

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 422**

FINAL READING

Introduced by Erdman, 47; Hansen, 42

Read first time January 16, 2007

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 54-191,  
2 54-192, and 54-194, Reissue Revised Statutes of Nebraska;  
3 to change provisions relating to membership of the  
4 Nebraska Brand Committee; to harmonize provisions;  
5 to repeal the original sections; and to declare an  
6 emergency.

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

1           Section 1. Section 54-191, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           54-191 The Nebraska Brand Committee is hereby created.  
4 ~~The Beginning August 28, 2007, the~~ brand committee shall consist  
5 of the Secretary of State, ~~who shall be chairperson,~~ and four  
6 five members appointed by the Governor. ~~Three~~ At least three  
7 appointed members shall be active cattlemen and at least one  
8 appointed member shall be an active cattle feeder. The Secretary  
9 of State and the Director of Agriculture, or their designees,  
10 shall be nonvoting, ex officio members of the brand committee.

11 The appointed members shall be owners of cattle within the brand  
12 inspection area, shall reside within the brand inspection area,  
13 shall be owners of Nebraska-recorded brands, and shall be persons  
14 whose principal business and occupation is the raising or feeding  
15 of cattle within the brand inspection area. The members of the  
16 brand committee shall elect a chairperson and vice-chairperson from  
17 among its appointed members during the first meeting held after  
18 September 1 each calendar year. A member may be reelected to  
19 serve as chairperson or vice-chairperson. The Secretary of State  
20 shall remain a member of the brand committee in the capacity as  
21 chairperson of the brand committee until a chairperson is elected  
22 as provided in this section. The terms of the members shall be  
23 four-year, staggered terms. At the expiration of the term of an  
24 appointed member, the Governor shall appoint a successor. The  
25 members of the brand committee serving on August 28, 2007, shall

1 be considered appointed to serve the remainder of their terms.  
2 The Governor shall complete any additional appointment of members  
3 as necessary to fulfill the membership of the brand committee as  
4 prescribed by this legislative bill on or before August 28, 2007.  
5 ~~Members serving on August 28, 1999,~~ shall be considered appointed  
6 to serve the remainder of the term to which they were appointed. If  
7 there is a vacancy on the brand committee, the Governor shall fill  
8 such vacancy by appointing a member to serve during the unexpired  
9 term of the member whose office has become vacant. The action  
10 of a majority of the members shall be deemed the action of the  
11 brand committee. No appointed member shall hold any elective or  
12 appointive state or federal office while serving as a member of  
13 the brand committee. Each ~~appointed~~ member and each brand committee  
14 employee who collects or who is the custodian of any funds shall be  
15 bonded or insured as required under section 11-201. The appointed  
16 members of the brand committee shall be paid their actual and  
17 necessary traveling expenses in attending meetings of the brand  
18 committee or in performing any other duties that are prescribed  
19 in the Livestock Brand Act or section 54-415, as provided for in  
20 sections 81-1174 to 81-1177.

21           The purpose of the Nebraska Brand Committee is to  
22 protect Nebraska brand and livestock owners from the theft of  
23 livestock through established brand recording, brand inspection,  
24 and livestock theft investigation.

25           Sec. 2. Section 54-192, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           54-192 (1) The Nebraska Brand Committee shall employ  
3 such employees as may be necessary to properly carry out the  
4 Livestock Brand Act and section 54-415, fix the salaries of such  
5 employees, and make such expenditures as are necessary to properly  
6 carry out such act and section. Employees of the brand committee  
7 shall receive mileage computed at the rate provided in section  
8 81-1176. The brand committee shall select and designate a location  
9 or locations where the brand committee shall keep and maintain an  
10 office and where records of the brand inspection and investigation  
11 proceedings, transactions, communications, brand registrations, and  
12 official acts shall be kept.

13           (2) The brand committee shall employ a director as  
14 the executive officer of the brand committee, and the director  
15 shall also be the chief brand inspector, the chief investigator,  
16 and, for administrative purposes, the brand committee head. The  
17 director shall keep a record of all proceedings, transactions,  
18 communications, and official acts of the brand committee, shall be  
19 custodian of all records of the brand committee, and shall perform  
20 such other duties as may be required by the brand committee. The  
21 director shall call a meeting at the direction of the ~~Secretary~~  
22 ~~of State~~ chairperson of the brand committee, or in his or her  
23 absence the vice-chairperson, or upon the written request of two  
24 or more members of the brand committee. The director shall have  
25 supervisory authority to direct and control all full-time and

1 part-time employees of the brand committee. This authority allows  
2 the director to hire employees as are needed on an interim basis  
3 subject to approval or confirmation by the brand committee for  
4 regular employment. The director may place employees on probation  
5 and may discharge an employee. In the absence of the director,  
6 by reason of illness, vacation, or official business away from  
7 the ~~department's~~ committee's headquarters, the assistant director  
8 shall have similar authority as outlined in this section for the  
9 director.

10 (3) The brand committee shall employ a brand recorder who  
11 shall be responsible for the processing of all applications for new  
12 livestock brands, the transfer of ownership of existing livestock  
13 brands, the maintenance of accurate and permanent records relating  
14 to livestock brands, and such other duties as may be required by  
15 the brand committee.

16 (4) If any employee of the brand committee after having  
17 been disciplined, placed on probation, or having had his or her  
18 services terminated desires to have a hearing before the entire  
19 brand committee, such a hearing shall be granted as soon as is  
20 practicable and convenient for all persons concerned. The request  
21 for such a hearing shall be made in writing by the employee  
22 alleging the grievance and shall be directed to the director. After  
23 hearing all testimony surrounding the grievance of such employee,  
24 the brand committee, at its discretion, may approve, rescind,  
25 nullify, or amend all actions as previously taken by the director.

1           Sec. 3. Section 54-194, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           54-194 ~~As~~ The director of the Nebraska Brand Committee  
4 or the chairperson of the brand committee of the Nebraska Brand  
5 Committee, ~~the Secretary of State,~~ ~~or his or her designee,~~ shall  
6 have the authority to sign all certificates and other documents  
7 that may by law require certification by signature. Such documents  
8 shall include, but not be limited to, new brand certificates, brand  
9 transfer certificates, duplicate brand certificates, and brand  
10 renewal receipts. A facsimile of the brand committee seal and the  
11 signature of the brand recorder shall also be placed on all brand  
12 certificates.

13           Sec. 4. Original sections 54-191, 54-192, and 54-194,  
14 Reissue Revised Statutes of Nebraska, are repealed.

15           Sec. 5. Since an emergency exists, this act takes effect  
16 when passed and approved according to law.