

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 6 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 6 of this act  
11 shall be used.

12        **Sec. 3.** Audit means a review that is performed by the brand  
13 committee of satisfactory evidence of ownership for cattle in registered  
14 feedlots.

15        **Sec. 4.** Backgrounding lot means a grow yard located within or  
16 outside of the brand inspection area that prepares cattle for entry into  
17 a registered feedlot.

18        **Sec. 5.** Brand committee means the Nebraska Brand Committee.

19        **Sec. 6.** One-time head capacity means the total number of livestock  
20 a facility can hold at any given time.

21        **Sec. 7.** Section 54-1,108, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23        54-1,108 (1)(a) All physical inspections for brands provided for in  
24 the Livestock Brand Act or section 54-415 shall be from sunrise to  
25 sundown or during such other hours and under such conditions as the  
26 Nebraska Brand Committee determines. The brand committee shall assess a

1 fifty-dollar late notice surcharge if a request for a physical inspection  
2 is made less than forty-eight hours prior to the date of inspection.

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

7 (c)(i) A {c} Beginning October 1, 2021, a physical inspection fee of  
8 eighty-five cents per head until June 30, 2023, and beginning July 1,  
9 2023, a fee established by the Nebraska Brand Committee, of not more than  
10 one dollar and fifty ten cents per head shall be charged for all cattle  
11 inspected in accordance with the Livestock Brand Act or section 54-415,  
12 inspected within the brand inspection area or brand inspection service  
13 area by court order, inspected at the request of any bank, credit agency,  
14 or lending institution with a legal or financial interest in such cattle,  
15 or inspected at the request of a neighboring livestock owner with missing  
16 cattle.

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

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

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

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

29 (d) The party that is liable for paying the fees under subdivision  
30 (c) of this subsection shall also pay:

31 (i) {d} The actual mileage incurred by the inspector to perform a

1 physical inspection shall be paid by the party requesting inspection and  
2 paid at the rate established by the Department of Administrative Services  
3 pursuant to section 81-1176; and -

4 (ii) A surcharge of twenty dollars for each day on which the brand  
5 inspections occurred.

6 (e) For physical inspections performed outside of the brand  
7 inspection area that are not provided for in subdivision (c) of this  
8 subsection, the fee shall be the inspection fee established in such  
9 subdivision plus a fee to cover the actual expense of performing the  
10 inspection, including mileage at the rate established by the Department  
11 of Administrative Services and an hourly rate, not to exceed thirty  
12 dollars per hour, for the travel and inspection time incurred by the  
13 brand committee to perform such inspection. The brand committee shall  
14 charge and collect the actual expense fee. Such fee shall apply to  
15 inspections performed outside the brand inspection area as part of an  
16 investigation into known or alleged violations of the Livestock Brand Act  
17 and shall be charged against the person committing the violation.

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

25 (b) ~~A Beginning October 1, 2021, an electronic inspection fee not to~~  
26 ~~exceed eighty-five cents per head until June 30, 2023, and beginning July~~  
27 ~~1, 2023, a fee established by the brand committee of not more than one~~  
28 ~~dollar and fifty ten cents per head shall be charged for all cattle~~  
29 ~~subjected to electronic inspection in accordance with the Livestock Brand~~  
30 ~~Act or section 54-415.~~

31 (c) A certified bill of sale for sale of calves shall be provided to

1 qualified dairies once the required information is electronically  
2 transferred to the brand committee on calves under thirty days of age.  
3 The fee shall be the same as for an electronic inspection under  
4 subdivision (2)(b) of this section.

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

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

20 (3) Any person who has reason to believe that cattle were shipped  
21 erroneously due to an inspection error during a brand inspection may  
22 request a reinspection. The person making such request shall be  
23 responsible for the expenses incurred as a result of the reinspection  
24 unless the results of the reinspection substantiate the claim of  
25 inspection error, in which case the brand committee shall be responsible  
26 for the reinspection expenses.

