

AMENDMENTS TO LB646

(Amendments to Standing Committee amendments, AM638)

Introduced by Ibach, 44.

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

3 **Section 1.** Section 54-170, Reissue Revised Statutes of Nebraska, is
4 amended to read:

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

7 **Sec. 2.** Section 54-171, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 54-171 For purposes of the Livestock Brand Act, the definitions
10 found in sections 54-171.01 to 54-190 and sections 3 to 7 of this act
11 shall be used.

12 **Sec. 3.** Affiliated grow yard means a grow yard for livestock that
13 is:

14 (1) Affiliated with a registered feedlot; and

15 (2) Located within or outside of the brand inspection area.

16 **Sec. 4.** Affiliated transfer means a transfer of livestock:

17 (1) Into any registered feedlot from an affiliated grow yard of such
18 registered feedlot; or

19 (2) From any registered feedlot into an affiliated grow yard of such
20 registered feedlot.

21 **Sec. 5.** Audit means a review that is performed by the brand
22 committee of satisfactory proof of ownership for cattle in registered
23 feedlots.

24 **Sec. 6.** Brand committee means the Nebraska Brand Committee.

25 **Sec. 7.** Documentation includes any bill of sale, brand clearance,
26 certificate of inspection, breed registration certificate, animal health

1 or testing certificate, genomic testing certificate, recorded brand
2 certificate, purchase sheet, scale ticket, disclaimer of interest,
3 affidavit, court order, security agreement, power of attorney, canceled
4 check, bill of lading, or tag.

5 **Sec. 8.** Any cattle that are part of an affiliated transfer shall
6 not be subject to brand inspection requirements if the following
7 requirements are satisfied:

8 (1) One hundred percent of the cattle that are being transferred are
9 under the management of the registered feedlot with which the affiliated
10 grow yard is affiliated;

11 (2) Satisfactory proof of ownership accompanies the cattle that are
12 being transferred; and

13 (3) The affiliated grow yard is permanently fenced.

14 **Sec. 9.** Section 54-1,108, Reissue Revised Statutes of Nebraska, is
15 amended to read:

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

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

26 ~~(c)(i) The following (c) Beginning October 1, 2021, a physical~~
27 ~~inspection fee of eighty-five cents per head until June 30, 2023, and~~
28 ~~beginning July 1, 2023, a fee established by the Nebraska Brand~~
29 ~~Committee, of not more than one dollar and ten cents per head shall be~~
30 charged for all cattle inspected in accordance with the Livestock Brand
31 Act or section 54-415, inspected within the brand inspection area or

1 brand inspection service area by court order, inspected at the request of
2 any bank, credit agency, or lending institution with a legal or financial
3 interest in such cattle, or inspected at the request of a neighboring
4 livestock owner with missing cattle; -

5 (A) Until December 31, 2025, a fee of not more than one dollar and
6 ten cents per head; and

7 (B) Beginning January 1, 2026, a fee of not more than one dollar and
8 fifty cents per head.

9 (ii) The inspection fee for court-ordered inspections shall be paid
10 from the proceeds of the sale of such cattle if ordered by the court or
11 by either party as the court directs.

12 (iii) For ~~other~~ inspections not described in subdivision (1)(c)(ii)
13 of this section, the person requesting the inspection of such cattle is
14 responsible for the inspection fee.

15 (iv) Brand inspections requested by either a purchaser or seller of
16 cattle located within the brand inspection service area shall be provided
17 upon the same terms and charges as brand inspections performed within the
18 brand inspection area.

19 (v) If stray cattle are identified as a result of the inspection,
20 such cattle shall be processed in the manner provided by section 54-415.

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

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

1 brand committee to perform such inspection. The brand committee shall
2 charge and collect the actual expense fee. Such fee shall apply to
3 inspections performed outside the brand inspection area as part of an
4 investigation into known or alleged violations of the Livestock Brand Act
5 and shall be charged against the person committing the violation.

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

13 (b) ~~The following Beginning October 1, 2021, an electronic~~
14 ~~inspection fee not to exceed eighty five cents per head until June 30,~~
15 ~~2023, and beginning July 1, 2023, a fee established by the brand~~
16 ~~committee of not more than one dollar and ten cents per head shall be~~
17 ~~charged for all cattle subjected to electronic inspection in accordance~~
18 ~~with the Livestock Brand Act or section 54-415: -~~

19 (A) Until December 31, 2025, not more than one dollar and ten cents
20 per head; and

21 (B) Beginning January 1, 2026, not more than one dollar and fifty
22 cents per head.

