, 54-172, 54-179, 54-189,
5 54-198, 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 recorded livestock brand
8 requirements; to change and provide fees as prescribed; to provide
9 for electronic inspection of livestock; to provide duties; to
10 provide penalties; to change registered feedlot provisions; to
11 harmonize provisions; and to repeal the original sections.
12 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 10, 11, and 12 of this act shall be known and may be cited as the
5 Livestock Brand 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, 9, 10,
10 11, and 12 of this act shall be used.

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

15 Sec. 4. Audit means a review of supporting documents, and livestock
16 as necessary, to ensure that the Livestock Brand Act and the rules and
17 regulations of the Nebraska Brand Committee have been followed.

18 Sec. 5. Backgrounder lot means a livestock facility used as an
19 intermediate facility for growing weaned livestock until such livestock
20 enter a finishing feedlot.

21 Sec. 6. Certified bill of sale means a document generated by the
22 Nebraska Brand Committee from information provided electronically by a
23 qualified dairy when selling calves under thirty days of age for beef
24 production purposes. Such information shall include the name and physical
25 address of the seller, the name and physical address of the purchaser,
26 the number of head being sold, a physical description of the calves
27 including date of birth, the color and sex, any identifiers such as metal
28 tags or dangle tags, any brands and their location, the date of the
29 transfer of ownership, and if the assessment imposed pursuant to the
30 federal Beef Promotion and Research Order, 7 C.F.R. part 1260, has been
31 collected.

1 Sec. 7. Certified transportation permit means a document generated
2 by the Nebraska Brand Committee from information provided electronically
3 by a licensed dairy when moving calves under thirty days of age out of
4 the inspection area for beef production purposes. Such information shall
5 include the name and physical address of the owner, the number of head
6 being transported, a physical description of the calves including the
7 date of birth, the color and sex, any identifiers such as metal tags or
8 dangle tags, any brands and their location, and the actual or intended
9 date of transport.

10 Sec. 8. Electronic inspection means a method of performing
11 inspections of livestock enrolled with the Nebraska Brand Committee
12 utilizing approved non-visual identifier means of identification.

13 Sec. 9. Enrollment means the registration of livestock identified
14 by non-visual identifier means of livestock identification approved by
15 the Nebraska Brand Committee and which occurs electronically and uses
16 only those approved identifiers for evidence of ownership.

17 Sec. 10. Permanently fenced means fencing of a permanent nature and
18 of sufficient construction and design to minimize the potential for
19 ingress or egress of livestock into or from a facility utilized as a
20 backgrounder lot or finishing feedlot, and to minimize the potential for
21 intermingling of livestock intended to be segregated in separate
22 enclosures while within such facility.

23 Sec. 11. Physical inspection means an inspection for purposes of
24 the Livestock Brand Act performed by an employee of the Nebraska Brand
25 Committee physically present at the location of the inspected animals to
26 verify ownership through visual observation of brands or other
27 distinguishing markings and physical characteristics of the livestock and
28 examination of any associated documentary or other evidence of ownership.

29 Sec. 12. Qualified dairy means a milk production facility with a
30 Grade A milk producer permit or a manufacturing grade milk producer
31 permit pursuant to section 2-3968 of the Nebraska Milk Act.

1 Sec. 13. Section 54-172, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 54-172 Bill of sale means a formal instrument for the conveyance or
4 transfer of title to livestock or other goods and chattels. The bill of
5 sale shall state the purchaser's name and address, the date of transfer,
6 the guarantee of title, the number of livestock transferred, the sex of
7 such livestock, the brand or brands, the location of the brand or brands
8 or a statement to the effect that the animal is unbranded, any approved
9 non-visual identifiers, and the name and address of the seller. The
10 signature of the seller shall be attested by at least one witness or
11 acknowledged by a notary public or by some other officer authorized by
12 state law to take acknowledgments. For any conveyance or transfer of
13 title to cattle subject to assessment imposed pursuant to the federal
14 Beef Promotion and Research Order, 7 C.F.R. part 1260, for which the
15 purchaser is the collecting person pursuant to 7 C.F.R. 1260.311 for
16 purposes of collecting and remitting such assessment, the bill of sale
17 shall include a notation of the amount the purchaser collected from the
18 seller or deducted from the sale proceeds for the assessment. A properly
19 executed bill of sale means a bill of sale that is provided by the seller
20 and received by the purchaser.

