

LEGISLATIVE BILL 564

Approved by the Governor April 20, 1979

Introduced by Agriculture and Environment Committee, Schmit, 23, Chmn.; Lamb, 43; DeCamp, 40; Nichol, 48; Kahle, 37; R. Maresh, 32

AN ACT to amend sections 54-101, 54-101.01, 54-107, 54-110, 54-115 to 54-117, 54-130, 54-133, 54-133.03, 54-143.01 to 54-144, 54-145.06, 54-152, 54-153.01, 54-156, 54-164, and 54-415, Revised Statutes Supplement, 1978, relating to livestock brands; to redefine terms; to harmonize provisions; to provide a penalty as prescribed; and to repeal the original sections, and also sections 54-124 and 54-128, Revised Statutes Supplement, 1978.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 54-101, Revised Statutes Supplement, 1978, be amended to read as follows:

54-101. As used in sections 54-101.01 to 54-156, 54-415, and 54-1183 to 54-1186, unless the context otherwise requires:

(1) A brand shall mean an identification mark that is burned into the hide of a live animal by a hot iron on either side in any one of three locations, the shoulder, ribs, or hip, and is recorded in the office of the Nebraska Brand Committee as provided by law;

(2) Certificate of inspection shall mean the official document as issued and signed by a brand inspector authorizing movement of livestock from a point of origin within the brand inspection area to a destination either in or out of the brand inspection area or out of state, or authorizing slaughter of livestock as specified on such certificate, or authorizing the change of ownership of livestock as specified on such certificate. Such certificate of inspection shall designate and require the name of the shipper, consignor, or seller of the livestock, the purchaser or consignee of such the livestock, the destination of livestock, the method of transportation, the vehicle license number or railroad car number when available, the miles driven by brand inspector to perform inspection, the amount of brand inspection fees collected, the number and sex of livestock to be moved or slaughtered, the brands, if any, on the animal or animals and the brand owner. A certificate of inspection shall be construed and intended to be documentary evidence of ownership on all cattle

covered by such document;

(3) Brand clearance shall mean the documentary evidence of ownership that is issued and signed by a brand inspector and given to persons who have legally purchased cattle at a livestock auction or sale where a brand inspection service is provided. Such brand clearance shall give the name and address of sale or auction where issued, the name of purchaser, the number and sex of cattle, the brands, if any, and the location on the animal or animals;

(4) Brand committee shall mean the governing body and administrative agency as established under sections 54-135 and 54-136;

(5) Brand inspection agency shall mean an agency of a state, or a duly organized livestock association of a state, authorized by state and federal law to charge and collect at designated stockyards, packing plants, sales barns, or farm and ranch loading points, a reasonable and nondiscriminatory fee for the inspection of brands, marks, and other identifying characteristics of livestock originating in or shipped from such state for the purpose of determining the ownership of such livestock;

(6) Brand inspector shall mean a person employed by the Nebraska Brand Committee, or some other brand inspection agency, within or without the State of Nebraska, for the purpose of identifying brands or marks, or other identifying characteristics of livestock, to determine the existence of such brands or marks or identifying characteristics and from such determinations attempt to establish correct and true ownership of such livestock, and generally carry out the provisions and enforcement of all laws pertaining to brands, brand inspection and associated livestock laws. At any time a brand inspection is required by law, any duly authorized Nebraska brand inspector or brand investigator shall have the authority to transfer evidence of ownership of such cattle from a seller to a buyer by issuing a certificate of inspection;

(7) Stockyard shall mean any place, establishment, or facility commonly known as stockyards conducted or operated for compensation or profit as a public market, consisting of pens or other enclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce;

(8) Stockyard owner shall mean any person engaged in the business of owning or conducting or operating a stockyard;

(9) Stockyard services shall mean services or facilities furnished at a stockyard in connection with the receiving, buying, or selling on a commission basis or otherwise, marketing, feeding, watering, holding, delivering, shipping, weighing, or handling, in commerce, of livestock;

(10) Sales ring shall mean any place, establishment, or facility conducted or operated for compensation or profit as a public market, consisting of pens or other enclosures, barns, stables, sheds, and their appurtenances, including saddle and work stock, and vehicles used in connection therewith or in the operation thereof, where livestock not owned by the owner or operator is received, held or kept for any purpose other than (a) immediate shipment by rail, or immediate slaughter, (b) for grazing, feeding or breeding, or (c) for the sale and exchange of breeding stock by a bona fide livestock association;

