

AMENDMENTS TO LB744

Introduced by Agriculture.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 54-199, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           54-199 (1) To record a brand, a person shall forward to the Nebraska  
6 Brand Committee a facsimile or description of the brand desired to be  
7 recorded, a written application, and a recording fee and research fee  
8 established by the brand committee. Such recording fee may vary according  
9 to the number of locations and methods of brand requested but shall not  
10 be more than one hundred fifty dollars per application. Such research fee  
11 shall be charged on all applications and shall not be more than fifty  
12 dollars per application.

13           (2) For recording of visual brands, upon receipt of a facsimile of  
14 the brand, an application, and the required fee, the brand committee  
15 shall determine compliance with the following requirements:

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

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

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

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

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

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

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

19 (5) The brand committee may by rule and regulation provide for the  
20 use of approved nonvisual identifiers for purposes of enrolling cattle  
21 identified by such method of livestock identification. Such method of  
22 livestock identification shall be approved only if it functions as  
23 satisfactory evidence of ownership for the purpose of enrollment of  
24 cattle and for electronic inspection authorized under section 54-1,108.  
25 Before approving any nonvisual identifier, the brand committee shall  
26 consider the degree to which such method may be susceptible to error,  
27 failure, or fraudulent alteration. Any rule or regulation shall be  
28 adopted and promulgated only after public hearing conducted in compliance  
29 with the Administrative Procedure Act.

30 (6) Any information that a person provides to the brand committee  
31 for the purpose of inspection is not a public record subject to

1 disclosure under sections 84-712 to 84-712.09.

2       Sec. 2.   Original section 54-199, Reissue Revised Statutes of  
3 Nebraska, is repealed.

4       Sec. 3.   Since an emergency exists, this act takes effect when  
5 passed and approved according to law.