

E AND R AMENDMENTS TO LB 572

Introduced by McKinney, 11, Chairman Enrollment and Review

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

3           Section 1. Section 54-170, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:

5           54-170 Sections 54-170 to 54-1,131 and sections 3, 4, 5, 6, 7, 8, 9,  
6 and 31 of this act shall be known and may be cited as the Livestock Brand  
7 Act.

8           Sec. 2. Section 54-171, Revised Statutes Cumulative Supplement,  
9 2020, is amended to read:

10          54-171 For purposes of the Livestock Brand Act, the definitions  
11 found in sections 54-172 to 54-190 and sections 3, 4, 5, 6, 7, 8, and 9  
12 of this act shall be used.

13          Sec. 3. Approved nonvisual identifier means a nonvisual method of  
14 livestock identification such as an electronic device, a nose print, a  
15 retinal scan, a DNA match, or any other such nonvisual method of  
16 livestock identification approved by the Nebraska Brand Committee.

17          Sec. 4. Certified bill of sale means a document generated by the  
18 Nebraska Brand Committee from information provided electronically by a  
19 qualified dairy when selling calves under thirty days of age for beef  
20 production purposes. Such information shall include the name and physical  
21 address of the seller, the name and physical address of the purchaser,  
22 the number of head being sold, a physical description of the calves  
23 including date of birth, the color and sex, any identifiers such as metal  
24 tags or dangle tags, any brands and their location, the date of the  
25 transfer of ownership, and if the assessment imposed pursuant to the  
26 federal Beef Promotion and Research Order, 7 C.F.R. part 1260, has been  
27 collected.

1           Sec. 5. Certified transportation permit means a document generated  
2 by the Nebraska Brand Committee from information provided electronically  
3 by a qualified dairy when moving calves under thirty days of age out of  
4 the inspection area for beef production purposes. Such information shall  
5 include the name and physical address of the owner, the number of head  
6 being transported, a physical description of the calves including the  
7 date of birth, the color and sex, any identifiers such as metal tags or  
8 dangle tags, any brands and their location, and the actual or intended  
9 date of transport.

10           Sec. 6. Electronic inspection means a method of performing  
11 inspections of livestock enrolled with the Nebraska Brand Committee  
12 utilizing approved nonvisual identifier means of identification.

13           Sec. 7. Enrollment means the registration of livestock identified  
14 by nonvisual identifier means of livestock identification approved by the  
15 Nebraska Brand Committee and which occurs electronically and uses only  
16 those approved identifiers for evidence of ownership.

17           Sec. 8. Physical inspection means an inspection for purposes of the  
18 Livestock Brand Act performed by an employee of the Nebraska Brand  
19 Committee physically present at the location of the inspected animals to  
20 verify ownership through visual observation of brands or other  
21 distinguishing markings and physical characteristics of the livestock and  
22 examination of any associated documentary or other evidence of ownership.

23           Sec. 9. Qualified dairy means a milk production facility with a  
24 Grade A milk producer permit or a manufacturing grade milk producer  
25 permit pursuant to section 2-3968.

26           Sec. 10. Section 54-172, Revised Statutes Cumulative Supplement,  
27 2020, is amended to read:

28           54-172 Bill of sale means a formal instrument for the conveyance or  
29 transfer of title to livestock or other goods and chattels. The bill of  
30 sale shall state the purchaser's name and address, the date of transfer,  
31 the guarantee of title, the number of livestock transferred, the sex of

1 such livestock, the brand or brands, the location of the brand or brands  
2 or a statement to the effect that the animal is unbranded, any approved  
3 nonvisual identifiers, and the name and address of the seller. The  
4 signature of the seller shall be attested by at least one witness or  
5 acknowledged by a notary public or by some other officer authorized by  
6 state law to take acknowledgments. For any conveyance or transfer of  
7 title to cattle subject to assessment imposed pursuant to the federal  
8 Beef Promotion and Research Order, 7 C.F.R. part 1260, for which the  
9 purchaser is the collecting person pursuant to 7 C.F.R. 1260.311 for  
10 purposes of collecting and remitting such assessment, the bill of sale  
11 shall include a notation of the amount the purchaser collected from the  
12 seller or deducted from the sale proceeds for the assessment. A properly  
13 executed bill of sale means a bill of sale that is provided by the seller  
14 and received by the purchaser.

15 Sec. 11. Section 54-173, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 54-173 Brand clearance means the documentary evidence of ownership  
18 that is issued and signed by a brand inspector and given to persons who  
19 have legally purchased cattle at a livestock auction or sale where a  
20 brand inspection service is provided. The brand clearance shall give the  
21 name and address of sale or auction where issued, the name of purchaser,  
22 the number and sex of cattle, any the brands, if any, and the location of  
23 any brands on the cattle, and any approved nonvisual identifiers.