(11) Sales ring operator shall mean any person in control of the management or operation of a sales ring;

(12) Open market shall mean a sales barn, market agency, stockyard, or packing plant, or terminal market located out of the Nebraska brand inspection area as defined in section 54-134, or out of the confines and boundaries of the State of Nebraska, declared as such by the Nebraska Brand Committee under section 54-142, where brand inspection is maintained either by the Nebraska Brand Committee employees or by some other state under a reciprocal agreement as allowed under the Packers and Stockyards Act, 1921, as amended;

(13) Market agency shall mean any person engaged in the business of (a) buying or selling in commerce livestock on a commission basis, or (b) furnishing stockyard services;

(14) Cattle shall mean bovine cattle only, and shall not relate to or include any other kind of domestic animal;

(15) Livestock shall mean any domestic neat cattle, horses, mules, donkeys, sheep, or swine;

(16) Hide shall mean the skin or outer covering of an animal whether raw or dressed, alive or dead;

(17) Carcasses shall mean the body or bodies, or part thereof but not less than one-fourth of a body of any dead or slaughtered domestic neat cattle, horses, mules, donkeys, sheep, or swine;

(18) Slaughterhouse shall mean an establishment that slaughters, kills, or butchers livestock, either for itself or for others, for compensation or otherwise disposes of such livestock in a processed or semiprocessed manner;

(19) Packing plant or packing house shall mean an establishment for slaughtering, processing, and packing livestock into meat, meat products, and by-products or for processing and packing other foodstuffs;

(20) Dealer shall mean any person, not a market agency, engaged in the business of buying or selling in commerce livestock either on his or her own account or as the employee or agent of the vendor or purchaser;

(21) Estray shall mean any neat cattle, horse, mule, donkey, sheep, or swine, found running at large upon public or private lands, either fenced or unfenced, in the State of Nebraska, whose owner is unknown in the area where found, or is branded with a brand which is not on record in the office of the Nebraska Brand Committee;

(22) Interstate shall mean from or between points in one state and points in another state;

(23) Intrastate shall mean within the state;

(24) Moved or movement shall mean, as applied to livestock, transported, shipped, delivered, or received for transportation, driven on foot or caused to be driven on foot by any person, or shipped or delivered or received for transportation by any person;

(25) Brand inspection area shall mean that portion of the State of Nebraska designated by the Legislature as a brand area as set forth in section 54-134, where brand inspection shall be mandatory and performed on all cattle sold at auction markets, packing plants, slaughterhouses, or farm or ranch sales within such area, and on all other cattle prior to leaving such brand inspection area, unless destined for an open market designated as such by the Nebraska Brand Committee;

(26) Investigators shall mean such employees of the Nebraska Brand Committee as are commissioned deputy state sheriffs and shall have the duty, responsibility, and authority to enforce all state statutes pertaining to

brands, brand inspection, and associated livestock laws, whether civil or criminal. Such investigators shall also be responsible for the investigation of all problems associated with brands, brand inspection, and associated livestock enforcement problems;

(27) Satisfactory evidence of ownership shall consist of the brands, tattoos, or marks on the livestock; point of origin of livestock; the physical description of the livestock; the documentary evidence, such as bills of sale, brand clearance, certificates of brand inspection, breed registration certificates, animal health or testing certificates, brand recording certificates, purchase sheets, scale tickets, disclaimers of interest, affidavits, court orders, security agreements, powers of attorney, canceled checks, bills of lading, or tags; and such other facts, statements, or circumstances that taken in whole or in part cause a brand inspector to believe that proof of ownership is established;

(28) Bill of sale shall mean a formal instrument for the conveyance or transfer of title to livestock or other goods and chattels;

(29) Estray fund shall mean the fund that the Nebraska Brand Committee receives from the sale of any estray livestock. Such fund shall be disposed of in the manner provided in section 54-415;

(30) Daylight hours shall mean from sunrise to sunset;

(31) Acid brand shall mean any such mark or brand that has been applied by use of a chemical compound and when so used causes a scar-like tissue to form on the hide of a live animal;

(32) Freeze brand shall mean any such mark or brand that is created on a live animal in a depigmentation technique, whereby the pigment producing cells in the skin of an animal are destroyed by the application of intense cold to the skin area;

(33) Chairman shall mean the presiding officer of the Nebraska Brand Committee;