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

28 (d) A certified transportation permit shall be provided to qualified
29 dairies after the required information is electronically transferred to
30 the brand committee on calves under thirty days of age which are moved
31 out of the inspection area. The fee shall be the same as for an

1 electronic inspection under subdivision (2)(b) of this section.

2 (e) On or before December 1, 2025 ~~2021~~, the brand committee shall
3 report to the Legislature any actions taken or necessary for implementing
4 electronic inspection authorized by this subsection, including personnel
5 and other resources utilized to support electronic inspection, how the
6 brand committee's information technology capabilities are utilized to
7 support electronic inspection, a listing of approved nonvisual
8 identifiers, the requirements for enrolling cattle identified by approved
9 nonvisual identifiers, current and anticipated utilization of electronic
10 inspection by the livestock industry, and the fees required to recover
11 costs of performing electronic inspection.

12 (3) Any person who has reason to believe that cattle were shipped
13 erroneously due to an inspection error during a brand inspection may
14 request a reinspection. The person making such request shall be
15 responsible for the expenses incurred as a result of the reinspection
16 unless the results of the reinspection substantiate the claim of
17 inspection error, in which case the brand committee shall be responsible
18 for the reinspection expenses.

19 **Sec. 10.** Section 54-1,110, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 54-1,110 (1) Except as provided in subsection ~~subsections~~ (2) and
22 ~~(3)~~ of this section, no person shall move, in any manner, cattle from a
23 point within the brand inspection area to a point outside the brand
24 inspection area unless such cattle first have a brand inspection by the
25 Nebraska Brand Committee and a certificate of inspection is issued. A
26 copy of such certificate shall accompany the cattle and shall be retained
27 by all persons moving such cattle as a permanent record.

28 (2)(a) ~~(2)~~ Cattle in a registered feedlot registered under sections
29 54-1,120 to 54-1,122 are not subject to the brand inspection of
30 subsection (1) of this section. Possession by the shipper or trucker of a
31 shipping certificate from the registered feedlot constitutes compliance

1 if the cattle being shipped are as represented on such shipping
2 certificate.

3 (b) ~~(3)~~ If the line designating the brand inspection area divides a
4 farm or ranch or lies between noncontiguous parcels of land which are
5 owned or operated by the same cattle owner or owners, a permit may be
6 issued, at the discretion of the Nebraska Brand Committee, to the owner
7 or owners of cattle on such farm, ranch, or parcels of land to move the
8 cattle in and out of the brand inspection area without inspection. If the
9 line designating the brand inspection area lies between a farm or ranch
10 and nearby veterinary medical facilities, a permit may be issued, at the
11 discretion of the brand committee, to the owner or owners of cattle on
12 such farm or ranch to move the cattle in and out of the brand inspection
13 area without inspection to obtain care from the veterinary medical
14 facilities. The brand committee shall issue initial permits only after
15 receiving an application which includes an application fee established by
16 the brand committee which shall not be more than fifteen dollars. The
17 brand committee shall mail all current permit holders an annual renewal
18 notice, for January 1 renewal, which requires a renewal fee established
19 by the brand committee which shall not be more than fifty dollars. If the
20 permit conditions still exist, the cattle owner or owners may renew the
21 permit.

22 (c) Cattle transferred to the care of another party without a
23 transfer of ownership shall not be subject to brand inspection under
24 subsection (1) of this section. Possession by such other party of such
25 cattle shall be in compliance with the Livestock Brand Act if such other
26 party is in possession of any of the following that taken in whole or in
27 part cause an inspector to believe that proof of temporary possession is
28 established: Documentation, statements, circumstances, or other facts.

29 (3) ~~(4)~~ No person shall sell any cattle knowing that the cattle are
30 to be moved, in any manner, in violation of this section. Proof of
31 shipment or removal of the cattle from the brand inspection area by the

1 purchaser or his or her agent is prima facie proof of knowledge that sale
2 was had for removal from the brand inspection area.

