



## Branding in Nebraska: A fresh look at an old practice

**By Keisha Patent**

Nebraska livestock owners have been recording their brands longer than Nebraska has been a state. The territorial legislature began requiring brand recording by livestock owners with the county register of deeds in 1856. Legislation in 1879 created county brand committees and allowed livestock owners to record brands with committees in all counties their livestock was located.<sup>1</sup>

In 1899, the first statewide brand recording began, and the Secretary of State kept all brand records. In 1890, 1,590 brands were recorded. Brand recording remained under the purview of the Secretary of State until 1975 when it was transferred to the authority of the Brand Committee.<sup>2</sup>

Brand inspection of cattle and horses sold in Nebraska began in 1909 when legislation authorized livestock owners to petition the county for inspection.<sup>3</sup> Legislative changes in 1931 limited inspection to cattle and specified that inspection was done by Nebraska Stock Growers Association inspectors.<sup>4</sup>

The brand inspection area and Nebraska Brand Committee were established in 1941.<sup>5</sup> In 1974, legislation allowed registration of feedlots within the brand inspection area.<sup>6</sup>

The brand inspection area originally consisted of the following counties: Arthur, Banner, Blaine, Box Butte, Boyd, Brown, Chase, Cherry, Cheyenne, Custer, Dawes, Dawson, Deuel, Dundy, Frontier, Garden, Garfield, Grant, Hayes, Hitchcock, Holt, Hooker, Keith, Keya Paha, Kimball, Lincoln, Logan, Loup, McPherson, Morrill, Perkins, Red Willow, Rock, Scotts Bluff, Sheridan, Sioux, Thomas, and Wheeler.



Between 1941 and 1993, the brand inspection area boundaries were amended by the Legislature 16 times, but the boundaries have remained unchanged since 1993.

In 2014, LB 768 added the brand inspection service area, which consists of the counties contiguous to the brand inspection area, and buyers or sellers can request a brand inspection in the brand inspection service area for a fee.

The current brand inspection area and brand inspection service area are depicted on the following map.

The Nebraska Brand Committee administers the Livestock Brand Act.<sup>7</sup> Under the act, the committee establishes brand records, inspects cattle that are sold within the brand inspection area, determines ownership of estray livestock, and investigates the theft of livestock. During the 2016-2017 fiscal year, the Brand Committee had 33,598 recorded brands on file, inspected 3,787,707 cattle, and reported the recovery of 969 estray cattle.<sup>8</sup>

1. Complete Session Laws of Nebraska, 1855-1857, Vol. I, p. 230; Laws 1879, pp. 157-161.

2. Laws 1975, LB 136.

3. Laws 1899, p. 264-269; Laws 1909, p. 59-62.

4. Laws 1931, p. 268-269. The law had previously been amended in 1923 to reduce the number of petitioners required for inspection from 100 to 50 cattle and horse owners.

5. Laws 1941, LB 275.

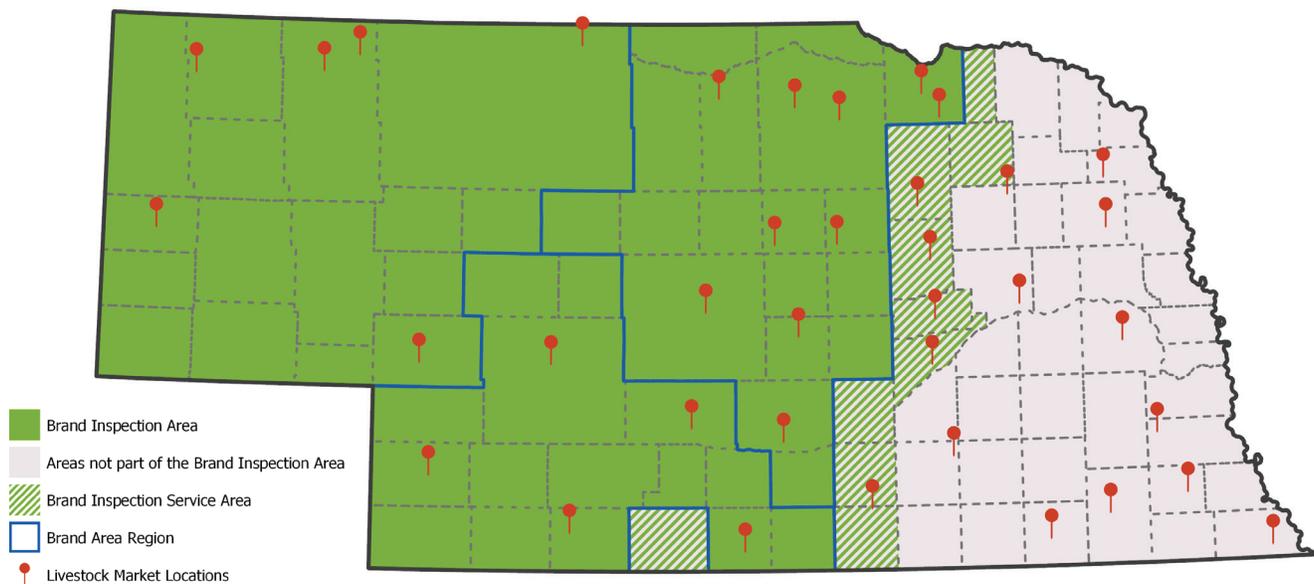
6. Laws 1974, LB 934 and LB 935.