(34) Unbranded shall mean that any such designated livestock does not carry a brand of any kind;

(35) Branded shall mean any such designated livestock carries a brand of any kind defined in this section; Provided, a legal brand for identification in

Nebraska shall be as defined in subdivision (1) of this section;

(36) Registered feedlot shall mean but not be limited to any permanent, fenced, drylot status area where cattle are fed and finished for slaughter purposes, which lot has been inspected and registered and for which a permit has been issued;

(37) Brand Recorder shall mean a person employed by the Nebraska Brand Committee who shall be responsible for the processing of all applications for the recording of new livestock brands, the transfer of ownership of existing livestock brands, maintenance of accurate and permanent records relating to each and every livestock brand of record, and such other duties as may be required by the Nebraska Brand Committee to satisfactorily carry out the provisions of sections 54-101 to 54-156; and

(38) In subdivisions (1) to (37) of this section, when the context or the circumstances so require, words importing a singular number may be expanded to several persons or things, and words importing the plural number may be applied to one person or thing, and words importing the masculine gender only may be expanded to the feminine or neuter gender.

All subdivisions of this section shall apply to sections 54-133.01 to 54-133.03 with the exception of the manner in which a year brand or production recording brand may be applied.

It shall be permissible to use a freeze brand, but only for the year brand or the production recording brand.

Sec. 2. That section 54-101.01, Revised Statutes Supplement, 1978, be amended to read as follows:

54-101.01. After January 1, 1962, it shall be unlawful to brand any live animal except by the use of a hot iron. ~~Any person, association, firm, or corporation violating the provisions of this section shall be guilty of a Class IV misdemeanor. The penalty for violation of this section shall be as provided in section 54-156.~~

Sec. 3. That section 54-107, Revised Statutes Supplement, 1978, be amended to read as follows:

54-107. ~~Any person, persons, association, firm or corporation, who shall violate the provisions of section 54-106 shall be guilty of a Class IV misdemeanor. The penalty for violation of section 54-106, Revised~~

Statutes Supplement, 1978, shall be as provided in section 54-156.

Sec. 4. That section 54-110, Revised Statutes Supplement, 1978, be amended to read as follows:

54-110. It shall be the duty of the Nebraska Brand Committee from time to time to cause to be published in book form a list of all brands and marks on record at the time of such publication. Such lists may be supplemented from time to time. The publication shall contain a facsimile of all brands and marks recorded, together with the owner's name and post-office address. The records shall be arranged in convenient form for reference. It shall be the duty of the Nebraska Brand Committee to send, without any charge, ~~thirteen~~ four copies to the Nebraska Publications Clearinghouse, and to each brand inspector of record and to the county sheriff of each county in the State of Nebraska brand--inspection area one copy of the brand and mark book and supplements thereto, which shall be kept as a matter of public record. The books and supplements may be sold to the general public at not to exceed the actual cost of printing.

Sec. 5. That section 54-115, Revised Statutes Supplement, 1978, be amended to read as follows:

54-115. It shall be the duty of any person or persons, organization or corporation, who bring into any county of this state for grazing purposes, any animals mentioned in section 54-102, already branded or marked, to lay before the Nebraska Brand Committee a statement of the brands or marks of such animals, and if such brands or marks conflict with any previously recorded, it shall be the duty of the owner or manager of such animals to brand or mark them with a brand or mark that the Nebraska Brand Committee shall consider a full distinguishable brand or mark from all brands or marks recorded, and such owner shall be enjoined from the further use of the conflicting brand or mark. A failure to comply with the provisions of this section shall render the party so violating liable for all damages resulting from such failure. This section shall apply to all animals in any county in this state whose brands or marks infringe on previously recorded brands or marks. The penalty for violation of this section shall be as provided in section ~~54-428~~ 54-156.

Sec. 6. That section 54-116, Revised Statutes Supplement, 1978, be amended to read as follows:

54-116. No person or persons, whether as principal or agent, shall hereafter sell or otherwise dispose of any livestock, nor shall any person, whether as principal or agent, buy, purchase, or otherwise receive any such stock, unless the person or persons so selling or disposing of any such stock shall give, and the person or persons buying, purchasing or otherwise receiving any such stock shall receive, a properly executed bill of sale in writing to the stock so sold; Provided, anyone having cattle which were inspected pursuant to section 54-152 shall be deemed to have complied with this section. Any person who shall violate or fail to comply with any of the provisions of this section shall be deemed guilty of a Class II misdemeanor. The penalty for violation of this section shall be as provided in section 54-156.

