

LEGISLATIVE BILL 572

Approved by the Governor May 25, 2021

Introduced by Halloran, 33.

A BILL FOR AN ACT relating to livestock; to amend sections 54-173, 54-176, 54-182, 54-199, 54-1,101, 54-1,102, 54-1,112, 54-1,113, 54-1,114, and 54-1,116, Reissue Revised Statutes of Nebraska, and sections 54-170, 54-171, 54-172, 54-179, 54-189, 54-191, 54-198, 54-1,108, 54-1,110, 54-1,111, 54-1,115, 54-1,120, 54-1,122, 54-1,128, and 54-415, Revised Statutes Cumulative Supplement, 2020; to define and redefine terms; to change provisions relating to the Nebraska Brand Committee, brand requirements, and brand inspections; to provide and change fees; to provide penalties; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 54-170, Revised Statutes Cumulative Supplement, 2020, is amended to read:

54-170 Sections 54-170 to 54-1,131 and sections 3, 4, 5, 6, 7, 8, 9, and 31 of this act shall be known and may be cited as the Livestock Brand Act.

Sec. 2. Section 54-171, Revised Statutes Cumulative Supplement, 2020, is amended to read:

54-171 For purposes of the Livestock Brand Act, the definitions found in sections 54-172 to 54-190 and sections 3, 4, 5, 6, 7, 8, and 9 of this act shall be used.

Sec. 3. Approved nonvisual identifier means a nonvisual method of livestock identification approved by the Nebraska Brand Committee such as an electronic device, a nose print, a retinal scan, a DNA match, or any other such nonvisual method of livestock identification.

Sec. 4. Certified bill of sale means a document generated by the Nebraska Brand Committee from information provided electronically by a qualified dairy when selling calves under thirty days of age for beef production purposes. Such information shall include the name and physical address of the seller, the name and physical address of the purchaser, the number of head being sold, a physical description of the calves including date of birth, the color and sex, any identifiers such as metal tags or dangle tags, and any brands and their location, the date of the transfer of ownership, and if the assessment imposed pursuant to the federal Beef Promotion and Research Order, 7 C.F.R. part 1260, has been collected.

Sec. 5. Certified transportation permit means a document generated by the Nebraska Brand Committee from information provided electronically by a qualified dairy when moving calves under thirty days of age out of the inspection area for beef production purposes. Such information shall include the name and physical address of the owner, the number of head being transported, a physical description of the calves including the date of birth, the color and sex, any identifiers such as metal tags or dangle tags, and any brands and their location, and the actual or intended date of transport.

Sec. 6. Electronic inspection means a method of performing inspections of livestock enrolled with the Nebraska Brand Committee utilizing approved nonvisual identifier means of identification.

Sec. 7. Enrollment means the registration of livestock identified by nonvisual identifier means of livestock identification approved by the Nebraska Brand Committee and which occurs electronically and uses only those approved identifiers for evidence of ownership.

Sec. 8. Physical inspection means an inspection for purposes of the Livestock Brand Act performed by an employee of the Nebraska Brand Committee physically present at the location of the inspected animals to verify ownership through visual observation of brands or other distinguishing markings and physical characteristics of the livestock and examination of any associated documentary or other evidence of ownership.

Sec. 9. Qualified dairy means a milk production facility with a Grade A milk producer permit or a manufacturing grade milk producer permit pursuant to section 2-3968.

Sec. 10. Section 54-172, Revised Statutes Cumulative Supplement, 2020, is amended to read:

54-172 Bill of sale means a formal instrument for the conveyance or transfer of title to livestock or other goods and chattels. The bill of sale shall state the purchaser's name and address, the date of transfer, the guarantee of title, the number of livestock transferred, the sex of such livestock, the brand or brands, the location of the brand or brands or a statement to the effect that the animal is unbranded, any approved nonvisual identifiers, and the name and address of the seller. The signature of the seller shall be attested by at least one witness or acknowledged by a notary public or by some other officer authorized by state law to take acknowledgments. For any conveyance or transfer of title to cattle subject to assessment imposed pursuant to the federal Beef Promotion and Research Order, 7 C.F.R. part 1260, for which the purchaser is the collecting person pursuant to

7 C.F.R. 1260.311 for purposes of collecting and remitting such assessment, the bill of sale shall include a notation of the amount the purchaser collected from the seller or deducted from the sale proceeds for the assessment. A properly executed bill of sale means a bill of sale that is provided by the seller and received by the purchaser.

