

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 600**

Introduced by Agriculture Committee: Brasch, 16, Chairperson; Albrecht, 17; Blood, 3; Halloran, 33; Harr, 8; Lowe, 37.

Read first time January 18, 2017

Committee:

1 A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections  
2 54-179, 54-189, 54-191, 54-192, 54-195, 54-198, 54-1,102, 54-1,105,  
3 54-1,115, and 54-1,119, Reissue Revised Statutes of Nebraska, and  
4 sections 54-1,110 and 54-1,111, Revised Statutes Cumulative  
5 Supplement, 2016; to redefine terms; to change Nebraska Brand  
6 Committee membership and employee provisions; to eliminate obsolete  
7 provisions; to change provisions relating to promotional materials  
8 and brand recording; to provide for a filing fee as prescribed; to  
9 provide for the lease of a recorded brand; to eliminate a branding  
10 requirement for sheep; to provide and change brand inspection  
11 exceptions for certain cattle; to change provisions relating to  
12 livestock transportation permits; to eliminate provisions relating  
13 to registered dairies; to harmonize provisions; to repeal the  
14 original sections; and to outright repeal sections 54-1,122.01 and  
15 54-1,122.02, Revised Statutes Cumulative Supplement, 2016.  
16 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-179, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 54-179 Certificate of inspection means the official document issued  
4 and signed by a brand inspector authorizing (1) movement of livestock  
5 from a point of origin within the brand inspection area to a destination  
6 either inside or outside of the brand inspection area or outside of this  
7 state, (2) slaughter of livestock as specified on such certificate, or  
8 (3) the change of ownership of livestock as specified on such  
9 certificate. A certificate of inspection shall designate, as needed, the  
10 name of the shipper, consignor, or seller of the livestock, the purchaser  
11 or consignee of the livestock, the destination of the livestock, the  
12 ~~method of transportation,~~ the vehicle license number or carrier railroad  
13 ~~car number when available,~~ the miles driven by an inspector to perform  
14 inspection, the amount of inspection fees collected, the number and sex  
15 of the livestock to be moved or slaughtered, the brands, if any, on the  
16 livestock, and the brand owner. A certificate of inspection shall be  
17 construed and is intended to be documentary evidence of ownership on all  
18 livestock covered by such document.

19 Sec. 2. Section 54-189, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 54-189 Satisfactory evidence of ownership consists of the brands,  
22 tattoos, or marks on the livestock; point of origin of livestock; the  
23 physical description of the livestock; the documentary evidence, such as  
24 bills of sale, brand clearance, certificates of inspection, breed  
25 registration certificates, animal health or testing certificates, genomic  
26 testing certificates, recorded brand certificates, purchase sheets, scale  
27 tickets, disclaimers of interest, affidavits, court orders, security  
28 agreements, powers of attorney, canceled checks, bills of lading, or  
29 tags; and such other facts, statements, or circumstances that taken in  
30 whole or in part cause an inspector to believe that proof of ownership is  
31 established.