7. Neb. Rev. Stat. secs. 54-170 – 54-1,131.

8. Nebraska Brand Committee 2016-2017 Annual Report.



## Brand Inspection and Service Area



The committee consists of five members appointed by the Governor, at least three of whom must be cattlemen and at least one of whom must be a cattle feeder. Appointed members must live within the brand inspection area, own cattle and recorded brands, and be in the business of raising or feeding cattle. Members serve four-year terms. The Secretary of State and Director of Agriculture serve on the committee as nonvoting, ex officio members.<sup>9</sup> The committee's office is located in Alliance.

The committee is cash funded by (1) brand recording, inspection, and registered feedlot fees; and (2) a travel surcharge.<sup>10</sup> Current fees are \$100 to record a brand, \$1.00 per head per inspection, and \$10 per stop for the travel surcharge. Registered feedlots pay an annual fee of \$1,000 for the first 1,000 head and an additional \$250 for each 250 head above 1,000.<sup>11</sup> Total revenue for the 2016-2017 fiscal year was \$5,327,011.78.<sup>12</sup>

Brand inspection is required when cattle are (1) moved from the brand inspection area to outside the brand inspection area, (2) slaughtered within the brand inspection area, or (3) sold within the brand inspection area, except for cattle:<sup>13</sup>

- Sold from a registered feedlot directly for slaughter or to a

terminal market;

- Transferred to a family corporation that meets certain requirements;
- Transferred to a family limited liability company that meets certain requirements;
- Sold when the change in ownership is a change in form only and the surviving interests are in the exact proportion as the original interests of ownership;
- Sold for educational or exhibition purposes or youth activities if the bill of sale is presented;
- Under the age of 30 days sold at private treaty if the bill of sale is presented; and
- Raised by the seller and registered by a breed association if the bill of sale is presented.

During the 2016-2017 fiscal year, cattle were inspected at 25 livestock auction markets within the brand inspection area or brand inspection service area.<sup>14</sup> The livestock auction markets within the brand inspection area where the most cattle were sold were located in Ogallala, Kearney, Valentine, Lexington, and Bassett.<sup>15</sup>

9. The Secretary of State served as the chair of the committee until Laws 2007, LB 422, changed the structure of the committee.

10. Neb. Rev. Stat. secs. 54-199, 54-1,108, 54-1,100, 54-120.

11. <https://nbc.nebraska.gov/fees>.

12. Nebraska Brand Committee 2016-2017 Annual Report.

13. Neb. Rev. Stat. sec. 54-1,109.

14. Livestock auction markets are registered with the Nebraska Department of Agriculture under the Livestock Auction Market Act in Neb. Rev. Stat. secs. 54-1156 – 54-1182. Any auction market licensed under the act located outside the brand inspection area can voluntarily provide brand inspection for all livestock sold. A similar provision exists for packing plants located outside the brand inspection area.

15. Nebraska Brand Committee 2016-2017 Annual Report.