27 **Sec. 8.** Section 54-1,110, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 54-1,110 (1) Except as provided in subsection ~~subsections~~ (2) and  
30 ~~(3)~~ of this section, no person shall move, in any manner, cattle from a  
31 point within the brand inspection area to a point outside the brand

1 inspection area unless such cattle first have a brand inspection by the  
2 Nebraska Brand Committee and a certificate of inspection is issued. A  
3 copy of such certificate shall accompany the cattle and shall be retained  
4 by all persons moving such cattle as a permanent record.

5 (2)(a) ~~(2)~~ Cattle in a registered feedlot ~~registered under sections~~  
6 ~~54-1,120 to 54-1,122~~ are not subject to the brand inspection of  
7 subsection (1) of this section. Possession by the shipper or trucker of a  
8 shipping certificate from the registered feedlot constitutes compliance  
9 if the cattle being shipped are as represented on such shipping  
10 certificate.

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

30 (3) ~~(4)~~ No person shall sell any cattle knowing that the cattle are  
31 to be moved, in any manner, in violation of this section. Proof of

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

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

11 **Sec. 9.** Section 54-1,111, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

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

25 (2) A brand inspection is not required:

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

29 (b) For cattle that are:

30 (i) Transferred to a family corporation when all the shares of  
31 capital stock of the corporation are owned by the husband, wife,

1 children, or grandchildren of the transferor and there is no  
2 consideration for the transfer other than the issuance of stock of the  
3 corporation to such family members; or

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

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

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

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

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

1        (g) For cattle shipped to or from a qualified dairy or qualified  
2        dairy development facility.

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

8        **Sec. 10.** Section 54-1,119, Reissue Revised Statutes of Nebraska, is  
9        amended to read:

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

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

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

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

31       (3) Until the cattle are inspected for brands on the premises by the



1 Nebraska Brand Committee, no person shall sell or cause to be sold or  
2 offer for sale any cattle:

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

6 (b) ~~That originate any cattle originating~~ within the brand  
7 inspection area and are consigned to an open market.

8 **Sec. 11.** Section 54-1,120, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

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

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

23 ~~(ii) (b)~~ The operator shall ~~must~~ commonly practice feeding cattle to  
24 finish for slaughter.

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

30 ~~(c)(i)~~ The initial registration fee for a registered feedlot shall  
31 be the lesser of: ~~an amount for a registered feedlot having one thousand~~

1 ~~head or less capacity and an equal amount for each additional one~~  
2 ~~thousand head capacity, or part thereof, of such registered feedlot.~~

3 (A) Twenty-five cents multiplied by the one-time head capacity of  
4 the registered feedlot; or

5 (B) Ten thousand dollars.

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

14 (A) Twenty-five cents multiplied by the one-time head capacity of  
15 the registered feedlot; or

16 (B) Ten thousand dollars.

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

18 (2) The brand committee may adopt and promulgate rules and  
19 regulations for the operation of registered feedlots to assure that brand  
20 laws are complied with, that registered feedlot shipping certificates are  
21 available, and that proper records are maintained. Violation of sections  
22 54-1,120 to 54-1,122 subjects the operator to revocation or suspension of  
23 the feedlot registration issued. Sections 54-1,120 to 54-1,122 shall not  
24 be construed as prohibiting the operation of nonregistered feedlots.

25 (3)(a) The brand committee shall perform four audits of each  
26 registered feedlot each year. During such an audit, the operator of the  
27 registered feedlot shall provide the brand committee with cattle purchase  
28 records and certificates of inspection relating to all cattle that are in  
29 the feedlot at the time of the audit.

30 (b) The registered feedlot shall pay to the brand committee a fee of  
31 five hundred dollars for each such audit.