1           Sec. 3. Section 54-191, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           54-191 The Nebraska Brand Committee is hereby created. Beginning  
4 August 28, 2007, the brand committee shall consist of five members  
5 appointed by the Governor. The ~~At least three~~ appointed members shall be  
6 active cattlemen and at least one appointed member shall be an active  
7 cattle feeder. The Secretary of State and the Director of Agriculture, or  
8 their designees, shall be nonvoting, ex officio members of the brand  
9 committee. The appointed members shall be owners of cattle within the  
10 brand inspection area, shall reside within the brand inspection area,  
11 shall be owners of Nebraska-recorded brands, and shall be persons whose  
12 principal business and occupation is the raising or feeding of cattle  
13 within the brand inspection area. The members of the brand committee  
14 shall elect a chairperson and vice-chairperson from among its appointed  
15 members during the first meeting held after September 1 each calendar  
16 year. A member may be reelected to serve as chairperson or vice-  
17 chairperson. ~~The Secretary of State shall remain a member of the brand~~  
18 ~~committee in the capacity as chairperson of the brand committee until a~~  
19 ~~chairperson is elected as provided in this section.~~ The terms of the  
20 members shall be four-year, staggered terms. At the expiration of the  
21 term of an appointed member, the Governor shall appoint a successor. ~~The~~  
22 ~~members of the brand committee serving on August 28, 2007, shall be~~  
23 ~~considered appointed to serve the remainder of their terms. The Governor~~  
24 ~~shall complete any additional appointment of members as necessary to~~  
25 ~~fulfill the membership of the brand committee as prescribed by Laws 2007,~~  
26 ~~LB 422, on or before August 28, 2007.~~ If there is a vacancy on the brand  
27 committee, the Governor shall fill such vacancy by appointing a member to  
28 serve during the unexpired term of the member whose office has become  
29 vacant. The action of a majority of the members shall be deemed the  
30 action of the brand committee. No appointed member shall hold any  
31 elective or appointive state or federal office while serving as a member

1 of the brand committee. Each member and each brand committee employee who  
2 collects or who is the custodian of any funds shall be bonded or insured  
3 as required under section 11-201. The appointed members of the brand  
4 committee shall be paid their actual and necessary traveling expenses in  
5 attending meetings of the brand committee or in performing any other  
6 duties that are prescribed in the Livestock Brand Act or section 54-415,  
7 as provided for in sections 81-1174 to 81-1177.

8 The purpose of the Nebraska Brand Committee is to protect Nebraska  
9 brand and livestock owners from the theft of livestock through  
10 established brand recording, brand inspection, and livestock theft  
11 investigation.

12 Sec. 4. Section 54-192, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 54-192 (1) The Nebraska Brand Committee shall employ such employees  
15 as may be necessary to properly carry out the Livestock Brand Act and  
16 section 54-415, fix the salaries of such employees, and make such  
17 expenditures as are necessary to properly carry out such act and section.  
18 Employees of the brand committee shall receive mileage computed at the  
19 rate provided in section 81-1176. The brand committee shall select and  
20 designate a location or locations where the brand committee shall keep  
21 and maintain an office and where records of the brand inspection and  
22 investigation proceedings, transactions, communications, brand  
23 registrations, and official acts shall be kept.

24 (2) The brand committee shall employ an executive ~~a~~ director who  
25 shall be the brand committee head for administrative purposes and may as  
26 ~~the executive officer of the brand committee, and the director shall~~ also  
27 be the chief brand inspector, the chief investigator, or both ~~and, for~~  
28 ~~administrative purposes, the brand committee head.~~ The director shall  
29 keep a record of all proceedings, transactions, communications, and  
30 official acts of the brand committee, shall be custodian of all records  
31 of the brand committee, and shall perform such other duties as may be

1 required by the brand committee. The director shall call a meeting at the  
2 direction of the chairperson of the brand committee, or in his or her  
3 absence the vice-chairperson, or upon the written request of two or more  
4 members of the brand committee. The director shall have supervisory  
5 authority to direct and control all full-time and part-time employees of  
6 the brand committee. This authority allows the director to hire employees  
7 as are needed on an interim basis subject to approval or confirmation by  
8 the brand committee for regular employment. The director may place  
9 employees on probation and may discharge an employee. ~~In the absence of  
10 the director, by reason of illness, vacation, or official business away  
11 from the committee's headquarters, the assistant director shall have  
12 similar authority as outlined in this section for the director.~~

13 (3) The brand committee shall employ a brand recorder who shall be  
14 responsible for the processing of all applications for new livestock  
15 brands, the transfer of ownership of existing livestock brands, the  
16 maintenance of accurate and permanent records relating to livestock  
17 brands, and such other duties as may be required by the brand committee.