24 Sec. 12. Section 54-176, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 54-176 Brand inspector means a person employed by the Nebraska Brand  
27 Committee, or some other brand inspection agency, inside or outside of  
28 the State of Nebraska, for the purpose of identifying brands, marks, or  
29 other identifying characteristics of livestock or approved nonvisual  
30 identifiers to determine the existence of such brands, marks, or  
31 identifying characteristics or identifiers and from such determinations

1 attempt to establish correct and true ownership of such livestock, and  
2 generally carry out the provisions and enforcement of all laws pertaining  
3 to brands, brand inspection, physical inspection, electronic inspection,  
4 and associated livestock laws.

5 Sec. 13. Section 54-179, Revised Statutes Cumulative Supplement,  
6 2020, is amended to read:

7 54-179 Certificate of inspection means the official document issued  
8 and signed by a brand inspector authorizing (1) movement of livestock  
9 from a point of origin within the brand inspection area to a destination  
10 either inside or outside of the brand inspection area or outside of this  
11 state, (2) slaughter of livestock as specified on such certificate, or  
12 (3) the change of ownership of livestock as specified on such  
13 certificate. A certificate of inspection shall designate, as needed, the  
14 name of the shipper, consignor, or seller of the livestock, the purchaser  
15 or consignee of the livestock, the destination of the livestock, the  
16 vehicle license number or carrier number, the miles driven by an  
17 inspector to perform inspection, the amount of inspection fees collected,  
18 the number and sex of the livestock to be moved or slaughtered, any the  
19 brands, if any, on the livestock, any approved nonvisual identifiers, and  
20 the brand owner. A certificate of inspection shall be construed and is  
21 intended to be documentary evidence of ownership on all livestock covered  
22 by such document.

23 Sec. 14. Section 54-182, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 54-182 Investigator means an employee of the Nebraska Brand  
26 Committee who is also a deputy state sheriff and has the duty,  
27 responsibility, and authority to enforce all state statutes pertaining to  
28 brands, brand inspection, physical inspection, electronic inspection, and  
29 associated livestock laws. An investigator is also responsible for the  
30 investigation of all problems associated with brands, brand inspection,  
31 and associated livestock enforcement problems.

1           Sec. 15. Section 54-189, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3           54-189 Satisfactory evidence of ownership consists of the brands,  
4 tattoos, or marks on the livestock; approved nonvisual identifiers; point  
5 of origin of livestock; the physical description of the livestock; the  
6 documentary evidence, such as bills of sale, brand clearance,  
7 certificates of inspection, breed registration certificates, animal  
8 health or testing certificates, genomic testing certificates, recorded  
9 brand certificates, purchase sheets, scale tickets, disclaimers of  
10 interest, affidavits, court orders, security agreements, powers of  
11 attorney, canceled checks, bills of lading, or tags; and such other  
12 facts, statements, or circumstances that taken in whole or in part cause  
13 an inspector to believe that proof of ownership is established.

14           Sec. 16. Section 54-191, Revised Statutes Cumulative Supplement,  
15 2020, is amended to read:

16           54-191 (1) The Nebraska Brand Committee is hereby created. Beginning  
17 August 28, 2007, the brand committee shall consist of five members  
18 appointed by the Governor, subject to confirmation by the Legislature. At  
19 least three appointed members shall be active cattlemen and at least  
20 one appointed member shall be an active cattle feeder. The Secretary of  
21 State and the Director of Agriculture, or their designees, shall be  
22 nonvoting, ex officio members of the brand committee. The appointed  
23 members shall be owners of cattle within the brand inspection area, shall  
24 reside within the brand inspection area, shall be owners of Nebraska-  
25 recorded brands, and shall be persons whose principal business and  
26 occupation is the raising or feeding of cattle within the brand  
27 inspection area.

28           (2) The members of the brand committee shall elect a chairperson and  
29 vice-chairperson from among its appointed members during the first  
30 meeting held after September 1 each calendar year. A member may be  
31 reelected to serve as chairperson or vice-chairperson.

1           (3) The terms of the members shall be four-year, staggered terms,  
2 beginning on August 28 of the year of initial appointment or  
3 reappointment and concluding on August 27 of the year of expiration. At  
4 the expiration of the term of an appointed member, the Governor shall  
5 appoint a successor, subject to confirmation by the Legislature. If there  
6 is a vacancy on the brand committee, the Governor shall fill such vacancy  
7 by appointing a member to serve during the unexpired term of the member  
8 whose office has become vacant. Any appointment to fill a vacancy shall  
9 be subject to confirmation by the Legislature.

