

AMENDMENTS TO LB572

(Amendments to Standing Committee amendments, AM410)

Introduced by Erdman, 47.

1 1. Strike amendments 8 and 9.

2 2. On page 1, line 1, strike "and 10" and insert "10, 24, 25, 29,
3 31, and 32" and insert the following new sections:

4 Sec. 21. Section 54-1,110, Revised Statutes Cumulative Supplement,
5 2020, is amended to read:

6 54-1,110 (1) Except as provided in subsection ~~subsections~~ (2) and
7 ~~(3)~~ of this section, no person shall move, in any manner, cattle from a
8 point within the brand inspection area to a point outside the brand
9 inspection area unless such cattle first have a brand inspection by the
10 Nebraska Brand Committee and a certificate of inspection is issued. A
11 copy of such certificate shall accompany the cattle and shall be retained
12 by all persons moving such cattle as a permanent record.

13 ~~(2) Cattle in a registered feedlot registered under sections~~
14 ~~54-1,120 to 54-1,122 are not subject to the brand inspection of~~
15 ~~subsection (1) of this section. Possession by the shipper or trucker of a~~
16 ~~shipping certificate from the registered feedlot constitutes compliance~~
17 ~~if the cattle being shipped are as represented on such shipping~~
18 ~~certificate.~~

19 (2) ~~(3)~~ If the line designating the brand inspection area divides a
20 farm or ranch or lies between noncontiguous parcels of land which are
21 owned or operated by the same cattle owner or owners, a permit may be
22 issued, at the discretion of the Nebraska Brand Committee, to the owner
23 or owners of cattle on such farm, ranch, or parcels of land to move the
24 cattle in and out of the brand inspection area without inspection. If the
25 line designating the brand inspection area lies between a farm or ranch
26 and nearby veterinary medical facilities, a permit may be issued, at the

1 discretion of the brand committee, to the owner or owners of cattle on
2 such farm or ranch to move the cattle in and out of the brand inspection
3 area without inspection to obtain care from the veterinary medical
4 facilities. The brand committee shall issue initial permits only after
5 receiving an application which includes an application fee established by
6 the brand committee which shall not be more than fifteen dollars. The
7 brand committee shall mail all current permit holders an annual renewal
8 notice, for January 1 renewal, which requires a renewal fee established
9 by the brand committee which shall not be more than fifteen dollars. If
10 the permit conditions still exist, the cattle owner or owners may renew
11 the permit.

12 ~~(3)~~ (4) No person shall sell any cattle knowing that the cattle are
13 to be moved, in any manner, in violation of this section. Proof of
14 shipment or removal of the cattle from the brand inspection area by the
15 purchaser or his or her agent is prima facie proof of knowledge that sale
16 was had for removal from the brand inspection area.

17 (4) A violation of this section is an infraction. A peace officer
18 shall have the authority to write a citation, which shall be waivable, to
19 offenders in violation of this section. A fine under this section shall
20 not exceed two hundred dollars per head for each offense. Violations
21 shall be charged in the county of origin of the cattle or any other
22 county through which the cattle were moved from the brand inspection area
23 ~~(5) In cases of prosecution for violation of this section, venue may be~~
24 ~~established in the county of origin or any other county through which the~~
25 ~~cattle may pass in leaving the brand inspection area.~~

26 Sec. 22. Section 54-1,111, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:

28 54-1,111 (1) Except as provided in subsection (2) of this section,
29 no person shall sell or trade any cattle located within the brand
30 inspection area, nor shall any person buy or purchase any such cattle
31 unless the cattle have been inspected for evidence of brands—and

1 ownership and a certificate of inspection or brand clearance has been
2 issued by the Nebraska Brand Committee. Any person selling such cattle
3 shall present to the brand inspector a properly executed bill of sale,
4 brand clearance, or other satisfactory evidence of ownership which shall
5 be filed with the original certificate of inspection in the records of
6 the brand committee. Any time a brand inspection is required by law, a
7 brand investigator or brand inspector may transfer evidence of ownership
8 of such cattle from a seller to a purchaser by issuing a certificate of
9 inspection.

10 (2) A brand inspection is not required:

11 ~~(a) For cattle of a registered feedlot registered under sections~~
12 ~~54-1,120 to 54-1,122 shipped for direct slaughter or sale on any terminal~~
13 ~~market;~~

14 ~~(a)~~ (b) For cattle that are:

15 (i) Transferred to a family corporation when all the shares of
16 capital stock of the corporation are owned by the husband, wife,
17 children, or grandchildren of the transferor and there is no
18 consideration for the transfer other than the issuance of stock of the
19 corporation to such family members; or

20 (ii) Transferred to a limited liability company in which membership
21 is limited to the husband, wife, children, or grandchildren of the
22 transferor and there is no consideration paid for the transfer other than
23 a membership interest in the limited liability company;

24 ~~(b)~~ (c) When the change of ownership of cattle is a change in form
25 only and the surviving interests are in the exact proportion as the
26 original interests of ownership. When there is a change of ownership
27 described in subdivision ~~(2)(a)~~ ~~(2)(b)~~ or ~~(b)~~ (c) of this section, an
28 affidavit, on a form prescribed by the Nebraska Brand Committee, signed
29 by the transferor and stating the nature of the transfer and the number
30 of cattle involved and the brands presently on the cattle, shall be filed
31 with the brand committee;