18 (4) If any employee of the brand committee after having been  
19 disciplined, placed on probation, or having had his or her services  
20 terminated desires to have a hearing before the entire brand committee,  
21 such a hearing shall be granted as soon as is practicable and convenient  
22 for all persons concerned. The request for such a hearing shall be made  
23 in writing by the employee alleging the grievance and shall be directed  
24 to the director. After hearing all testimony surrounding the grievance of  
25 such employee, the brand committee, at its discretion, may approve,  
26 rescind, nullify, or amend all actions as previously taken by the  
27 director.

28 Sec. 5. Section 54-195, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 54-195 ~~(1) The Nebraska Brand Committee may authorize and direct  
31 its employees to disseminate or otherwise distribute various materials~~

1 ~~promoting the cattle industry.~~

2       (1) ~~(2)~~ The Nebraska Brand Committee ~~brand committee~~ may contract to  
3 collect assessments made by any public, quasi-public, or private agency  
4 or organization on the sale of cattle, beef, and beef products in  
5 Nebraska by producers and importers of such cattle, beef, and beef  
6 products. The brand committee may charge such agency or organization for  
7 collection of the assessments. The charge for collection of assessments  
8 shall be used to cover administrative costs of the brand committee, but  
9 such charge shall not exceed five percent of the assessments collected.

10       (2) The brand committee may authorize and direct its employees to  
11 disseminate or otherwise distribute various materials promoting the  
12 cattle industry.

13       Sec. 6. Section 54-198, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15       54-198 (1) Any person ~~having livestock~~ may record a brand, which he  
16 or she has the exclusive right to use in this state, and it is unlawful  
17 to use any brand for branding any livestock unless the person using such  
18 brand has recorded that brand with the Nebraska Brand Committee. A brand  
19 is a mark consisting of symbols, characters, numerals, or a combination  
20 of such intended as a visual means of identification when applied to the  
21 hide of an animal or another method of livestock identification approved  
22 by rule and regulation of the brand committee, including an electronic  
23 device used for livestock identification. Only a hot iron or freeze brand  
24 or other method approved by the brand committee shall be used to brand a  
25 live animal.

26       (2) A hot iron brand or freeze brand may be used for in-herd  
27 identification purposes such as for year or production records. With  
28 respect to hot iron brands used for in-herd identification, the numerals  
29 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9 in singular or triangular position are  
30 reserved on both the right and left shoulder of all cattle, except that  
31 such shoulder location for a single-number hot iron brand may be used for

1 year branding for in-herd identification purposes, and an alphabetical  
2 letter may be substituted for one of the numerals used in a triangular  
3 configuration for in-herd identification purposes. Hot iron brands used  
4 for in-herd identification shall be used in conjunction with the recorded  
5 hot iron brand and shall be on the same side of the animal as the  
6 recorded hot iron brand. Freeze branding for in-herd identification may  
7 be applied in any location and any configuration with any combination of  
8 numerals or alphabetical letters.

9 (3) It shall be unlawful to knowingly maintain a herd containing one  
10 or more animals which the possessor has branded, or caused to be branded,  
11 in violation of this section or any other provision of the Livestock  
12 Brand Act.

13 Sec. 7. Section 54-1,102, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 54-1,102 (1) A recorded brand may be applied by its owner until its  
16 expiration date.

17 (2) On and after January 1, 1994, the expiration date of a recorded  
18 brand is the last day of the calendar quarter of the renewal year as  
19 designated by the Nebraska Brand Committee in the records of the brand  
20 committee.

21 (3) The brand committee shall notify every owner of a recorded brand  
22 of its expiration date at least sixty days prior to the expiration date,  
23 and the owner of the recorded brand shall pay a renewal fee established  
24 by the brand committee which shall not be more than fifty dollars and  
25 furnish such other information as may be required by the brand committee.  
26 The renewal fee is due and payable on or before the expiration date and  
27 renews a recorded brand for a period of four years regardless of the  
28 number of locations on one side of an animal on which the brand is  
29 recorded. If any owner fails, refuses, or neglects to pay the renewal fee  
30 by the expiration date, the brand shall expire and be forfeited.