3 ~~(4)~~ (5) A violation of this section is an infraction. A peace
4 officer shall have the authority to write a citation, which shall be
5 waivable, to offenders in violation of this section. A fine under this
6 section shall not exceed two hundred dollars per head for each offense.
7 Violations shall be charged in the county of origin of the cattle or any
8 other county through which the cattle were moved from the brand
9 inspection area.

10 **Sec. 11.** Section 54-1,111, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 54-1,111 (1) Except as provided in subsection (2) of this section,
13 no person shall sell or trade any cattle located within the brand
14 inspection area, nor shall any person buy or purchase any such cattle
15 unless the cattle have been inspected for evidence of ownership and a
16 certificate of inspection or brand clearance has been issued by the
17 Nebraska Brand Committee. Any person selling such cattle shall present to
18 the brand inspector a properly executed bill of sale, brand clearance, or
19 other satisfactory evidence of ownership which shall be filed with the
20 original certificate of inspection in the records of the brand committee.
21 Any time a brand inspection is required by law, a brand investigator or
22 brand inspector may transfer evidence of ownership of such cattle from a
23 seller to a purchaser by issuing a certificate of inspection.

24 (2) A brand inspection is not required:

25 (a) For cattle of a registered feedlot registered under sections
26 54-1,120 to 54-1,122 shipped for direct slaughter or sale on any terminal
27 market;

28 (b) For cattle that are:

29 (i) Transferred to a family corporation when all the shares of
30 capital stock of the corporation are owned by the husband, wife,
31 children, or grandchildren of the transferor and there is no

1 consideration for the transfer other than the issuance of stock of the
2 corporation to such family members; or

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

7 (c) When the change of ownership of cattle is a change in form only
8 and the surviving interests are in the exact proportion as the original
9 interests of ownership. When there is a change of ownership described in
10 subdivision (2)(b) or (c) of this section, an affidavit, on a form
11 prescribed by the Nebraska Brand Committee, signed by the transferor and
12 stating the nature of the transfer and the number of cattle involved and
13 the brands presently on the cattle, shall be filed with the brand
14 committee;

15 (d) For cattle sold or purchased for educational or exhibition
16 purposes or other recognized youth activities if a properly executed bill
17 of sale is exchanged and presented upon demand. Educational or exhibition
18 purpose means cattle sold or purchased for the purpose of being fed,
19 bred, managed, or tended in a program designed to demonstrate or instruct
20 in the use of various feed rations, the selection of individuals of
21 certain physical conformation or breeds, the measurement and recording of
22 rate of gain in weight or fat content of meat or milk produced, or the
23 preparation of cattle for the purpose of exhibition or for judging as to
24 quality and conformation;

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

28 (f) For seedstock cattle raised by the seller and individually
29 registered with an organized breed association if a properly executed
30 bill of sale is exchanged and presented upon demand; and -

31 (g) For cattle shipped to or from a qualified dairy or qualified

1 dairy development facility.

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

7 **Sec. 12.** Section 54-1,119, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 54-1,119 (1) Any livestock market, whether within or outside of the
10 state, or any meat packing plant that ~~which~~ maintains brand inspection
11 under the supervision of the Nebraska Brand Committee and under such
12 rules and regulations ~~as are~~ specified by the United States Department of
13 Agriculture, may be designated by the brand committee as an open market.

14 (2)(a) ~~(2)~~ When cattle originating from within the brand inspection
15 area are consigned for sale to any commission company at any open market
16 designated as such by the Nebraska Brand Committee where brand inspection
17 is maintained, no brand inspection is required at the point of origin but
18 is required at the point of destination unless the point of origin is a
19 registered feedlot.

20 (b) If cattle are consigned to a commission company at an open
21 market, the carrier transporting the cattle shall not allow the owner,
22 shipper, or party in charge to change the billing to any point other than
23 the commission company at the open market designated on the original
24 billing, unless the carrier secures from the brand committee a
25 certificate of inspection on the cattle so consigned.

26 (c) Any cattle originating in a registered feedlot consigned to a
27 commission company at any terminal market destined for direct slaughter
28 may be shipped in accordance with rules and regulations governing
29 registered feedlots.