1 (c) ~~(d)~~ For cattle sold or purchased for educational or exhibition
2 purposes or other recognized youth activities if a properly executed bill
3 of sale is exchanged and presented upon demand. Educational or exhibition
4 purpose means cattle sold or purchased for the purpose of being fed,
5 bred, managed, or tended in a program designed to demonstrate or instruct
6 in the use of various feed rations, the selection of individuals of
7 certain physical conformation or breeds, the measurement and recording of
8 rate of gain in weight or fat content of meat or milk produced, or the
9 preparation of cattle for the purpose of exhibition or for judging as to
10 quality and conformation;

11 (d) ~~(e)~~ For calves under the age of thirty days sold or purchased at
12 private treaty if a bill of sale is exchanged and presented upon demand;
13 and

14 (e) ~~(f)~~ For seedstock cattle raised by the seller and individually
15 registered with an organized breed association if a properly executed
16 bill of sale is exchanged and presented upon demand.

17 (3) A violation of this section is an infraction. A peace officer
18 shall have the authority to write a citation, which shall be waivable, to
19 offenders in violation of this section. A fine under this section shall
20 not exceed two hundred dollars per head for each offense. Violations
21 shall be charged in the county in which the offense occurred.

22 Sec. 26. Section 54-1,115, Revised Statutes Cumulative Supplement,
23 2020, is amended to read:

24 54-1,115 (1) Any person, other than the owner or the owner's
25 employee, using a motor vehicle or trailer to transport livestock or
26 carcasses over any land within the State of Nebraska not owned or rented
27 by such person or who is so transporting such livestock upon a highway,
28 public street, or thoroughfare within the State of Nebraska shall have in
29 his or her possession a livestock transportation authority form, or
30 certificate of inspection, ~~or shipping certificate from a registered~~
31 ~~feedlot,~~ authorizing such movement as to each head of livestock

1 transported by such vehicle.

2 (2) A livestock transportation authority form shall be in writing
3 and shall state the name of the owner of the livestock, the owner's post
4 office address, the place from which the livestock are being moved,
5 including the name of the ranch, if any, the destination, the name and
6 address of the carrier, the license number and make of motor vehicle to
7 which consigned, together with the number of livestock and a description
8 thereof including kind, sex, breed, color, and marks, if any, and in the
9 case of livestock shipments originating within the brand inspection area,
10 the brands, if there are any. The authority form shall be signed by the
11 owner of the livestock or the owner's authorized agent.

12 (3) Any peace officer, based upon probable cause to question the
13 ownership of the livestock being transported, may stop a motor vehicle or
14 motor vehicle and trailer and request exhibition of any authority form or
15 certificate required by this section.

16 (4) A violation of this section is an infraction. A peace officer
17 shall have the authority to write a citation, which shall be waivable, to
18 offenders in violation of this section. A fine under this section shall
19 not exceed two hundred dollars per head for each offense. Violations
20 shall be charged in the county in which the offense occurred.

21 Sec. 28. Section 54-1,119, Revised Statutes Cumulative Supplement,
22 2020, is amended to read:

23 54-1,119 (1) Any livestock market, whether within or outside of the
24 state, or any meat packing plant which maintains brand inspection under
25 the supervision of the Nebraska Brand Committee and under such rules and
26 regulations as are specified by the United States Department of
27 Agriculture, may be designated by the brand committee as an open market.

28 (2) When cattle originating from within the brand inspection area
29 are consigned for sale to any commission company at any open market
30 designated as such by the Nebraska Brand Committee where brand inspection
31 is maintained, no brand inspection is required at the point of origin but

1 is required at the point of destination ~~unless the point of origin is a~~
2 ~~registered feedlot~~. If cattle are consigned to a commission company at an
3 open market, the carrier transporting the cattle shall not allow the
4 owner, shipper, or party in charge to change the billing to any point
5 other than the commission company at the open market designated on the
6 original billing, unless the carrier secures from the brand committee a
7 certificate of inspection on the cattle so consigned. ~~Any cattle~~
8 ~~originating in a registered feedlot consigned to a commission company at~~
9 ~~any terminal market destined for direct slaughter may be shipped in~~
10 ~~accordance with rules and regulations governing registered feedlots.~~

11 (3) Until the cattle are inspected for brands on the premises by the
12 Nebraska Brand Committee, no person shall sell or cause to be sold or
13 offer for sale (a) any cattle at a livestock auction market located
14 within the brand inspection area or at a farm or ranch sale located
15 within the brand inspection area or (b) any cattle originating within the
16 brand inspection area consigned to an open market.

17 Sec. 32. The following sections are outright repealed: Section
18 54-188, Reissue Revised Statutes of Nebraska, and sections 54-1,120,
19 54-1,121, and 54-1,122, Revised Statutes Cumulative Supplement, 2020.

20 "; and in line 25 after "references" insert "and the repealer".

21 3. Renumber the remaining amendments accordingly.