10           (4) The action of a majority of the members shall be deemed the  
11 action of the brand committee. No appointed member shall hold any  
12 elective or appointive state or federal office while serving as a member  
13 of the brand committee. Each member and each brand committee employee who  
14 collects or who is the custodian of any funds shall be bonded or insured  
15 as required under section 11-201. The appointed members of the brand  
16 committee shall be reimbursed for expenses in attending meetings of the  
17 brand committee or in performing any other duties that are prescribed in  
18 the Livestock Brand Act or section 54-415, as provided for in sections  
19 81-1174 to 81-1177.

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

24           Sec. 17. Section 54-198, Revised Statutes Cumulative Supplement,  
25 2020, is amended to read:

26           54-198 (1) Any person may record a brand, which he or she has the  
27 exclusive right to use in this state, and it is unlawful to use any brand  
28 for branding any livestock unless the person using such brand has  
29 recorded that brand with the Nebraska Brand Committee. A brand is a mark  
30 consisting of symbols, characters, numerals, or a combination of such  
31 intended as a visual means of ownership identification when applied to

1 the hide of an animal ~~or another method of livestock identification~~  
2 ~~approved by rule and regulation of the brand committee, including an~~  
3 ~~electronic device used for livestock identification.~~ Only a hot iron or  
4 freeze brand or other method approved by the brand committee shall be  
5 used to apply a brand to a live animal.

6 (2) A hot iron brand or freeze brand may be used for in-herd  
7 identification purposes such as for year or production records. With  
8 respect to hot iron brands used for in-herd identification, the numerals  
9 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9 in singular or triangular position are  
10 reserved on both the right and left shoulder of all cattle, except that  
11 such shoulder location for a single-number hot iron brand may be used for  
12 year branding for in-herd identification purposes, and an alphabetical  
13 letter may be substituted for one of the numerals used in a triangular  
14 configuration for in-herd identification purposes. Hot iron brands used  
15 for in-herd identification shall be used in conjunction with the recorded  
16 hot iron brand and shall be on the same side of the animal as the  
17 recorded hot iron brand. Freeze branding for in-herd identification may  
18 be applied in any location and any configuration with any combination of  
19 numerals or alphabetical letters.

20 (3) It shall be unlawful to knowingly maintain a herd containing one  
21 or more animals which the possessor has branded, or caused to be branded,  
22 in violation of this section or any other provision of the Livestock  
23 Brand Act.

24 Sec. 18. Section 54-199, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 54-199 (1) To record a brand, a person shall forward to the Nebraska  
27 Brand Committee a facsimile or description of the brand desired to be  
28 recorded, a written application, and a recording fee and research fee  
29 established by the brand committee. Such recording fee may vary according  
30 to the number of locations and methods of brand requested but shall not  
31 be more than one hundred and fifty dollars per application. Such research

1 fee shall be charged on all applications and shall not be more than fifty  
2 dollars per application.

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

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

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

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

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

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

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

26 ~~(4) The brand committee may, by rule and regulation, provide for the~~  
27 ~~recording and use of brands by electronic device or other nonvisual~~  
28 ~~method of livestock identification. Any such method of livestock~~  
29 ~~identification shall be approved as a brand only if it functions as a~~  
30 ~~means of identifying ownership of livestock so branded that is equal to,~~  
31 ~~or superior to, visual methods of livestock branding. Before approving~~



1 ~~any nonvisual method of branding, the brand committee shall consider the~~  
2 ~~degree to which such method may be susceptible to error, failure, or~~  
3 ~~fraudulent alteration. Any rule or regulation shall be adopted only after~~  
4 ~~public hearing conducted in compliance with the Administrative Procedure~~  
5 ~~Act.~~

6 (4) (5) If the facsimile, the description, or the application does  
7 not comply with the requirements of this section, the brand committee  
8 shall not record such brand as requested but shall return the recording  
9 fee to the forwarding person. The power of examination and rejection is  
10 vested in the brand committee, and if the brand committee determines that  
11 the application for a visual brand falls within the category set out in  
12 subdivision (2)(e) of this section, it shall decide whether or not a  
13 recorded brand shall be issued. The brand committee shall make such  
14 examination as promptly as possible. If the brand is recorded, the  
15 ownership vests from the date of filing of the application.

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

27 Sec. 19. Section 54-1,101, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 54-1,101 The owner of a recorded brand is entitled to one certified  
30 copy of the record of such brand from the Nebraska Brand Committee  
31 without charge. Additional certified copies of the record may be obtained

1 by anyone upon the payment of one dollar for each copy.

2 Copies of any other document of the brand committee may be  
3 requested, and a fee of one dollar shall be collected for each page  
4 copied. Only personnel authorized by the brand committee shall make  
5 copies and collect such fees. The party requesting the copies is  
6 responsible for payment of the fee and shall reimburse the brand  
7 committee for the research time necessary to furnish the requested  
8 documents at a rate of not less than twenty ~~twelve~~ nor more than forty  
9 ~~twenty~~ dollars per hour of research time. The rate shall be reviewed and  
10 set annually by the brand committee.