Sec. 11. Section 54-173, Reissue Revised Statutes of Nebraska, is amended to read:

54-173 Brand clearance means the documentary evidence of ownership that is issued and signed by a brand inspector and given to persons who have legally purchased cattle at a livestock auction or sale where a brand inspection service is provided. The brand clearance shall give the name and address of sale or auction where issued, the name of purchaser, the number and sex of cattle, any the brands, if any, and the location of any brands on the cattle, and any approved nonvisual identifiers.

Sec. 12. Section 54-176, Reissue Revised Statutes of Nebraska, is amended to read:

54-176 Brand inspector means a person employed by the Nebraska Brand Committee, or some other brand inspection agency, inside or outside of the State of Nebraska, for the purpose of identifying brands, marks, or other identifying characteristics of livestock or approved nonvisual identifiers to determine the existence of such brands, marks, or identifying characteristics or identifiers and from such determinations attempt to establish correct and true ownership of such livestock, and generally carry out the provisions and enforcement of all laws pertaining to brands, brand inspection, physical inspection, electronic inspection, and associated livestock laws.

Sec. 13. Section 54-179, Revised Statutes Cumulative Supplement, 2020, is amended to read:

54-179 Certificate of inspection means the official document issued and signed by a brand inspector authorizing (1) movement of livestock from a point of origin within the brand inspection area to a destination either inside or outside of the brand inspection area or outside of this state, (2) slaughter of livestock as specified on such certificate, or (3) the change of ownership of livestock as specified on such certificate. A certificate of inspection shall designate, as needed, the name of the shipper, consignor, or seller of the livestock, the purchaser or consignee of the livestock, the destination of the livestock, the vehicle license number or carrier number, the miles driven by an inspector to perform inspection, the amount of inspection fees collected, the number and sex of the livestock to be moved or slaughtered, any the brands, if any, on the livestock, any approved nonvisual identifiers, and the brand owner. A certificate of inspection shall be construed and is intended to be documentary evidence of ownership on all livestock covered by such document.

Sec. 14. Section 54-182, Reissue Revised Statutes of Nebraska, is amended to read:

54-182 Investigator means an employee of the Nebraska Brand Committee who is also a deputy state sheriff and has the duty, responsibility, and authority to enforce all state statutes pertaining to brands, brand inspection, physical inspection, electronic inspection, and associated livestock laws. An investigator is also responsible for the investigation of all problems associated with brands, brand inspection, and associated livestock enforcement problems.

Sec. 15. Section 54-189, Revised Statutes Cumulative Supplement, 2020, is amended to read:

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

Sec. 16. Section 54-191, Revised Statutes Cumulative Supplement, 2020, is amended to read:

54-191 (1) The Nebraska Brand Committee is hereby created. Beginning August 28, 2007, the brand committee shall consist of five members appointed by the Governor, subject to confirmation by the Legislature. At least three appointed members shall be active cattlemen and at least one appointed member shall be an active cattle feeder. The Secretary of State and the Director of Agriculture, or their designees, shall be nonvoting, ex officio members of the brand committee. The appointed members shall be owners of cattle within the brand inspection area, shall reside within the brand inspection area, shall be owners of Nebraska-recorded brands, and shall be persons whose principal business and occupation is the raising or feeding of cattle within the brand inspection area.

(2) The members of the brand committee shall elect a chairperson and vice-chairperson from among its appointed members during the first meeting held after September 1 each calendar year. A member may be reelected to serve as chairperson or vice-chairperson.

(3) The terms of the members shall be four-year, staggered terms, beginning on August 28 of the year of initial appointment or reappointment and concluding on August 27 of the year of expiration. At the expiration of the term of an appointed member, the Governor shall appoint a successor, subject to

confirmation by the Legislature. If there is a vacancy on the brand committee, the Governor shall fill such vacancy by appointing a member to serve during the unexpired term of the member whose office has become vacant. Any appointment to fill a vacancy shall be subject to confirmation by the Legislature.

(4) The action of a majority of the members shall be deemed the action of the brand committee. No appointed member shall hold any elective or appointive state or federal office while serving as a member of the brand committee. Each member and each brand committee employee who collects or who is the custodian of any funds shall be bonded or insured as required under section 11-201. The appointed members of the brand committee shall be reimbursed for expenses in attending meetings of the brand committee or in performing any other duties that are prescribed in the Livestock Brand Act or section 54-415, as provided for in sections 81-1174 to 81-1177.