31 (4) The brand committee has the authority to hold an expired brand

1 for one year following the date of expiration. An expired brand may be  
2 reinstated by the same owner during such one-year period upon return of a  
3 brand application form and payment of the recording fee for such brand  
4 established by the brand committee under section 54-199 plus a penalty of  
5 five dollars for each month or part of a month which has passed since the  
6 date of expiration. A properly reinstated brand may be transferred to  
7 another person during such one-year period upon completion of a transfer  
8 form, with a notarized bill of sale signed by the prior owner attached to  
9 such transfer form.

10 (5) The owner of a recorded brand may lease the brand to another  
11 person upon compliance with this subsection and subject to the approval  
12 of the brand committee. The lessee shall pay a filing fee established by  
13 the brand committee not to exceed one hundred dollars. The leased  
14 recorded brand shall expire on the original expiration date unless  
15 otherwise agreed in the lease, but in no event shall exceed the original  
16 expiration date.

17 Sec. 8. Section 54-1,105, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 54-1,105 (1) Cattle branded with a Nebraska-recorded visual brand  
20 shall be branded so that the recorded brand of the owner shows  
21 distinctly. ~~Sheep may be marked distinctly with such mark or device as~~  
22 ~~may be sufficient to distinguish the same readily should they become~~  
23 ~~intermixed with other flocks of sheep.~~

24 (2) If the owners of recorded brands which conflict with or closely  
25 resemble each other maintain their herds in close proximity to each  
26 other, the Nebraska Brand Committee ~~brand committee~~ has the authority to  
27 decide, after hearing as to which at least ten days' written notice has  
28 been given, any dispute arising therefrom and to direct such change or  
29 changes in the position or positions where such recorded brand or brands  
30 are to be placed as will remove any confusion that might result from such  
31 conflict or close resemblance.



1           Sec. 9. Section 54-1,110, Revised Statutes Cumulative Supplement,  
2 2016, is amended to read:

3           54-1,110 (1) Except as provided in subsections (2) and (3) of this  
4 section, no person shall move, in any manner, cattle from a point within  
5 the brand inspection area to a point outside the brand inspection area  
6 unless such cattle first have a brand inspection by the Nebraska Brand  
7 Committee and a certificate of inspection is issued. A copy of such  
8 certificate shall accompany the cattle and shall be retained by all  
9 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 ~~or a registered dairy registered under sections~~  
12 ~~54-1,122.01 and 54-1,122.02~~ are not subject to the brand inspection of  
13 subsection (1) of this section. Possession by the shipper or trucker of a  
14 shipping certificate from the registered feedlot ~~or registered dairy~~  
15 constitutes compliance if the cattle being shipped are as represented on  
16 such shipping certificate.

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

1 notice, for January 1 renewal, which requires a renewal fee established  
2 by the brand committee which shall not be more than fifteen dollars. If  
3 the permit conditions still exist, the cattle owner or owners may renew  
4 the permit.

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

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

13 Sec. 10. Section 54-1,111, Revised Statutes Cumulative Supplement,  
14 2016, is 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 brands and 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 registered under sections  
29 54-1,120 to 54-1,122 shipped for direct slaughter or sale on any terminal  
30 market;

31 ~~(b) For cattle of a registered dairy registered under sections~~

1 ~~54-1,122.01 and 54-1,122.02 shipped for direct slaughter or sale on any~~  
2 ~~terminal market;~~

3 (b) (c) For cattle that are:

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

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

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

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

31 (e) (f) For calves under the age of thirty days sold or purchased at

1 private treaty if a bill of sale is exchanged and presented upon demand;  
2 and

3 (f) ~~(g)~~ For seedstock ~~purebred~~ cattle raised by the seller and  
4 individually registered with an organized breed association if a properly  
5 executed bill of sale is exchanged and presented upon demand.