11 Sec. 20. Section 54-1,102, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 54-1,102 (1) A recorded brand may be applied by its owner until its  
14 expiration date.

15 (2) On and after January 1, 1994, the expiration date of a recorded  
16 brand is the last day of the calendar quarter of the renewal year as  
17 designated by the Nebraska Brand Committee in the records of the brand  
18 committee.

19 (3) The brand committee shall notify every owner of a recorded brand  
20 of its expiration date at least sixty days prior to the expiration date,  
21 and the owner of the recorded brand shall pay a renewal fee established  
22 by the brand committee which shall not be more than two hundred ~~fifty~~  
23 dollars and furnish such other information as may be required by the  
24 brand committee. The renewal fee is due and payable on or before the  
25 expiration date and renews a recorded brand for a period of four years  
26 regardless of the number of locations on one side of an animal on which  
27 the brand is recorded. If any owner fails, refuses, or neglects to pay  
28 the renewal fee by the expiration date, the brand shall expire and be  
29 forfeited.

30 (4) The brand committee has the authority to hold an expired brand  
31 for one year following the date of expiration. An expired brand may be

1 reinstated by the same owner during such one-year period upon return of a  
2 brand application form and payment of the recording fee and research fee  
3 for such brand established by the brand committee under section 54-199  
4 plus a penalty of five dollars for each month or part of a month which  
5 has passed since the date of expiration. A properly reinstated brand may  
6 be transferred to another person during such one-year period upon  
7 completion of a transfer form, with a notarized bill of sale signed by  
8 the prior owner attached to such transfer form.

9 Sec. 21. Section 54-1,108, Revised Statutes Cumulative Supplement,  
10 2020, is amended to read:

11 54-1,108 (1)(a) ~~(1)~~ All physical brand inspections for brands  
12 provided for in the Livestock Brand Act or section 54-415 shall be from  
13 sunrise to sundown or during such other hours and under such conditions  
14 as the Nebraska Brand Committee determines. ~~The brand committee shall~~  
15 assess a fifty-dollar late notice surcharge if a request for a physical  
16 inspection is made less than forty-eight hours prior to the date of  
17 inspection.

18 (b) A physical inspection shall be required when brands applied by  
19 hot iron or freeze branding methods are the exclusive means of ownership  
20 identification and in all other cases that do not qualify for electronic  
21 inspection as provided in subsection (2) of this section.

22 (c) A physical ~~(2)(a)~~ An inspection fee of eighty-five cents per  
23 head until June 30, 2023, and beginning July 1, 2023, a fee established  
24 by the Nebraska Brand Committee, of not more than one dollar and ten  
25 cents per head shall be charged for all cattle inspected in accordance  
26 with the Livestock Brand Act or section 54-415 or inspected within the  
27 brand inspection area or brand inspection service area by court order or  
28 at the request of any bank, credit agency, or lending institution with a  
29 legal or financial interest in such cattle, ~~or at the request of a~~  
30 neighboring livestock owner with missing cattle. ~~Such fee may vary to~~  
31 encourage inspection to be performed at times and locations that reduce

1 ~~the cost of performing the inspection but shall otherwise be uniform.~~ The  
2 inspection fee for court-ordered inspections shall be paid from the  
3 proceeds of the sale of such cattle if ordered by the court or by either  
4 party as the court directs. For other inspections, the person requesting  
5 the inspection of such cattle is responsible for the inspection fee.  
6 Brand inspections requested by either a purchaser or seller of cattle  
7 located within the brand inspection service area shall be provided upon  
8 the same terms and charges as brand inspections performed within the  
9 brand inspection area. If estray cattle are identified as a result of the  
10 inspection, such cattle shall be processed in the manner provided by  
11 section 54-415.

12 (d) The actual mileage incurred by the inspector to perform a  
13 physical inspection shall be paid by the party requesting inspection and  
14 paid at the rate established by the Department of Administrative Services  
15 pursuant to section 81-1176.

16 ~~(b) A surcharge of not more than twenty dollars, as established by~~  
17 ~~the brand committee, may be charged to cover travel expenses incurred by~~  
18 ~~the brand inspector per inspection location when performing brand~~  
19 ~~inspections. The surcharge shall be collected by the brand inspector and~~  
20 ~~paid by the person requesting the inspection or the person required by~~  
21 ~~law to have the inspection.~~

22 (e) For physical ~~(c) Fees for~~ inspections performed outside of the  
23 brand inspection area that are not provided for in subdivision (c) ~~(a)~~ of  
24 this subsection, the fee shall be the inspection fee established in such  
25 subdivision plus a fee to cover the actual expense of performing the  
26 inspection, including mileage at the rate established by the Department  
27 of Administrative Services and an hourly rate, not to exceed thirty  
28 dollars per hour, for the travel and inspection time incurred by the  
29 brand committee to perform such inspection. The brand committee shall  
30 charge and collect the actual expense fee. Such fee shall apply to  
31 inspections performed outside the brand inspection area as part of an

1 investigation into known or alleged violations of the Livestock Brand Act  
2 and shall be charged against the person committing the violation.