21 Sec. 14. Section 54-173, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 54-173 Brand clearance means the documentary evidence of ownership
24 that is issued and signed by a brand inspector and given to persons who
25 have legally purchased cattle at a livestock auction or sale where a
26 brand inspection service is provided. The brand clearance shall give the
27 name and address of sale or auction where issued, the name of purchaser,
28 the number and sex of cattle, any the brands, if any, and the location of
29 any brands on the cattle, and any approved non-visual identifiers.

30 Sec. 15. Section 54-176, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 54-176 Brand inspector means a person employed by the Nebraska Brand
2 Committee, or some other brand inspection agency, inside or outside of
3 the State of Nebraska, for the purpose of identifying brands, marks, or
4 other identifying characteristics of livestock or approved non-visual
5 identifiers to determine the existence of such brands, marks, or
6 identifying characteristics or identifiers and from such determinations
7 attempt to establish correct and true ownership of such livestock, and
8 generally carry out the provisions and enforcement of all laws pertaining
9 to brands, brand inspection, physical inspection, electronic inspection,
10 and associated livestock laws.

11 Sec. 16. Section 54-179, Revised Statutes Cumulative Supplement,
12 2020, is amended to read:

13 54-179 Certificate of inspection means the official document issued
14 and signed by a brand inspector authorizing (1) movement of livestock
15 from a point of origin within the brand inspection area to a destination
16 either inside or outside of the brand inspection area or outside of this
17 state, (2) slaughter of livestock as specified on such certificate, or
18 (3) the change of ownership of livestock as specified on such
19 certificate. A certificate of inspection shall designate, as needed, the
20 name of the shipper, consignor, or seller of the livestock, the purchaser
21 or consignee of the livestock, the destination of the livestock, the
22 vehicle license number or carrier number, the miles driven by an
23 inspector to perform inspection, the amount of inspection fees collected,
24 the number and sex of the livestock to be moved or slaughtered, any the
25 brands, ~~if any,~~ on the livestock, any approved non-visual identifiers,
26 and the brand owner. A certificate of inspection shall be construed and
27 is intended to be documentary evidence of ownership on all livestock
28 covered by such document.

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

31 54-182 Investigator means an employee of the Nebraska Brand

1 Committee who is also a deputy state sheriff and has the duty,
2 responsibility, and authority to enforce all state statutes pertaining to
3 brands, brand inspection, physical inspection, electronic inspection, and
4 associated livestock laws. An investigator is also responsible for the
5 investigation of all problems associated with brands, brand inspection,
6 and associated livestock enforcement problems.

7 Sec. 18. Section 54-189, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 54-189 Satisfactory evidence of ownership consists of the brands,
10 tattoos, or marks on the livestock; approved non-visual identifiers;
11 point of origin of livestock; the physical description of the livestock;
12 the documentary evidence, such as bills of sale, brand clearance,
13 certificates of inspection, breed registration certificates, animal
14 health or testing certificates, genomic testing certificates, recorded
15 brand certificates, purchase sheets, scale tickets, disclaimers of
16 interest, affidavits, court orders, security agreements, powers of
17 attorney, canceled checks, bills of lading, or tags; and such other
18 facts, statements, or circumstances that taken in whole or in part cause
19 an inspector to believe that proof of ownership is established.

20 Sec. 19. Section 54-198, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

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

1 used to apply a brand to a live animal.

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

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

20 Sec. 20. Section 54-199, Reissue Revised Statutes of Nebraska, is
21 amended to read:

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

30 (2) For recording of visual brands, upon receipt of a facsimile of
31 the brand, an application, and the required fee, the brand committee

1 shall determine compliance with the following requirements:

2 (a) The brand shall be an identification mark that is applied to the
3 hide of a live animal by hot iron branding or by either hot iron branding
4 or freeze branding. The brand shall be on either side of the animal in
5 any one of three locations, the shoulder, ribs, or hip;

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

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

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

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

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

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

1 Act.

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

12 (5) The brand committee may by rule and regulation provide for the
13 use of approved non-visual identifiers for purposes of enrolling cattle
14 identified by such method of livestock identification. Such method of
15 livestock identification shall be approved only if it functions as a
16 means of identifying ownership of livestock and is equal to or superior
17 to visual methods of livestock branding. Before approving any non-visual
18 identifier, the brand committee shall consider the degree to which such
19 method may be susceptible to error, failure, or fraudulent alteration.
20 Any rule or regulation shall be adopted and promulgated only after public
21 hearing conducted in compliance with the Administrative Procedure Act.

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

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

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

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

6 Sec. 22. Section 54-1,102, Reissue Revised Statutes of Nebraska, is
7 amended to read:

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

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

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

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

1 be transferred to another person during such one-year period upon
2 completion of a transfer form, with a notarized bill of sale signed by
3 the prior owner attached to such transfer form.

