

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 125

Introduced by Brasch, 16.

Read first time January 06, 2017

Committee: Agriculture

- 1 A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections
- 2 54-1,120 and 54-1,122.01, Revised Statutes Cumulative Supplement,
- 3 2016; to change application and fee requirements for registered
- 4 feedlots and dairies; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-1,120, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

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

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

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

16 If the application is satisfactory, and upon payment of an initial
17 audit registration fee by the applicant, the brand committee shall issue
18 a registration number and registration certificate valid for one year
19 unless rescinded for cause. If the registration is rescinded for cause,
20 any audit registration fee shall be forfeited by the applicant. The audit
21 fee shall be paid on an annual basis. The initial audit fee for a
22 registered feedlot shall be an amount for a registered feedlot having one
23 thousand head or less capacity and an equal amount for each additional
24 one thousand head capacity, or part thereof, of such registered feedlot.
25 For each subsequent year, the renewal audit fee for a registered feedlot
26 shall be an amount for the first one thousand head or portion thereof of
27 average annual inventory of cattle on feed of the registered feedlot and
28 an equal amount for each additional one thousand head or portion thereof
29 of average annual inventory of cattle on feed of the registered feedlot.
30 The brand committee shall set the audit fee per one thousand head
31 capacity or average annual inventory. The audit fee shall not exceed one

1 ~~dollar and ten cents per head on the average annual inventory so as to~~
2 ~~correspond with the inspection fee provided under section 54-1,108. The~~
3 ~~registration fee shall be paid on an annual basis.~~

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

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

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

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

28 Sec. 2. Section 54-1,122.01, Revised Statutes Cumulative Supplement,
29 2016, is amended to read:

30 54-1,122.01 (1) Any person who operates a dairy operation located
31 within the brand inspection area may make application to the Nebraska

1 Brand Committee for registration as a registered dairy. The application
2 form shall be prescribed by the brand committee and shall be made
3 available by the director of the brand committee for this purpose upon
4 written request. If the applicant is an individual, the application shall
5 include the applicant's social security number. After the brand committee
6 has received a properly completed application, an agent of the brand
7 committee shall within thirty days make an investigation to determine if
8 the following requirements are satisfied:

9 (a) The operator's dairy must be permanently fenced; and

10 (b) The operator must identify each animal individually as directed
11 by the Nebraska Brand Committee.

12 If the application is satisfactory, and upon payment of an audit a
13 ~~registration~~ fee by the applicant, the brand committee shall issue a
14 registration number and registration certificate valid for one year
15 unless rescinded for cause. If the registration is rescinded for cause,
16 any audit registration fee shall be forfeited by the applicant. The audit
17 fee shall be paid on an annual basis. The initial audit fee for a
18 registered dairy shall be an amount for a registered dairy having one
19 thousand head or less capacity and an equal amount for each additional
20 one thousand head capacity, or part thereof, of such registered dairy.
21 For each subsequent year, the renewal audit fee for a registered dairy
22 shall be an amount for the first one thousand head or portion thereof of
23 average annual inventory of dairy cattle of the registered dairy and an
24 equal amount for each additional one thousand head or portion thereof of
25 average annual inventory of dairy cattle of the registered dairy. The
26 brand committee shall set the audit fee per one thousand head capacity or
27 average annual inventory. The audit fee shall not exceed one dollar and
28 ten cents per head on the average annual inventory so as to correspond
29 with the inspection fee provided under section 54-1,108. The registration
30 ~~fee shall be paid on an annual basis.~~

31 (2) The brand committee may adopt and promulgate rules and

1 regulations for the operation of registered dairies to assure that brand
2 laws are complied with, that registered dairy shipping certificates are
3 available, and that proper records are maintained. This section shall not
4 be construed as prohibiting the operation of nonregistered dairies.

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

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

19 (5) The brand committee may rescind or suspend the registration of
20 any registered dairy operator who fails to cooperate or violates the laws
21 or rules and regulations of the brand committee covering registered
22 dairies.

23 Sec. 3. Original sections 54-1,120 and 54-1,122.01, Revised
24 Statutes Cumulative Supplement, 2016, are repealed.