3 (2)(a) The brand committee may provide for electronic inspection of  
4 enrolled cattle identified by approved nonvisual identifiers pursuant to  
5 subsection (5) of section 54-199. The brand committee shall establish  
6 procedures for enrollment of such cattle with the brand committee which  
7 shall include providing acceptable certification or evidence of  
8 ownership. Electronic inspection shall not require agency employees to be  
9 present, except that random audits shall occur.

10 (b) An electronic inspection fee not to exceed eighty-five cents per  
11 head until June 30, 2023, and beginning July 1, 2023, a fee established  
12 by the brand committee of not more than one dollar and ten cents per head  
13 shall be charged for all cattle subjected to electronic inspection in  
14 accordance with the Livestock Brand Act or section 54-415.

15 (c) A certified bill of sale for sale of calves shall be provided to  
16 qualified dairies once the required information is electronically  
17 transferred to the brand committee on calves under thirty days of age.  
18 The fee shall be the same as for an electronic inspection under  
19 subdivision (2)(b) of this section.

20 (d) A certified transportation permit shall be provided to qualified  
21 dairies after the required information is electronically transferred to  
22 the brand committee on calves under thirty days of age which are moved  
23 out of the inspection area. The fee shall be the same as for an  
24 electronic inspection under subdivision (2)(b) of this section.

25 (e) On or before December 1, 2021, the brand committee shall report  
26 to the Legislature any actions taken or necessary for implementing  
27 electronic inspection authorized by this subsection, including personnel  
28 and other resources utilized to support electronic inspection, how the  
29 brand committee's information technology capabilities are utilized to  
30 support electronic inspection, a listing of approved nonvisual  
31 identifiers, the requirements for enrolling cattle identified by approved

1 nonvisual identifiers, current and anticipated utilization of electronic  
2 inspection by the livestock industry, and the fees required to recover  
3 costs of performing electronic inspection.

4 (3) Any person who has reason to believe that cattle were shipped  
5 erroneously due to an inspection error during a brand inspection may  
6 request a reinspection. The person making such request shall be  
7 responsible for the expenses incurred as a result of the reinspection  
8 unless the results of the reinspection substantiate the claim of  
9 inspection error, in which case the brand committee shall be responsible  
10 for the reinspection expenses.

11 Sec. 22. Section 54-1,110, Revised Statutes Cumulative Supplement,  
12 2020, is amended to read:

13 54-1,110 (1) Except as provided in subsections (2) and (3) of this  
14 section, no person shall move, in any manner, cattle from a point within  
15 the brand inspection area to a point outside the brand inspection area  
16 unless such cattle first have a brand inspection by the Nebraska Brand  
17 Committee and a certificate of inspection is issued. A copy of such  
18 certificate shall accompany the cattle and shall be retained by all  
19 persons moving such cattle as a permanent record.

20 (2) Cattle in a registered feedlot registered under sections  
21 54-1,120 to 54-1,122 are not subject to the brand inspection of  
22 subsection (1) of this section. Possession by the shipper or trucker of a  
23 shipping certificate from the registered feedlot constitutes compliance  
24 if the cattle being shipped are as represented on such shipping  
25 certificate.

26 (3) If the line designating the brand inspection area divides a farm  
27 or ranch or lies between noncontiguous parcels of land which are owned or  
28 operated by the same cattle owner or owners, a permit may be issued, at  
29 the discretion of the Nebraska Brand Committee, to the owner or owners of  
30 cattle on such farm, ranch, or parcels of land to move the cattle in and  
31 out of the brand inspection area without inspection. If the line

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

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

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

28 Sec. 23. Section 54-1,111, Revised Statutes Cumulative Supplement,  
29 2020, is amended to read:

30 54-1,111 (1) Except as provided in subsection (2) of this section,  
31 no person shall sell or trade any cattle located within the brand

1 inspection area, nor shall any person buy or purchase any such cattle  
2 unless the cattle have been inspected for evidence of brands—and  
3 ownership and a certificate of inspection or brand clearance has been  
4 issued by the Nebraska Brand Committee. Any person selling such cattle  
5 shall present to the brand inspector a properly executed bill of sale,  
6 brand clearance, or other satisfactory evidence of ownership which shall  
7 be filed with the original certificate of inspection in the records of  
8 the brand committee. Any time a brand inspection is required by law, a  
9 brand investigator or brand inspector may transfer evidence of ownership  
10 of such cattle from a seller to a purchaser by issuing a certificate of  
11 inspection.

