

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 925**

Introduced by Fischer, 43.

Read first time January 14, 2008

Committee: Agriculture

A BILL

1 FOR AN ACT relating to livestock; to amend sections 54-401  
2 and 54-415, Reissue Revised Statutes of Nebraska; to  
3 change provisions relating to estrays; and to repeal the  
4 original sections.

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

1           Section 1. Section 54-401, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           54-401 The owners of cattle, horses, mules, swine, ~~and~~  
4 sheep, and goats in this state are liable for all damages done by  
5 such stock upon the lands of another in this state as provided by  
6 section 54-402 if the damages to the lands are not the result of  
7 negligent or willful damage to the division fence by the person  
8 claiming damages to the land.

9           Sec. 2. Section 54-415, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           54-415 Any person taking up an estray shall report ~~the~~  
12 same such estray within seven days thereafter to the Nebraska  
13 Brand Committee, if within the brand inspection area, or to the  
14 county sheriff of the county where the estray was taken up, if  
15 not within the brand inspection area. If the animal, other than  
16 a goat, is determined to be an estray by a representative of  
17 the Nebraska Brand Committee or the county sheriff, as the case  
18 may be, such animal shall, as promptly as may be practicable,  
19 be sold through the most convenient livestock auction market. If  
20 the animal determined to be an estray is a goat, such animal  
21 shall, as promptly as practicable, be sold in any expedient manner  
22 available. The proceeds of such sale, after deducting the selling  
23 expenses, shall be paid over to the Nebraska Brand Committee to  
24 be placed in the estray fund identified in section 54-1,118, if  
25 such estray was taken up within the brand inspection area, and

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

1 from the proceeds of the sale. Any person who violates this section  
2 is guilty of a Class II misdemeanor. The definitions found in  
3 sections 54-172 to 54-190 apply to this section, except that estray  
4 as defined in section 54-180 shall also include goats.

5           Sec. 3. Original sections 54-401 and 54-415, Reissue  
6 Revised Statutes of Nebraska, are repealed.