

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 614

Introduced by Erdman, 47.

Read first time January 20, 2021

Committee: Agriculture

1 A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections
2 54-1,110, 54-1,111, 54-1,115, and 54-1,119, Revised Statutes
3 Cumulative Supplement, 2020; to eliminate registered feedlot
4 provisions under the act; to harmonize provisions; to repeal the
5 original sections; and to outright repeal section 54-188, Reissue
6 Revised Statutes of Nebraska, and sections 54-1,120, 54-1,121, and
7 54-1,122, Revised Statutes Cumulative Supplement, 2020.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-1,110, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

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

10 ~~(2) Cattle in a registered feedlot registered under sections~~
11 ~~54-1,120 to 54-1,122 are not subject to the brand inspection of~~
12 ~~subsection (1) of this section. Possession by the shipper or trucker of a~~
13 ~~shipping certificate from the registered feedlot constitutes compliance~~
14 ~~if the cattle being shipped are as represented on such shipping~~
15 ~~certificate.~~

16 ~~(2)~~ ~~(3)~~ If the line designating the brand inspection area divides a
17 farm or ranch or lies between noncontiguous parcels of land which are
18 owned or operated by the same cattle owner or owners, a permit may be
19 issued, at the discretion of the Nebraska Brand Committee, to the owner
20 or owners of cattle on such farm, ranch, or parcels of land to move the
21 cattle in and out of the brand inspection area without inspection. If the
22 line designating the brand inspection area lies between a farm or ranch
23 and nearby veterinary medical facilities, a permit may be issued, at the
24 discretion of the brand committee, to the owner or owners of cattle on
25 such farm or ranch to move the cattle in and out of the brand inspection
26 area without inspection to obtain care from the veterinary medical
27 facilities. The brand committee shall issue initial permits only after
28 receiving an application which includes an application fee established by
29 the brand committee which shall not be more than fifteen dollars. The
30 brand committee shall mail all current permitholders an annual renewal
31 notice, for January 1 renewal, which requires a renewal fee established

1 by the brand committee which shall not be more than fifteen dollars. If
2 the permit conditions still exist, the cattle owner or owners may renew
3 the permit.

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

9 (4) ~~(5)~~ In cases of prosecution for violation of this section, venue
10 may be established in the county of origin or any other county through
11 which the cattle may pass in leaving the brand inspection area.

12 Sec. 2. Section 54-1,111, Revised Statutes Cumulative Supplement,
13 2020, is amended to read:

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

26 (2) A brand inspection is not required:

27 ~~(a) For cattle of a registered feedlot registered under sections~~
28 ~~54-1,120 to 54-1,122 shipped for direct slaughter or sale on any terminal~~
29 ~~market;~~

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

31 (i) Transferred to a family corporation when all the shares of

1 capital stock of the corporation are owned by the husband, wife,
2 children, or grandchildren of the transferor and there is no
3 consideration for the transfer other than the issuance of stock of the
4 corporation to such family members; or

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

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

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

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

30 (e) ~~(f)~~ For seedstock cattle raised by the seller and individually
31 registered with an organized breed association if a properly executed

1 bill of sale is exchanged and presented upon demand.

2 Sec. 3. Section 54-1,115, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 54-1,115 (1) Any person, other than the owner or the owner's
5 employee, using a motor vehicle or trailer to transport livestock or
6 carcasses over any land within the State of Nebraska not owned or rented
7 by such person or who is so transporting such livestock upon a highway,
8 public street, or thoroughfare within the State of Nebraska shall have in
9 his or her possession a livestock transportation authority form, or
10 certificate of inspection, ~~or shipping certificate from a registered~~
11 ~~feedlot,~~ authorizing such movement as to each head of livestock
12 transported by such vehicle.

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

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

27 Sec. 4. Section 54-1,119, Revised Statutes Cumulative Supplement,
28 2020, is amended to read:

29 54-1,119 (1) Any livestock market, whether within or outside of the
30 state, or any meat packing plant which maintains brand inspection under
31 the supervision of the Nebraska Brand Committee and under such rules and

1 regulations as are specified by the United States Department of
2 Agriculture, may be designated by the brand committee as an open market.

3 (2) When cattle originating from within the brand inspection area
4 are consigned for sale to any commission company at any open market
5 designated as such by the Nebraska Brand Committee where brand inspection
6 is maintained, no brand inspection is required at the point of origin but
7 is required at the point of destination ~~unless the point of origin is a~~
8 ~~registered feedlot~~. If cattle are consigned to a commission company at an
9 open market, the carrier transporting the cattle shall not allow the
10 owner, shipper, or party in charge to change the billing to any point
11 other than the commission company at the open market designated on the
12 original billing, unless the carrier secures from the brand committee a
13 certificate of inspection on the cattle so consigned. ~~Any cattle~~
14 ~~originating in a registered feedlot consigned to a commission company at~~
15 ~~any terminal market destined for direct slaughter may be shipped in~~
16 ~~accordance with rules and regulations governing registered feedlots.~~

17 (3) Until the cattle are inspected for brands on the premises by the
18 Nebraska Brand Committee, no person shall sell or cause to be sold or
19 offer for sale (a) any cattle at a livestock auction market located
20 within the brand inspection area or at a farm or ranch sale located
21 within the brand inspection area or (b) any cattle originating within the
22 brand inspection area consigned to an open market.

23 Sec. 5. Original sections 54-1,110, 54-1,111, 54-1,115, and
24 54-1,119, Revised Statutes Cumulative Supplement, 2020, are repealed.

25 Sec. 6. The following sections are outright repealed: Section
26 54-188, Reissue Revised Statutes of Nebraska, and sections 54-1,120,
27 54-1,121, and 54-1,122, Revised Statutes Cumulative Supplement, 2020.