30 (3) Until the cattle are inspected for brands on the premises by the
31 Nebraska Brand Committee, no person shall sell or cause to be sold or

1 offer for sale any cattle:

2 (a) ~~At any cattle at~~ a livestock auction market located within the
3 brand inspection area or at a farm or ranch sale located within the brand
4 inspection area; or

5 (b) Originating any cattle originating within the brand inspection
6 area consigned to an open market.

7 **Sec. 13.** Section 54-1,120, Reissue Revised Statutes of Nebraska, is
8 amended to read:

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

20 (i) ~~(a)~~ The operator's feedlot must be permanently fenced; and

21 (ii) ~~(b)~~ The operator must commonly practice feeding cattle to
22 finish for slaughter.

23 (b) If the application is satisfactory, and upon payment of an
24 initial registration fee by the applicant, the brand committee shall
25 issue a registration number and registration certificate valid for one
26 year unless rescinded for cause. If the registration is rescinded for
27 cause, any registration fee shall be forfeited by the applicant.

28 (c)(i) The initial registration fee for a registered feedlot shall
29 be one thousand dollars ~~an amount for a registered feedlot having one~~
30 ~~thousand head or less capacity and an equal amount for each additional~~
31 ~~one thousand head capacity, or part thereof, of such registered feedlot.~~

1 (ii) For each subsequent year, the renewal registration fee for a
2 registered feedlot shall be one thousand dollars. ~~an amount for the first~~
3 ~~one thousand head or portion thereof of average annual inventory of~~
4 ~~cattle on feed of the registered feedlot and an equal amount for each~~
5 ~~additional one thousand head or portion thereof of average annual~~
6 ~~inventory of cattle on feed of the registered feedlot. The brand~~
7 ~~committee shall set the fee per one thousand head capacity or average~~
8 ~~annual inventory so as to correspond with the inspection fee provided~~
9 ~~under section 54-1,108.~~

10 (iii) The registration fee shall be paid on an annual basis.

11 (2) The brand committee may adopt and promulgate rules and
12 regulations for the operation of registered feedlots to assure that brand
13 laws are complied with, that registered feedlot shipping certificates are
14 available, and that proper records are maintained. Violation of sections
15 54-1,120 to 54-1,122 subjects the operator to revocation or suspension of
16 the feedlot registration issued. Sections 54-1,120 to 54-1,122 shall not
17 be construed as prohibiting the operation of nonregistered feedlots.

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

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

31 (5) The brand committee may rescind the registration of any

1 registered feedlot operator who fails to cooperate or violates the laws
2 or rules and regulations of the brand committee relating to covering
3 registered feedlots.

4 **Sec. 14.** Section 54-1,121, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 54-1,121 (1) Cattle sold or shipped from a registered feedlot, for
7 purposes other than direct slaughter or sale on any terminal market, are
8 subject to the brand inspection under sections 54-1,110 to 54-1,119, and
9 the seller or shipper shall bear the cost of such inspection at the
10 regular fee.

11 (2)(a) Any other cattle not described in subsection (1) of this
12 section that are shipped from a registered feedlot are not subject to
13 brand inspection at origin or destination if ~~, but~~ the shipper has ~~must~~
14 ~~have~~ a shipping certificate from the registered feedlot.

15 (b) The shipping certificate form shall be prescribed by the
16 Nebraska Brand Committee and shall show the registered feedlot operator's
17 name and registration number, date shipped, destination, agency receiving
18 the cattle, number of head in the shipment, and sex of the cattle.

19 (c) The shipping certificate shall be completed in triplicate by the
20 operator of the registered feedlot ~~operator~~ at the time of shipment. One
21 copy thereof shall be delivered to the brand inspector at the market
22 along with shipment, if applicable, one copy shall be sent to the brand
23 committee by the tenth day of the following month, and one copy shall be
24 retained by the operator of the registered feedlot ~~operator~~.

25 (d) If a shipping certificate does not accompany a shipment of
26 cattle from a registered feedlot to any destination where brand
27 inspection is maintained by the brand committee, all such cattle shall be
28 subject to a brand inspection and the inspection fees and surcharge
29 provided under section 54-1,108 shall be charged for the service.

30 **Sec. 15.** Original sections 54-170, 54-171, 54-1,108, 54-1,110,
31 54-1,111, 54-1,119, 54-1,120, and 54-1,121, Reissue Revised Statutes of

1 Nebraska, are repealed.