

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 571**

Introduced by Halloran, 33.

Read first time January 19, 2021

Committee: Agriculture

1 A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections  
2 54-170, 54-171, and 54-1,122, Revised Statutes Cumulative  
3 Supplement, 2020; to define terms; to provide for backgrounder lot  
4 registration; to provide fees; to provide duties; to change  
5 registered feedlot requirements; to harmonize provisions; and to  
6 repeal the original sections.

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

1 Section 1. Section 54-170, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

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

5 Sec. 2. Section 54-171, Revised Statutes Cumulative Supplement,  
6 2020, is amended to read:

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

10 Sec. 3. Backgrounder lot means a livestock facility used as an  
11 intermediate facility for growing weaned livestock until such livestock  
12 enter a finishing feedlot.

13 Sec. 4. Permanently fenced means fencing of a permanent nature and  
14 of sufficient construction and design to minimize the potential for  
15 ingress or egress of livestock into or from a facility utilized as a  
16 backrunner lot or finishing feedlot, and to minimize the potential for  
17 intermingling of livestock intended to be segregated in separate  
18 enclosures while within such facility.

19 Sec. 5. Registered backrunner lot means a backrunner lot  
20 registered under section 6 of this act.

21 Sec. 6. (1) Any person who operates a backrunner lot located  
22 within the brand inspection area may make application to the Nebraska  
23 Brand Committee for registration as a registered backrunner lot. The  
24 application form shall be prescribed by the brand committee and shall be  
25 made available by the executive director of the brand committee for such  
26 purpose upon written request. If the applicant is an individual, the  
27 application shall include the applicant's social security number. After  
28 the brand committee has received a properly completed application, an  
29 agent of the brand committee shall within thirty days make an  
30 investigation to determine if the following requirements are satisfied:

31 (a) The applicant's backrunner lot must be permanently fenced; and

1       (b) The applicant must commonly practice the care and growing of  
2 livestock and the acclimation of livestock to a feed diet from weaning  
3 until the livestock enters a finishing feedlot.

4       (2) If the application is satisfactory, and upon payment of an  
5 annual registration fee of fifty dollars and an annual audit fee by the  
6 applicant, the brand committee shall issue a registration number and  
7 registration certificate valid for one year unless rescinded for cause.  
8 If the registration is rescinded for cause, any annual registration fee  
9 and annual audit fee paid shall be forfeited by the applicant as  
10 administrative costs. For purposes of this subsection, the annual audit  
11 initial fee for a registered feedlot shall be an amount that is equal to  
12 ten percent of the amount calculated by multiplying the per head  
13 inspection fee imposed pursuant to section 54-1,108 by the capacity of  
14 the registered feedlot rounded up to the nearest one thousand head  
15 capacity.

16       (3) The brand committee may adopt and promulgate rules and  
17 regulations for the operation of registered backgrounder lots to include,  
18 but not be limited to, requirements that backgrounder lot shipping  
19 certificates are available, and that proper records are maintained. A  
20 violation of section 6 or 7 of this act subjects the operator to  
21 revocation or suspension of the backgrounder lot registration issued.  
22 Such sections shall not be construed as prohibiting the operation of  
23 nonregistered backgrounder lots.

24       (4) Registered backgrounder lots are subject to inspection at any  
25 reasonable time at the discretion of the brand committee and its  
26 authorized agents, and an operator shall show cattle purchase records or  
27 certificates of inspection to cover all cattle in the operator's feedlot.  
28 Cattle originating from a registered backgrounder lot may from time to  
29 time, at the discretion of the brand committee, be subject to a spot-  
30 check inspection and audit at destination to enable the brand committee  
31 to assure satisfactory compliance by the backgrounder lot operator.

1       (5) The operator of a backgrounder lot shall keep cattle inventory  
2 records. A form for such purpose shall be prescribed by the brand  
3 committee. The brand committee and its agents may from time to time make  
4 spot checks and audits of registered backgrounder lots and the records of  
5 cattle on feed in such registered backgrounder lots.

6       (6) The brand committee may rescind the registration of any  
7 registered feedlot operator who fails to cooperate or violates the  
8 Livestock Brand Act or the rules and regulations of the brand committee  
9 governing registered feedlots.

10       Sec. 7. (1) Cattle sold or shipped from a registered backgrounder  
11 lot for purposes other than for delivery to a finishing feedlot are  
12 subject to the brand inspection under sections 54-1,110 to 54-1,119. The  
13 seller or shipper shall bear the cost of such inspection at the regular  
14 fee imposed pursuant to section 54-1,108.

15       (2) Any other cattle shipped from a registered backgrounder lot are  
16 not subject to brand inspection at origin or destination, but the shipper  
17 must have a shipping certificate from the registered backgrounder lot.  
18 The shipping certificate form shall be prescribed by the Nebraska Brand  
19 Committee and shall show the registered backgrounder lot operator's name  
20 and registration number, shipment date, destination, entity receiving the  
21 cattle, number of head in the shipment, and sex of the cattle. The  
22 shipping certificate shall be completed in triplicate by the registered  
23 feedlot operator at the time of shipment. One copy thereof shall be  
24 delivered to the feedlot operator along with shipment, if applicable, one  
25 copy shall be sent to the brand committee by the tenth day of the  
26 following month, and one copy shall be retained by the registered  
27 backgrounder lot operator. If a shipping certificate does not accompany a  
28 shipment of cattle from a registered backgrounder lot, all such cattle  
29 shipped shall be subject to a brand inspection and the inspection fees  
30 and surcharge provided under section 54-1,108 shall be charged for the  
31 inspection.

1           Sec. 8. Section 54-1,122, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

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

14           (2)(a) Feedlot-owned cattle received at a registered feedlot from a  
15 registered backgrounder lot may be received without inspection if:

16           (i) There has been no change of ownership of the cattle from the  
17 point of origin and the cattle have remained as a distinct lot from the  
18 point of origin where the original purchase occurred;

19           (ii) Satisfactory documentary evidence of ownership issued at the  
20 point of origin accompanies the cattle from the backgrounder lot to the  
21 registered feedlot; and

22           (iii) The registered backgrounder lot meets the definition provided  
23 in section 5 of this act.

24           (b) If the brand committee has cause to believe that comingling of  
25 registered feedlot-owned cattle with other cattle within an affiliated  
26 backgrounder lot has occurred prior to the cattle being delivered to a  
27 registered feedlot, the registered feedlot shall be subject to inspection  
28 at any reasonable time at the discretion of the brand committee.

29           Sec. 9. Original sections 54-170, 54-171, and 54-1,122, Revised  
30 Statutes Cumulative Supplement, 2020, are repealed.