1       ~~(3) Registered feedlots are subject to inspection at any reasonable~~  
2 ~~time at the discretion of the brand committee and its authorized agents,~~  
3 ~~and the operator shall show cattle purchase records or certificates of~~  
4 ~~inspection to cover all cattle in his or her feedlot. Cattle having~~  
5 ~~originated from such registered feedlots may from time to time, at the~~  
6 ~~discretion of the committee, be subject to a spot-check inspection and~~  
7 ~~audit at destination to enable the brand committee to assure satisfactory~~  
8 ~~compliance with the brand laws by the registered feedlot operator.~~

9       (4) The operator of a registered feedlot shall keep cattle inventory  
10 records. A form for such purpose shall be prescribed by the brand  
11 committee. The brand committee and its employees may, with reasonable  
12 cause, from time to time make spot checks and audits of the registered  
13 feedlots and the records of cattle on feed in such feedlots.

14       (5) The brand committee may rescind the registration of any  
15 registered feedlot operator who fails to cooperate or violates the laws  
16 or rules and regulations of the brand committee relating to covering  
17 registered feedlots.

18       **Sec. 12.** Section 54-1,121, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20       54-1,121 (1) Cattle that are sold or shipped from a registered  
21 feedlot  ~~,~~ for purposes other than direct slaughter or for sale on any  
22 terminal market  ~~,~~ are subject to the brand inspection under sections  
23 54-1,110 to 54-1,119. The  ~~, and the~~ seller or shipper shall bear the cost  
24 of such inspection at the regular fee.

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

29       (b) The shipping certificate form shall be prescribed by the brand  
30 committee ~~Nebraska Brand Committee~~ and shall show the registered feedlot  
31 operator's name and registration number, date shipped, destination,

1 agency receiving the cattle, number of head in the shipment, and sex of  
2 the cattle.

3 (c) The shipping certificate shall be completed in triplicate by the  
4 operator of the registered feedlot operator at the time of shipment. One  
5 copy thereof shall be delivered to the brand inspector at the market  
6 along with shipment, if applicable, one copy shall be sent to the brand  
7 committee by the tenth day of the following month, and one copy shall be  
8 retained by the operator of the registered feedlot operator.

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

14 **Sec. 13.** Section 54-1,122, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 54-1,122 (1) Cattle may be moved directly into a registered feedlot  
17 or a backgrounding lot without being subject to brand inspection if such  
18 cattle have had no change in ownership and are accompanied by  
19 satisfactory evidence of ownership. Any cattle originating in a state  
20 that has a brand inspection agency and which are accompanied by a  
21 certificate of inspection or brand clearance issued by such agency may be  
22 moved directly from the point of origin into a registered feedlot. Any  
23 cattle not accompanied by such a certificate of inspection or brand  
24 clearance or by satisfactory evidence of ownership from states or  
25 portions of states not having brand inspection shall be subjected to  
26 physical inspection for brands by the Nebraska Brand Committee or, if  
27 applicable, subjected to electronic inspection, within a reasonable time  
28 after arrival at a registered feedlot, and the inspection fee and mileage  
29 charge, if applicable, provided under section 54-1,108 shall be collected  
30 by the brand inspector at the time the inspection is performed.

31 (2) Cattle may be moved from a backgrounding lot into a registered

1 feedlot without being subject to brand inspection if such cattle have had  
2 no change in ownership and are accompanied by satisfactory evidence of  
3 ownership.

4 (3)(a) Cattle that are not described in subsection (1) or (2) of  
5 this section shall be subject to physical or electronic inspection within  
6 a reasonable time by the brand committee after arrival at a registered  
7 feedlot.

8 (b) For any cattle that are subject to brand inspection under this  
9 subsection, the inspection fee and surcharge, if applicable, provided  
10 under section 54-1,108 shall be collected by the brand inspector at the  
11 time the inspection is performed.

12 **Sec. 14.** Original sections 54-170, 54-171, 54-1,108, 54-1,110,  
13 54-1,111, 54-1,119, 54-1,120, 54-1,121, and 54-1,122, Reissue Revised  
14 Statutes of Nebraska, are repealed.