

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB600

Hearing Date: Tuesday February 07, 2017
Committee On: Agriculture
Introducer: Agriculture
One Liner: Change various provisions of the Livestock Brand Act relating to the Nebraska Brand Committee

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Albrecht, Blood, Brasch, Chambers, Halloran, Harr, Krist, Lowe
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:

Rick Leonard
Jaclyn Wilson
Melody Benjamin
Jeff Metz
Rod Johnson

Representing:

Introducer, Research Analyst
Nebraska Brand Committee
Nebraska Cattlemen
Nebraska Farm Bureau
Nebraska State Dairy Association

Opponents:

David Wright
John Hansen

Representing:

Independent Cattlemen of Nebraska
Nebraska Farmers Union

Neutral:

William Bunce

Representing:

Nebraska Brand Committee

Summary of purpose and/or changes:

LB 600 removes statutory prescriptions regarding staff positions of the Brand Committee and changes duties assigned to the director. It also grants authority to record and collect a fee for brand leases, repeals the registered dairy program, and makes various other clarifications and statutory maintenance revisions to the Livestock Brand Act as described in the section-by-section summary:

Section 1: Amends section 54-179 to revise information to be recorded on a certificate of brand inspection. Currently, section 54-179 requires that the certificate identify the method of transportation and include a rail car number when available. LB 600 eliminates this obsolete requirement. However, it retains a provision that requires inclusion of the vehicle license number or commercial carrier of the vehicles used to transport livestock to the site where inspected.

Section 2: Adds "genomic testing certificates" to a list of documentation expressly recognized by section 54-198 as items that may be utilized to establish "satisfactory evidence of ownership."

Section 3: Amends section 54-191 which establishes the Brand Committee and designates its membership and method

of selection. LB 600 strikes obsolete text inserted by LB 422 enacted in 2007 that made changes to the makeup of the committee. The stricken text facilitated the transition to the new membership and is now obsolete.

Section 4: Revises section 54-192 which authorizes the Brand Committee to employ personnel as necessary to carry out its functions. This section currently prescribes that the Brand Committee shall employ a director and further prescribes that that person shall hold the titles of chief brand inspector and chief investigator, in addition to serving as the administrative head of the Agency. LB 600 changes from prescriptive to permissive that the Director simultaneously serves as chief brand inspector and investigator. LB 600 also eliminates specific reference to the position of deputy director.

Section 5: Amends section 54-195 by relocating text authorizing the Brand Committee to utilize employees to disseminate materials promoting the cattle industry.

Section 6: Removes text implying a requirement that a person must own livestock in order to exercise the privilege of recording a brand.

Section 7: Amends section 54-1,102 by inserting new subsection (5) which establishes express authority for the Brand Committee to record evidence of brand leases and to collect a filing fee for recording leases of brands. The revision codifies current practice.

Section 8: Amends section 54-1,105 by removing a reference to markings on sheep to allow identification of ownership of co-mingled sheep. The Brand Committee does not have any responsibility or authority with respect to determining ownership of sheep. Removal of this reference is intended to remove any ambiguity or implication that Brand Committee has authority or duty to resolve cases of astray sheep or disputes over competing claims to co-mingled sheep.

Section 9: Removes internal reference to registered dairies due to repeal of registered dairy program by section 14.

Section 10: Amends section 54-1,111 which provides that brand inspection is required for transfers of ownership of cattle originating within the brand area. Subsection (2) lists a number of exceptions to this general requirement, including when the transfer of ownership is to a family farm corporation whose shares are owned by immediate family members. LB 600 would add a similar exemption for transfers to a limited liability company when membership in the LLC is limited to immediate family members. LB 600 also amends existing subdivision (2)(g) to replace the term "purebred" with "seedstock" to utilize a more universal and updated term for the livestock registered with a breed association.

Section 11: Amends section 54-1,115 which currently provides that when a person other than an owner of the livestock transports livestock over land within the Brand Area, the person moving the livestock shall have in possession a livestock transportation permit, brand certificate or shipping certificate. Transportation permits have largely fallen into disuse and much of the industry is unaware of this requirement. LB 600 would remove distinctions between the mandatory brand inspection area and non brand areas regarding ownership documentation to be carried by a transporter. LB 600 further re-designates the transportation permit as a "transportation authority form" and only requires that the document, if used, may be drawn by the livestock owner.

Section 12: Removes internal reference to registered dairies due to repeal of registered dairy program by section 14.

Section 13: Repealers

Section 14: Outright repeals 54-1,122.01 and 54-1,122.02 creating the voluntary registered dairy program.

Explanation of amendments:

The committee amendment (AM605) makes the following revisions to sections 3,4 and 7 of the bill:

- Inserts number paragraphing breaks for readability throughout section 54-191 which is amended by section 3 of the bill. Additionally, the committee amendment inserts new text in what becomes subsection (3) after the paragraphing instruction prescribing that terms of brand committee members begin on August 28 in the year of appointment and conclude on August 27 during the year the term expires.

- Retains the statutory prescription in section 54-192 that the executive director is the chief investigator and chief inspector but provides that a person hired as executive director who lacks law enforcement certification at the time of hire shall complete the requirements for law enforcement appointments pursuant to section 81-1414 within two years of the date of hire. A harmonizing revision to section 81-1414 is added as new section 13. The executive director's duties during the period prior to certification are limited managerial functions and exclude duties within the authority of a deputy sheriff commission.

- Strikes original section 7 but relocates the insertion of explicit authority to record instruments evidencing brand leases to section 54-1,100 as amended by new section 7 to locate authority in better context within the brand law. The amendment further resolves a conflict between the recording fee (no more than \$40) currently specified in section 54-1,100 for the sale, assignment, or transfer of a recorded brand and the fee for brand leases as current practice and as proposed by LB 600 as introduced.

Lydia Brasch, Chairperson