12 (2) A brand inspection is not required:

13 (a) For cattle of a registered feedlot registered under sections  
14 54-1,120 to 54-1,122 shipped for direct slaughter or sale on any terminal  
15 market;

16 (b) For cattle that are:

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

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

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



1 the brands presently on the cattle, shall be filed with the brand  
2 committee;

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

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

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

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

24 Sec. 24. Section 54-1,112, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 54-1,112 (1) Any person located within the brand inspection area who  
27 slaughters or has cattle slaughtered for sale or distribution shall keep,  
28 in a book for that purpose, a true and faithful record of all cattle  
29 purchased and slaughtered. Such record shall also contain a description  
30 of the marks, brands, age, weight, and color of all cattle slaughtered.  
31 Such record shall contain the date when the cattle were slaughtered and a

1 notation which sets forth by whom the cattle were raised or from whom  
2 purchased.

3 (2) All persons who purchase hides shall keep a record of all hides  
4 of cattle purchased by them, which record shall state the name or names  
5 of the person or persons from whom purchased, their place of residence,  
6 the date of purchase, and all marks and brands on the hide, and the  
7 record shall at all times be open for inspection by any peace officer.

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

13 Sec. 25. Section 54-1,113, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 54-1,113 (1)(a) Inside of the brand inspection area, no person shall  
16 sell or trade or offer for sale or trade the carcass of a beef or veal,  
17 or any portion thereof, including the hide of such carcass, unless a  
18 certificate of inspection is secured from a brand inspector. Such person  
19 shall exhibit the certificate of inspection upon the demand of any  
20 person.

21 (b) Outside of the brand inspection area, no person shall sell or  
22 offer for sale, except as a butcher bonded under section 54-1,114, the  
23 carcass of a beef or veal, or any portion thereof, without first  
24 exhibiting the intact hide of the same and exposing the brand upon the  
25 hide, if any, to the purchaser. A person selling or offering for sale any  
26 such carcass of beef or veal shall preserve the hide of the same for a  
27 period of fifteen days unless a certificate of inspection is secured from  
28 a brand inspector, and such person shall exhibit the certificate of  
29 inspection upon the demand of any person.

30 (2) No person shall kill for his, her, or its own use and  
31 consumption any cattle for beef or veal without preserving the hide of

1 such animal intact with a complete unskinned tail attached thereto for a  
2 period of not less than fifteen days unless a certificate of inspection  
3 is secured from a brand inspector, and such hide shall be presented for  
4 inspection upon demand of any person.

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

10 Sec. 26. Section 54-1,114, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 54-1,114 (1) Except as provided in subsections (2) and (3) of this  
13 section, no butcher, packer, or vendor engaged in the slaughter of cattle  
14 within the brand inspection area shall kill or otherwise dispose of any  
15 cattle until a brand inspection is performed by the Nebraska Brand  
16 Committee on the premises where such slaughter is to take place and until  
17 a certificate of inspection from the brand committee is filed and is made  
18 a part of such operator's permanent records. All such certificates of  
19 inspection shall, upon demand, be displayed to any peace officer or to  
20 the brand committee at any time.

21 (2) If cattle requiring inspection under this section are to be  
22 slaughtered and are purchased by such butcher, packer, or vendor at a  
23 regularly brand-inspected sales barn and are destined for direct  
24 slaughter upon reaching their destination, the brand inspector at such  
25 sales barn shall be advised that such cattle are destined for direct  
26 slaughter. The brand inspector shall then issue a certificate of  
27 inspection for the cattle, such certificate to indicate that the cattle  
28 are to go to direct slaughter and that the cattle are not to be retained  
29 by such butcher, packer, or vendor for longer than ninety-six hours prior  
30 to slaughter. Cattle inspected at the point of origin by a brand  
31 inspector shall not require an additional brand inspection upon reaching

1 a destination within the state if the certificate of inspection  
2 designates that the cattle are to go directly for slaughter and not to be  
3 retained by such butcher, packer, or vendor longer than ninety-six hours  
4 prior to slaughter.

5 (3) If cattle required to be inspected under this section are  
6 offered for slaughter and satisfactory evidence of ownership has not been  
7 provided, the butcher, packer, or vendor may, with the approval of the  
8 brand inspector, slaughter the cattle and hold the meat until such time  
9 as satisfactory evidence of ownership is provided to the brand committee.  
10 The brand inspector shall provide the butcher, packer, or vendor with an  
11 official notice advising the operator not to release the meat until  
12 authorized by the brand committee. The brand committee may provide for a  
13 cash bond to be posted with the executive director of the brand committee  
14 so that the meat may be released prior to the establishment of  
15 satisfactory evidence of ownership. The amount of the bond shall be set  
16 at the approximate value of the cattle. When satisfactory evidence of  
17 ownership has been provided by the person offering the cattle for  
18 slaughter, the executive director shall authorize the release of the meat  
19 or the return of the bond.