Sec. 7. That section 54-117, Revised Statutes Supplement, 1978, be amended to read as follows:

54-117. It shall be the duty of any person who has purchased or received, or has in his or her possession any livestock, either for himself or herself or for another, to exhibit, on request of any person inquiring therefor, the bill of sale or other satisfactory evidence of ownership of such stock. Any person violating or failing to comply with the provisions of this section shall be deemed guilty of a Class II misdemeanor. The penalty for violation of this section shall be as provided in section 54-156.

Sec. 8. That section 54-130, Revised Statutes Supplement, 1978, be amended to read as follows:

54-130. Any person who shall violate the provisions of section 54-129 or willfully neglect or refuse to do any act therein required, shall be guilty of a Class III misdemeanor. The penalty for violation of section 54-129, Reissue Revised Statutes of Nebraska, 1943, shall be as provided in section 54-156.

Sec. 9. That section 54-133, Revised Statutes Supplement, 1978, be amended to read as follows:

54-133. Any person, firm, corporation, state or federal agency which violates any of the provisions of sections 54-131 and 54-132 shall be deemed guilty of a Class IV misdemeanor. The penalty for violation of sections 54-131 and 54-132, Revised Statutes Supplement, 1978, shall be as provided in section 54-156.

Sec. 10. That section 54-133.03, Revised Statutes Supplement, 1978, be amended to read as follows:

54-133.03. ~~Any person, association or corporation or the agent thereof who violates any of the provisions of section 54-133.01 or 54-133.02, shall be deemed guilty of a Class V misdemeanor. The penalty for violation of section 54-133.01 or 54-133.02, Reissue Revised Statutes of Nebraska, 1943, shall be as provided in section 54-156.~~

Sec. 11. That section 54-143.01, Revised Statutes Supplement, 1978, be amended to read as follows:

54-143.01. Whenever any person is arrested for a violation of any provision of sections 54-101 to 54-155, punishable as a misdemeanor, the arresting officer shall, except as otherwise provided in this section, take the name and address of such person and the license number of his or her motor vehicle. Such officer shall issue a summons or otherwise notify him or her in writing to appear at a time and place to be specified in such summons or notice. Such time shall be at least five days after such arrest, unless the person arrested shall demand an earlier hearing. Such person shall, if he or she so desires, have a right to an immediate hearing or a hearing within twenty-four hours at a convenient hour, such hearing to be before a magistrate within the county wherein such offense was committed. Such officer shall thereupon, and upon the giving by such person of his or her written promise to appear at such time and place, forthwith release him from custody. Any person refusing to give such written promise to appear shall be taken immediately by the arresting officer before the nearest or most accessible magistrate. The penalty for violation of this section shall be as provided in section 54-156. ~~Any person who willfully violates his written promise to appear, given in accordance with this section, shall be guilty of a Class III misdemeanor regardless of the disposition of the charge upon which he was originally arrested.~~

Sec. 12. That section 54-143.02, Revised Statutes Supplement, 1978, be amended to read as follows:

54-143.02. No consignment of livestock within, entering into, or passing through the brand area of Nebraska, after having been inspected by a duly authorized brand inspector, shall be permitted to intermingle with any other cattle located within the brand area of Nebraska. If at any time after brand inspection has been performed or a certificate has been issued on any shipment of livestock by a duly authorized inspector and the cattle become intermingled with other livestock located within the brand area, the original brand inspection shall become void and before further

movement of the cattle out of the brand area may be made, reinspection for identification of brands shall be required to be performed by a Nebraska brand inspector. A Nebraska brand inspector may require reinspection if he or she has reason to believe a consignment of livestock has become intermingled. The penalty for violation of this section shall be as provided in section 54-156. Any person violating the provisions of this section shall be deemed guilty of a class IV misdemeanor.

