

SPEAKER WITHEM: Senator Dierks.

SENATOR DIERKS: Thank you, Mr. Speaker. Members of the Legislature, current law requires that anyone transporting cattle within the brand inspection area carry a permit authorizing that movement. The law is silent, however, on the circumstances under which the peace officer may stop a vehicle. Several states specifically authorize permit inspection by peace officers. The standard varies from state to state. Some states do not require any standard, while some states require that the officer have probable cause that the animals are stolen, or that a violation is taking place. As originally introduced, 1174 states that the officer have probable cause to question the ownership of cattle being transported. The committee amendments, however, adopt a lesser standard called "reasonable cause". The committee amendments also expand the suspected violations for which a vehicle can be stopped to include suspicion that the livestock are being transported illegally, that is without the proper permits. The Nebraska Cattlemen were uncomfortable with specifically authorizing any peace officer to demand a permit. They are concerned that there are too many times when livestock are being transported innocently for which a permit is not particularly been required but it is easily...or for which a permit is technically required, but it's easy to forget obtaining these permits and may not be practical. We're talking, for instance, about a neighbor's 4-H cattle being taken to the fair. Also this particular statute amended by the bill, which requires permits for movement within the brand area, has been largely unenforced anyway. They are enforced with the changes in 1174 to the extent that they help stop rustling. The Cattlemen oppose changes to the extent that they only serve to detain otherwise innocent individuals for noncompliance with technical requirements. The language stricken by this amendment, 3557, and by the way, that's on page 1050...let's see, yes, it's on page 1057 in your Journal. The language stricken by this amendment to the committee amendments delete the reference to the legality of transport, and that's the actual language, the legality of transport. The language is vague and it's not critical to the intent of LB 1174. Section 54-145.01 currently requires individuals transporting livestock within the brand inspection area to have a permit from the owner authorizing the movement. This section also requires that outside of the brand area the transporter have a permit