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

25 Sec. 27. Section 54-1,115, Revised Statutes Cumulative Supplement,  
26 2020, is amended to read:

27 54-1,115 (1) Any person, other than the owner or the owner's  
28 employee, using a motor vehicle or trailer to transport livestock or  
29 carcasses over any land within the State of Nebraska not owned or rented  
30 by such person or who is so transporting such livestock upon a highway,  
31 public street, or thoroughfare within the State of Nebraska shall have in

1 his or her possession a livestock transportation authority form,  
2 certificate of inspection, or shipping certificate from a registered  
3 feedlot, authorizing such movement as to each head of livestock  
4 transported by such vehicle.

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

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

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

24 Sec. 28. Section 54-1,116, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 54-1,116 (1) All livestock sold or otherwise disposed of shall be  
27 accompanied by a properly executed bill of sale in writing or, for  
28 cattle, a certificate of inspection. All owners of or persons possessing  
29 livestock have a duty to exhibit, upon request of any person, the bill of  
30 sale or other satisfactory evidence of ownership of the livestock.

31 (2) A violation of this section is an infraction. A peace officer

1 shall have the authority to write a citation, which shall be waivable, to  
2 offenders in violation of this section. A fine under this section shall  
3 not exceed two hundred dollars per head for each offense. Violations  
4 shall be charged in the county in which the offense occurred.

5 Sec. 29. Section 54-1,120, Revised Statutes Cumulative Supplement,  
6 2020, is amended to read:

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

- 17 (a) The operator's feedlot must be permanently fenced; and  
18 (b) The operator must commonly practice feeding cattle to finish for  
19 slaughter.

20 If the application is satisfactory, and upon payment of an initial  
21 registration fee by the applicant, the brand committee shall issue a  
22 registration number and registration certificate valid for one year  
23 unless rescinded for cause. If the registration is rescinded for cause,  
24 any registration fee shall be forfeited by the applicant. The initial fee  
25 for a registered feedlot shall be an amount for a registered feedlot  
26 having one thousand head or less capacity and an equal amount for each  
27 additional one thousand head capacity, or part thereof, of such  
28 registered feedlot. For each subsequent year, the renewal fee for a  
29 registered feedlot shall be an amount for the first one thousand head or  
30 portion thereof of average annual inventory of cattle on feed of the  
31 registered feedlot and an equal amount for each additional one thousand

1 head or portion thereof of average annual inventory of cattle on feed of  
2 the registered feedlot. The brand committee shall set the fee per one  
3 thousand head capacity or average annual inventory so as to correspond  
4 with the inspection fee provided under section 54-1,108. The registration  
5 fee shall be paid on an annual basis.

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

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

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

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

30 Sec. 30. Section 54-1,122, Revised Statutes Cumulative Supplement,  
31 2020, is amended to read:

1           54-1,122 Any cattle originating in a state that has a brand  
2 inspection agency and which are accompanied by a certificate of  
3 inspection or brand clearance issued by such agency may be moved directly  
4 from the point of origin into a registered feedlot. Any cattle not  
5 accompanied by such a certificate of inspection or brand clearance or by  
6 satisfactory evidence of ownership from states or portions of states not  
7 having brand inspection shall be subjected to physical inspection  
8 ~~inspected~~ for brands by the Nebraska Brand Committee or, if applicable,  
9 subjected to electronic inspection, within a reasonable time after  
10 arrival at a registered feedlot, and the inspection fee and mileage  
11 charge, if applicable, surcharge provided under section 54-1,108 shall be  
12 collected by the brand inspector at the time the inspection is performed.

13           Sec. 31. A person commits a Class III felony if such person:

14           (1) Willfully and knowingly performs or causes to be performed any  
15 act to:

16           (a) Apply, remove, damage, or alter an approved nonvisual  
17 identifier; or

18           (b) Expunge, alter, render inaccessible, or otherwise corrupt  
19 information recorded or embedded on or in an approved nonvisual  
20 identifier; and

21           (2) Such conduct is done with the intent to deprive an owner of  
22 livestock or falsely assert ownership of livestock.

23           Sec. 32. Section 54-1,128, Revised Statutes Cumulative Supplement,  
24 2020, is amended to read:

25           54-1,128 (1) An owner may brand cattle with a brand recorded or  
26 registered in another state when:

27           (a) Cattle are purchased at a livestock auction market licensed  
28 under the Livestock Auction Market Act or congregated at another location  
29 approved by the Nebraska Brand Committee;

30           (b) The cattle will be imminently exported from Nebraska;

31           (c) The cattle are branded at the livestock auction market or other



1 approved location; and

2 (d) An out-of-state brand permit has been obtained prior to branding  
3 the cattle.