6 Sec. 11. Section 54-1,115, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

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

18 ~~(b) Any such person outside the brand inspection area transporting~~  
19 ~~livestock shall have in his or her possession a livestock transportation~~  
20 ~~permit or other proof of ownership acceptable to the peace officer, the~~  
21 ~~number of livestock, and the destination of the livestock, which permit~~  
22 ~~shall be delivered to the public market or anyone to whom the livestock~~  
23 ~~are being delivered.~~

24 (2) A livestock transportation authority form ~~permit~~ shall be in  
25 writing and shall state the name of the owner of the livestock, the  
26 owner's post office address, the place from which the livestock are being  
27 moved, including the name of the ranch, if any, the destination, the name  
28 and address of the carrier, the license number and make of motor vehicle  
29 to which consigned, together with the number of livestock and a  
30 description thereof including kind, sex, breed, color, and marks, if any,  
31 and in the case of livestock shipments originating within the brand

1 inspection area, the brands, if there are any. The authority form permit  
2 shall be signed by the owner of the livestock or the owner's authorized  
3 agent. ~~Livestock transportation permits shall be made in quadruplicate:~~  
4 ~~One to be delivered to the motor carrier or motor carrier's agent, one to~~  
5 ~~be retained by the owner of the livestock to be shipped, one to be~~  
6 ~~delivered to the agent of the yard company receiving such livestock, and~~  
7 ~~one to be delivered to the consignee at destination upon delivery of the~~  
8 ~~consignment. Such permits shall be on forms approved by the Nebraska~~  
9 ~~Brand Committee.~~

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

14 Sec. 12. Section 54-1,119, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 54-1,119 (1) Any livestock market, whether within or outside of the  
17 state, or any meat packing plant which maintains brand inspection under  
18 the supervision of the Nebraska Brand Committee and under such rules and  
19 regulations as are specified by the United States Department of  
20 Agriculture, may be designated by the brand committee as an open market.

21 (2) When cattle originating from within the brand inspection area  
22 are consigned for sale to any commission company at any open market  
23 designated as such by the Nebraska Brand Committee where brand inspection  
24 is maintained, no brand inspection is required at the point of origin but  
25 is required at the point of destination unless the point of origin is a  
26 registered feedlot ~~or registered dairy~~. If cattle are consigned to a  
27 commission company at an open market, the carrier transporting the cattle  
28 shall not allow the owner, shipper, or party in charge to change the  
29 billing to any point other than the commission company at the open market  
30 designated on the original billing, unless the carrier secures from the  
31 brand committee a certificate of inspection on the cattle so consigned.

1 Any cattle originating in a registered feedlot ~~or registered dairy~~  
2 consigned to a commission company at any terminal market destined for  
3 direct slaughter may be shipped in accordance with rules and regulations  
4 governing registered feedlots ~~or registered dairies~~.

5 (3) Until the cattle are inspected for brands on the premises by the  
6 Nebraska Brand Committee, no person shall sell or cause to be sold or  
7 offer for sale (a) any cattle at a livestock auction market located  
8 within the brand inspection area or at a farm or ranch sale located  
9 within the brand inspection area or (b) any cattle originating within the  
10 brand inspection area consigned to an open market.

11 Sec. 13. Original sections 54-179, 54-189, 54-191, 54-192, 54-195,  
12 54-198, 54-1,102, 54-1,105, 54-1,115, and 54-1,119, Reissue Revised  
13 Statutes of Nebraska, and sections 54-1,110 and 54-1,111, Revised  
14 Statutes Cumulative Supplement, 2016, are repealed.

15 Sec. 14. The following sections are outright repealed: Sections  
16 54-1,122.01 and 54-1,122.02, Revised Statutes Cumulative Supplement,  
17 2016.