Sec. 13. That section 54-144, Revised Statutes Supplement, 1978, be amended to read as follows:

54-144. If ~~When~~ cattle are shipped--to---an consigned for sale to any commission company at any open market designated as such by the Nebraska Brand Committee, where brand inspection is maintained, no brand inspection is shall be required at the point of loading origin, but shall be required at the point of destination unless the point of origin is a duly registered feedlot. If cattle are billed-to consigned to a commission company at an open market, it shall be unlawful for the railroad company, motor carrier, or any other carrier transporting the cattle to allow the owner, shipper, or party in charge to change the billing to a any point other than the commission company at the open market designated in section-54-142, on the original billing, unless the carrier secures from the Nebraska Brand Committee a valid certificate of the brand--or--brands inspection on the cattle so consigned. Any cattle originating in a Nebraska registered feedlot, as provided for in sections 54-159 to 54-168, consigned to a commission company at any terminal market destined for direct slaughter, may be shipped in accordance with rules and regulations governing registered feedlots.

Sec. 14. That section 54-145.06, Revised Statutes Supplement, 1978, be amended to read as follows:

54-145.06. Any person who shall fail to possess and exhibit on demand of any peace officer, the permit required by section 54-145.01, showing all particulars set forth in section 54-145.03 as to any head of livestock, shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to the penalty as provided in section 54-156. ~~Any such person who exhibits any false or forged permit as to any of such matters shall be guilty of a Class II misdemeanor.~~

Sec. 15. That section 54-152, Revised Statutes Supplement, 1978, be amended to read as follows:

54-152. No owner, seller, shipper, person, persons, or their servant or servants, or agent or agents shall sell or cause to be sold or offer for sale any cattle at any livestock auction market, farm or ranch sale, within the brand area of the State of Nebraska or at any market designated as an open market by the Nebraska Brand Committee until all such cattle are first inspected for brands on the premises by the Nebraska Brand Committee; Provided, only cattle originating in the Nebraska brand area are covered by this section when consigned to an open market. No person, firm, association, partnership or corporation shall sell or trade any cattle located within the brand area of Nebraska, nor shall any person, firm, association, partnership or corporation buy or purchase any such cattle, unless and until each such animal has been inspected for brands and ownership and a brand inspection certificate or clearance issued by the Nebraska Brand Committee. Any person, firm, association, partnership, corporation or authorized agent selling such cattle shall present to the brand inspector a properly executed bill of sale, brand clearance, or other satisfactory evidence of ownership, which shall be filed with the original inspection certificate in the records of the Nebraska Brand Committee. At any time a brand inspection is required by law, any duly authorized Nebraska brand inspector or brand investigator shall have the authority to transfer evidence of ownership of such cattle from a seller to a buyer. The only exceptions to the provisions of this section shall be: (1) Cattle that fall under the provisions of the registered feedlot laws, rules, and regulations; (2) no brand inspection shall be required when cattle or other livestock are transferred to a family corporation when all the shares of capital stock of the corporation are owned by the husband, wife, children, or grandchildren of the transferor and there is no consideration for the transfer other than the issuance of stock of the corporation to such family members; and (3) no brand inspection shall be required when the change of ownership of cattle is a change in form only and the surviving interests are in the exact proportion as the original interest of ownership. When there is a change of ownership described in subdivision (2) or (3) of this section, an affidavit, on a form prescribed by the Nebraska Brand Committee, signed by the transferor and stating the nature of the transfer and the number of cattle involved and the brands presently on the cattle, shall be filed with the Nebraska Brand Committee.

Sec. 16. That section 54-153.01, Revised Statutes Supplement, 1978, be amended to read as follows:

54-153.01. Any person who shall offer as evidence of ownership for any livestock sold, traded, or otherwise disposed of as provided in sections 54-101 to 54-156, any forged, altered, or otherwise falsely-prepared document or form, knowing the same to be forged, altered, or otherwise falsely prepared, or otherwise knowingly misrepresent or misuse any certificate of inspection or other evidence of ownership or origin as defined in subdivision (27) of section 54-101, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished as provided in section 54-156, by a fine of not more than five hundred dollars, or by imprisonment for not more than one year in the county jail, or by both such fine and imprisonment. Any person who shall forge, alter, or otherwise change in any manner any of the forms or documents as defined in subdivision (27) of section 54-101, or any other form or document required by or provided for in sections 54-101 to 54-156 shall be guilty of a ~~misdemeanor, and shall, upon conviction thereof, be punished as provided in section 54-156, by a fine of not more than five hundred dollars, or by imprisonment for not more than one year in the county jail, or by both such fine and imprisonment.~~

Sec. 17. That section 54-156, Revised Statutes Supplement, 1978, be amended to read as follows:

54-156. Any person, persons, firm, association or corporation, including any railroad company or other carrier, who shall violate any provision of sections 54-101 to 54-156 ~~54-143 to 54-155, for which a specific penalty is not now provided for therein,~~ shall be deemed guilty of a Class II misdemeanor.