4 (2) An application for an out-of-state brand permit shall be made to  
5 a brand inspector and shall include a description of the brand, a written  
6 application, and a fee not to exceed fifty dollars as determined by the  
7 Nebraska Brand Committee. A brand inspector shall evaluate and may  
8 approve an out-of-state brand permit within a reasonable period of time.

9 (3) Cattle branded under an out-of-state brand permit shall remain  
10 subject to all other brand inspection requirements under the Livestock  
11 Brand Act.

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

17 Sec. 33. Section 54-415, Revised Statutes Cumulative Supplement,  
18 2020, is amended to read:

19 54-415 Any person taking up an estray within the brand inspection  
20 area or brand inspection service area shall report the same within seven  
21 days thereafter to the Nebraska Brand Committee. Any person taking up an  
22 estray in any other area of the state shall report the same to the county  
23 sheriff of the county where the estray was taken. If the animal is  
24 determined to be an estray by a representative of the Nebraska Brand  
25 Committee or the county sheriff, as the case may be, such animal shall,  
26 as promptly as may be practicable, be sold through the most convenient  
27 livestock auction market. The proceeds of such sale, after deducting the  
28 selling expenses, shall be paid over to the Nebraska Brand Committee to  
29 be placed in the estray fund identified in section 54-1,118, if such  
30 estray was taken up within the brand inspection area or brand inspection  
31 service area, and otherwise to the treasurer of the county in which such

1 estray was taken up. During the time such proceeds are impounded, any  
2 person taking up such estray may file claim with the Nebraska Brand  
3 Committee or the county treasurer, as the case may be, for the expense of  
4 feeding and keeping such estray while in his or her possession. When such  
5 claim is filed it shall be the duty of the Nebraska Brand Committee or  
6 the county board, as the case may be, to decide on the validity of the  
7 claim so filed and allow the claim for such amount as may be deemed  
8 equitable. When the estray is taken up within the brand inspection area  
9 or brand inspection service area, such proceeds shall be impounded for  
10 one year, unless ownership is determined sooner by the Nebraska Brand  
11 Committee, and if ownership is not determined within such one-year  
12 period, the proceeds shall be paid into the permanent school fund, less  
13 the actual expenses incurred in the investigation and processing of the  
14 estray fund. Any amount deducted as actual expenses incurred shall be  
15 deposited in the Nebraska Brand Inspection and Theft Prevention Fund.  
16 When the estray is taken up outside the brand inspection area or brand  
17 inspection service area and ownership cannot be determined by the county  
18 board, the county board shall then order payment of the balance of the  
19 sale proceeds less expenses, to the permanent school fund. If the brand  
20 committee or the county board determines ownership of an estray sold in  
21 accordance with this section by means of evidence of ownership other than  
22 the owner's recorded Nebraska brand, an amount not to exceed the actual  
23 investigative costs or expenses may be deducted from the proceeds of the  
24 sale. Any person who violates this section is guilty of a Class II  
25 misdemeanor. The definitions found in sections 54-172 to 54-190 and  
26 sections 3, 4, 5, 6, 7, 8, and 9 of this act apply to this section.

27       Sec. 34.       Original sections 54-173, 54-176, 54-182, 54-199,  
28 54-1,101, 54-1,102, 54-1,112, 54-1,113, 54-1,114, and 54-1,116, Reissue  
29 Revised Statutes of Nebraska, and sections 54-170, 54-171, 54-172,  
30 54-179, 54-189, 54-191, 54-198, 54-1,108, 54-1,110, 54-1,111, 54-1,115,  
31 54-1,120, 54-1,122, 54-1,128, and 54-415, Revised Statutes Cumulative

1 Supplement, 2020, are repealed.

2       2. On page 1, strike beginning with "the" in line 1 through line 11  
3 and insert "livestock; to amend sections 54-173, 54-176, 54-182, 54-199,  
4 54-1,101, 54-1,102, 54-1,112, 54-1,113, 54-1,114, and 54-1,116, Reissue  
5 Revised Statutes of Nebraska, and sections 54-170, 54-171, 54-172,  
6 54-179, 54-189, 54-191, 54-198, 54-1,108, 54-1,110, 54-1,111, 54-1,115,  
7 54-1,120, 54-1,122, 54-1,128, and 54-415, Revised Statutes Cumulative  
8 Supplement, 2020; to define and redefine terms; to change provisions  
9 relating to the Nebraska Brand Committee, brand requirements, and brand  
10 inspections; to provide and change fees; to provide penalties; to  
11 harmonize provisions; and to repeal the original sections."