

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 646

FINAL READING

Introduced by Ibach, 44; Clouse, 37; DeKay, 40; Hansen, 16; Holdcroft,
36; Kauth, 31; Lonowski, 33; Raybould, 28; Storm, 23.

Read first time January 22, 2025

Committee: Agriculture

- 1 A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections
- 2 54-170, 54-171, 54-1,108, 54-1,111, and 54-1,120, Reissue Revised
- 3 Statutes of Nebraska; to define brand committee; to change fees; to
- 4 provide an exemption from brand inspection requirements; to
- 5 eliminate obsolete provisions; 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, Reissue Revised Statutes of Nebraska, is
2 amended to read:

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

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

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

10 **Sec. 3.** Brand committee means the Nebraska Brand Committee.

11 **Sec. 4.** Section 54-1,108, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 54-1,108 (1)(a) All physical inspections for brands provided for in
14 the Livestock Brand Act or section 54-415 shall be from sunrise to
15 sundown or during such other hours and under such conditions as the
16 Nebraska Brand Committee determines. The brand committee shall assess a
17 fifty-dollar late notice surcharge if a request for a physical inspection
18 is made less than forty-eight hours prior to the date of inspection.

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

23 ~~(c)(i) A {c} Beginning October 1, 2021, a physical inspection fee of~~
24 ~~eighty-five cents per head until June 30, 2023, and beginning July 1,~~
25 ~~2023, a fee established by the Nebraska Brand Committee, of not more than~~
26 one dollar and fifty ~~ten~~ cents per head shall be charged for all cattle
27 inspected in accordance with the Livestock Brand Act or section 54-415,
28 inspected within the brand inspection area or brand inspection service
29 area by court order, inspected at the request of any bank, credit agency,
30 or lending institution with a legal or financial interest in such cattle,
31 or inspected at the request of a neighboring livestock owner with missing

1 cattle.

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

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

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

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

14 (d) A surcharge, as established by the brand committee, up to twenty
15 dollars, may be charged to cover travel expenses incurred by the brand
16 inspector per inspection location when performing brand inspections. The
17 surcharge shall be collected by the brand inspector and paid by the
18 person requesting the inspection or the person required by law to have
19 the inspection. ~~The actual mileage incurred by the inspector to perform a~~
20 ~~physical inspection shall be paid by the party requesting inspection and~~
21 ~~paid at the rate established by the Department of Administrative Services~~
22 ~~pursuant to section 81-1176.~~

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

1 inspections performed outside the brand inspection area as part of an
2 investigation into known or alleged violations of the Livestock Brand Act
3 and shall be charged against the person committing the violation.

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

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

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

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

27 (e) On or before December 1, 2021, the brand committee shall report
28 to the Legislature any actions taken or necessary for implementing
29 electronic inspection authorized by this subsection, including personnel
30 and other resources utilized to support electronic inspection, how the
31 brand committee's information technology capabilities are utilized to

1 support electronic inspection, a listing of approved nonvisual
2 identifiers, the requirements for enrolling cattle identified by approved
3 nonvisual identifiers, current and anticipated utilization of electronic
4 inspection by the livestock industry, and the fees required to recover
5 costs of performing electronic inspection.

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

13 **Sec. 5.** Section 54-1,111, Reissue Revised Statutes of Nebraska, is
14 amended to read:

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

27 (2) A brand inspection is not required:

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

31 (b) For cattle that are:

1 (i) Transferred to a family corporation when all the shares of
2 capital stock of the corporation are owned by the husband, wife,
3 children, or grandchildren of the transferor and there is no
4 consideration for the transfer other than the issuance of stock of the
5 corporation to such family members; or

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

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

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

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

31 (f) For seedstock cattle raised by the seller and individually

1 registered with an organized breed association if a properly executed
2 bill of sale is exchanged and presented upon demand; and -

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

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

9 **Sec. 6.** Section 54-1,120, Reissue Revised Statutes of Nebraska, is
10 amended to read:

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

1 ~~fifty cents multiplied by the maximum livestock capacity of the~~
2 ~~registered feedlot. for a registered feedlot having one thousand head or~~
3 ~~less capacity and an equal amount for each additional one thousand head~~
4 ~~capacity, or part thereof, of such registered feedlot. For each~~
5 ~~subsequent year, the renewal fee for a registered feedlot shall be an~~
6 ~~amount for the first one thousand head or portion thereof of average~~
7 ~~annual inventory of cattle on feed of the registered feedlot and an equal~~
8 ~~amount for each additional one thousand head or portion thereof of~~
9 ~~average annual inventory of cattle on feed of the registered feedlot. The~~
10 ~~brand committee shall set the fee per one thousand head capacity or~~
11 ~~average annual inventory so as to correspond with the inspection fee~~
12 ~~provided under section 54-1,108.~~

13 (ii) The annual renewal registration fee shall be paid on an annual
14 basis.

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

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

30 (4) The operator of a registered feedlot shall keep cattle inventory
31 records. A form for such purpose shall be prescribed by the brand

1 committee. The brand committee and its employees may from time to time
2 make spot checks and audits of the registered feedlots and the records of
3 cattle on feed in such feedlots.

4 (5) The brand committee may rescind the registration of any
5 registered feedlot operator who fails to cooperate or violates the laws
6 or rules and regulations of the brand committee relating to ~~covering~~
7 registered feedlots.

8 **Sec. 7.** Original sections 54-170, 54-171, 54-1,108, 54-1,111, and
9 54-1,120, Reissue Revised Statutes of Nebraska, are repealed.