4 Sec. 23. Section 54-1,108, Revised Statutes Cumulative Supplement,
5 2020, is amended to read:

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

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

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

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

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

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

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

29 (2)(a) The brand committee may provide for electronic inspection of
30 enrolled cattle identified by approved non-visual identifiers pursuant to
31 subsection (5) of section 54-199. The brand committee shall establish

1 procedures for enrollment of such cattle with the brand committee which
2 shall include providing acceptable certification or evidence of
3 ownership. Electronic inspection shall not require agency employees to be
4 present, except that random audits shall occur.

5 (b) An electronic inspection fee not to exceed ninety-five cents per
6 head until June 30, 2023, and beginning July 1, 2023, a fee established
7 by the brand committee of not more than one dollar and fifty cents per
8 head shall be charged for all cattle subjected to electronic inspection
9 in accordance with the Livestock Brand Act or 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 Nebraska Brand Committee on calves under thirty days
13 of age. 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 Nebraska Brand Committee on calves under thirty days of age which are
18 moved 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 submit
21 a report to the Legislature describing actions taken or necessary for
22 implementing electronic inspection authorized by this subsection. Such
23 report shall describe personnel and other resources utilized to support
24 electronic inspection, how the brand committee's information technology
25 capabilities are utilized to support electronic inspection, a listing of
26 approved non-visual identifiers, the requirements for enrolling cattle
27 identified by approved non-visual identifiers, current and anticipated
28 utilization of electronic inspection by the livestock industry, and the
29 fees required to recover 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. 24. 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. 25. 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. 26. 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. 27. 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. 28. 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. 29. 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. 30. 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. 31. 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 annual
16 ~~initial~~ registration fee of two hundred fifty dollars and an annual audit
17 fee by the applicant, the brand committee shall issue a registration
18 number and registration certificate valid for one year unless rescinded
19 for cause. If the registration is rescinded for cause, any annual
20 registration fee and annual audit fee shall be forfeited by the
21 applicant. The annual audit ~~initial~~ fee for a registered feedlot shall be
22 an amount that is fifty percent of the amount calculated by multiplying
23 the per head inspection fee imposed pursuant to section 54-1,108 by the
24 capacity of the registered feedlot rounded up to the nearest one thousand
25 head capacity for a registered feedlot having one thousand head or less
26 capacity and an equal amount for each additional one thousand head
27 capacity, or part thereof, of such registered feedlot. For each
28 subsequent year, the renewal fee for a registered feedlot shall be an
29 amount for the first one thousand head or portion thereof of average
30 annual inventory of cattle on feed of the registered feedlot and an equal
31 amount for each additional one thousand head or portion thereof of

1 ~~average annual inventory of cattle on feed of the registered feedlot. The~~
2 ~~brand committee shall set the fee per one thousand head capacity or~~
3 ~~average annual inventory so as to correspond with the inspection fee~~
4 ~~provided under section 54-1,108. The registration fee and audit fee shall~~
5 ~~be paid on an annual basis and shall be due and payable on the annual~~
6 ~~registration date of the registered feedlot.~~

7 (2) The brand committee may adopt and promulgate rules and
8 regulations for the operation of registered feedlots to assure that brand
9 laws are complied with, that registered feedlot shipping certificates are
10 available, and that proper records are maintained. Violation of sections
11 54-1,120 to 54-1,122 subjects the operator to revocation or suspension of
12 the feedlot registration issued. Sections 54-1,120 to 54-1,122 shall not
13 be construed as prohibiting the operation of nonregistered feedlots.

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

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

27 (5) The brand committee may rescind the registration of any
28 registered feedlot operator who fails to cooperate or violates the laws
29 or rules and regulations of the brand committee covering registered
30 feedlots.

31 Sec. 32. Section 54-1,122, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 54-1,122 (1) Any cattle originating in a state that has a brand
3 inspection agency and which are accompanied by a certificate of
4 inspection or brand clearance issued by such agency may be moved directly
5 from the point of origin into a registered feedlot. Any cattle not
6 accompanied by such a certificate of inspection or brand clearance or by
7 satisfactory evidence of ownership from states or portions of states not
8 having brand inspection shall be subjected to physical inspection
9 ~~inspected~~ for brands by the Nebraska Brand Committee or, if applicable,
10 subjected to electronic inspection, within a reasonable time after
11 arrival at a registered feedlot, and the inspection fee and mileage
12 charge, if applicable, surcharge provided under section 54-1,108 shall be
13 collected by the brand inspector at the time the inspection is performed.