Sec. 18. That section 54-164, Revised Statutes Supplement, 1978, be amended to read as follows:

54-164. Cattle sold or shipped from a registered feedlot, for purposes other than direct slaughter or sale on any terminal market, shall be subject to the brand inspection laws of the State of Nebraska as provided for in sections 54-143 and 54-152 and the seller or shipper shall bear the cost of inspection at the regular fee, except that if such cattle are consigned to a commission company at an open market and intended for direct slaughter, the cattle will not be required to have a brand inspection at such open market, but which are not sold for slaughter, must be inspected by the Nebraska Brand Committee and the seller shall bear the cost of inspection at the regular fee.

Sec. 19. That section 54-415, Revised Statutes Supplement, 1978, be amended to read as follows:

54-415. It shall be the duty of any person taking up an estray to report the same within forty-eight hours thereafter to the Nebraska Brand Committee, if within the brand inspection area, or to the county sheriff of the county where the estray was taken up, if without the brand inspection area. If the animal is determined to be an estray by a representative of the Nebraska Brand Committee or the county sheriff, as the case may be, such animal shall, as promptly as may be practicable, be sold through the most convenient livestock auction market. The proceeds of such sale, after deducting the selling expenses, shall be paid over to the Nebraska Brand Committee to be placed in the Estray Fund, if such estray was taken up within the brand inspection area, and otherwise to the treasurer of the county in which such estray was taken up. During the time such proceeds are impounded, any person taking up such estray may file claim with the Nebraska Brand Committee or the county treasurer, as the case may be, for the expense of feeding and keeping such estray while in his or her possession. When such claim is filed it shall be the duty of the Nebraska Brand Committee or the county board, as the case may be, to decide on the validity of the claim so filed and allow the claim for such amount as may be deemed equitable. Such proceeds shall be impounded for one year, unless sooner claimed by the owner of the estray, and if not claimed within such time shall be paid into the state school fund, less the actual expenses incurred in the investigation and processing of the entire Estray Fund. The amount deducted as actual expenses incurred shall be deposited in the Nebraska Brand Inspection and Theft Prevention Fund. ~~Any person violating the provisions of this section shall be guilty of a Class 7 misdemeanor. The penalty for violation of this section shall be as provided in section 54-156.~~

Sec. 20. No person, firm, association, partnership, or corporation shall sell or trade any cattle located within the brand area of Nebraska, nor shall any person, firm, association, partnership, or corporation buy or purchase any such cattle, unless each such animal has been inspected for brands and ownership and a brand inspection certificate or clearance issued by the Nebraska Brand Committee. Any person, firm, association, partnership, corporation, or authorized agent selling such cattle shall present to the brand inspector a properly executed bill of sale, brand clearance, or other satisfactory evidence of ownership, which shall be filed with the original inspection certificate in the records of the Nebraska Brand Committee. At any time a brand inspection is required by law, any duly authorized Nebraska brand inspector or

brand investigator shall have the authority to transfer evidence of ownership of such cattle from a seller to a buyer. The only exceptions to the provisions of this section shall be:

(1) Cattle that fall under the provisions of the registered feedlot laws, rules, and regulations;

(2) No brand inspection shall be required when cattle or other livestock are transferred to a family corporation when all the shares of capital stock of the corporation are owned by the husband, wife, children, or grandchildren of the transferor and there is no consideration for the transfer other than the issuance of stock of the corporation to such family members; and

(3) No brand inspection shall be required when the change of ownership of cattle is a change in form only and the surviving interests are in the exact proportion as the original interests of ownership. When there is a change of ownership described in subdivision (2) or (3) of this section, an affidavit, on a form prescribed by the Nebraska Brand Committee, signed by the transferor and stating the nature of the transfer and the number of cattle involved and the brands presently on the cattle, shall be filed with the Nebraska Brand Committee.

Sec. 21. That original sections 54-101, 54-101.01, 54-107, 54-110, 54-115 to 54-117, 54-130, 54-133, 54-133.03, 54-143.01 to 54-144, 54-145.06, 54-552, 54-153.01, 54-156, 54-164, and 54-415, Revised Statutes Supplement, 1978, and also sections 54-124 and 54-128, Revised Statutes Supplement, 1978, are repealed.