14 (2)(a) A registered feedlot utilizing a backgrounder lot within the
15 brand area may utilize such backgrounder lot with such registered feedlot
16 for the purpose of movement of cattle into the registered feedlot without
17 brand inspection if the following requirements are satisfied:

18 (i) One hundred percent of the cattle are in the management of the
19 registered feedlot with which a backgrounder lot is utilized;

20 (ii) The backgrounder lot is permanently fenced; and

21 (iii) Satisfactory documentary evidence of ownership issued at the
22 point of origin accompanies the cattle from the affiliated backgrounder
23 lot to the registered feedlot.

24 (b) An annual enrollment fee of not more than fifty dollars shall be
25 paid by a registered feedlot on each backgrounder lot utilized with such
26 registered feedlot.

27 Sec. 33. Section 54-1,128, Revised Statutes Cumulative Supplement,
28 2020, is amended to read:

29 54-1,128 (1) An owner may brand cattle with a brand recorded or
30 registered in another state when:

31 (a) Cattle are purchased at a livestock auction market licensed

1 under the Livestock Auction Market Act or congregated at another location
2 approved by the Nebraska Brand Committee;

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

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

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

8 (2) An application for an out-of-state brand permit shall be made to
9 a brand inspector and shall include a description of the brand, a written
10 application, and a fee not to exceed fifty dollars as determined by the
11 Nebraska Brand Committee. A brand inspector shall evaluate and may
12 approve an out-of-state brand permit within a reasonable period of time.

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

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

21 Sec. 34. Section 54-415, Revised Statutes Cumulative Supplement,
22 2020, is amended to read:

23 54-415 Any person taking up an estray within the brand inspection
24 area or brand inspection service area shall report the same within seven
25 days thereafter to the Nebraska Brand Committee. Any person taking up an
26 estray in any other area of the state shall report the same to the county
27 sheriff of the county where the estray was taken. If the animal is
28 determined to be an estray by a representative of the Nebraska Brand
29 Committee or the county sheriff, as the case may be, such animal shall,
30 as promptly as may be practicable, be sold through the most convenient
31 livestock auction market. The proceeds of such sale, after deducting the

1 selling expenses, shall be paid over to the Nebraska Brand Committee to
2 be placed in the estray fund identified in section 54-1,118, if such
3 estray was taken up within the brand inspection area or brand inspection
4 service area, and otherwise to the treasurer of the county in which such
5 estray was taken up. During the time such proceeds are impounded, any
6 person taking up such estray may file claim with the Nebraska Brand
7 Committee or the county treasurer, as the case may be, for the expense of
8 feeding and keeping such estray while in his or her possession. When such
9 claim is filed it shall be the duty of the Nebraska Brand Committee or
10 the county board, as the case may be, to decide on the validity of the
11 claim so filed and allow the claim for such amount as may be deemed
12 equitable. When the estray is taken up within the brand inspection area
13 or brand inspection service area, such proceeds shall be impounded for
14 one year, unless ownership is determined sooner by the Nebraska Brand
15 Committee, and if ownership is not determined within such one-year
16 period, the proceeds shall be paid into the permanent school fund, less
17 the actual expenses incurred in the investigation and processing of the
18 estray fund. Any amount deducted as actual expenses incurred shall be
19 deposited in the Nebraska Brand Inspection and Theft Prevention Fund.
20 When the estray is taken up outside the brand inspection area or brand
21 inspection service area and ownership cannot be determined by the county
22 board, the county board shall then order payment of the balance of the
23 sale proceeds less expenses, to the permanent school fund. If the brand
24 committee or the county board determines ownership of an estray sold in
25 accordance with this section by means of evidence of ownership other than
26 the owner's recorded Nebraska brand, an amount not to exceed the actual
27 investigative costs or expenses may be deducted from the proceeds of the
28 sale. Any person who violates this section is guilty of a Class II
29 misdemeanor. The definitions found in sections 54-172 to 54-190 and
30 sections 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of this act apply to this
31 section.

1 Sec. 35. Original sections 54-173, 54-176, 54-182, 54-199,
2 54-1,101, 54-1,102, 54-1,112, 54-1,113, 54-1,114, and 54-1,116, Reissue
3 Revised Statutes of Nebraska, and sections 54-170, 54-171, 54-172,
4 54-179, 54-189, 54-198, 54-1,108, 54-1,110, 54-1,111, 54-1,115, 54-1,120,
5 54-1,122, 54-1,128, and 54-415, Revised Statutes Cumulative Supplement,
6 2020, are repealed.