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

Sec. 17. Section 54-198, Revised Statutes Cumulative Supplement, 2020, is amended to read:

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

(2) A hot iron brand or freeze brand may be used for in-herd identification purposes such as for year or production records. With respect to hot iron brands used for in-herd identification, the numerals 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9 in singular or triangular position are reserved on both the right and left shoulder of all cattle, except that such shoulder location for a single-number hot iron brand may be used for year branding for in-herd identification purposes, and an alphabetical letter may be substituted for one of the numerals used in a triangular configuration for in-herd identification purposes. Hot iron brands used for in-herd identification shall be used in conjunction with the recorded hot iron brand and shall be on the same side of the animal as the recorded hot iron brand. Freeze branding for in-herd identification may be applied in any location and any configuration with any combination of numerals or alphabetical letters.

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

Sec. 18. Section 54-199, Reissue Revised Statutes of Nebraska, is amended to read:

54-199 (1) To record a brand, a person shall forward to the Nebraska Brand Committee a facsimile or description of the brand desired to be recorded, a written application, and a recording fee and research fee established by the brand committee. Such recording fee may vary according to the number of locations and methods of brand requested but shall not be more than one hundred fifty dollars per application. Such research fee shall be charged on all applications and shall not be more than fifty dollars per application.

(2) For recording of visual brands, upon receipt of a facsimile of the brand, an application, and the required fee, the brand committee shall determine compliance with the following requirements:

(a) The brand shall be an identification mark that is applied to the hide of a live animal by hot iron branding or by either hot iron branding or freeze branding. The brand shall be on either side of the animal in any one of three locations, the shoulder, ribs, or hip;

(b) The brand is not recorded under the name of any other person and does not conflict with or closely resemble a prior recorded brand;

(c) The brand application specifies the left or right side of the animal and the location on that side of the animal where the brand is to be placed;

(d) The brand is not recorded as a trade name nor as the name of any profit or nonprofit corporation, unless such trade name or corporation is of record, in current good standing, with the Secretary of State; and

(e) The brand is, in the judgment of the brand committee, legible, adequate, and of such a nature that the brand when applied can be properly read and identified by employees of the brand committee.

(3) All visual brands shall be recorded as a hot iron brand only unless a co-recording as a freeze brand or other approved method of branding is requested by the applicant. The brand committee shall approve co-recording a brand as a freeze brand unless the brand would not be distinguishable from in-herd identification applied by freeze branding.

~~(4) The brand committee may, by rule and regulation, provide for the recording and use of brands by electronic device or other nonvisual method of livestock identification. Any such method of livestock identification shall be approved as a brand only if it functions as a means of identifying ownership of livestock so branded that is equal to, or superior to, visual methods of livestock branding. Before approving any nonvisual method of branding, the brand committee shall consider the degree to which such method may be susceptible to error, failure, or fraudulent alteration. Any rule or regulation~~

~~shall be adopted only after public hearing conducted in compliance with the Administrative Procedure Act.~~

(4) ~~(5)~~ If the facsimile, the description, or the application does not comply with the requirements of this section, the brand committee shall not record such brand as requested but shall return the recording fee to the forwarding person. The power of examination and rejection is vested in the brand committee, and if the brand committee determines that the application for a visual brand falls within the category set out in subdivision (2)(e) of this section, it shall decide whether or not a recorded brand shall be issued. The brand committee shall make such examination as promptly as possible. If the brand is recorded, the ownership vests from the date of filing of the application.

(5) The brand committee may by rule and regulation provide for the use of approved nonvisual identifiers for purposes of enrolling cattle identified by such method of livestock identification. Such method of livestock identification shall be approved only if it functions as satisfactory evidence of ownership for the purpose of enrollment of cattle and for electronic inspection authorized under section 54-1,108. Before approving any nonvisual identifier, the brand committee shall consider the degree to which such method may be susceptible to error, failure, or fraudulent alteration. Any rule or regulation shall be adopted and promulgated only after public hearing conducted in compliance with the Administrative Procedure Act.

Sec. 19. Section 54-1,101, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,101 The owner of a recorded brand is entitled to one certified copy of the record of such brand from the Nebraska Brand Committee without charge. Additional certified copies of the record may be obtained by anyone upon the payment of one dollar for each copy.

Copies of any other document of the brand committee may be requested, and a fee of one dollar shall be collected for each page copied. Only personnel authorized by the brand committee shall make copies and collect such fees. The party requesting the copies is responsible for payment of the fee and shall reimburse the brand committee for the research time necessary to furnish the requested documents at a rate of not less than twenty twelve nor more than forty twenty dollars per hour of research time. The rate shall be reviewed and set annually by the brand committee.

Sec. 20. Section 54-1,102, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

Sec. 21. Section 54-1,108, Revised Statutes Cumulative Supplement, 2020, is amended to read:

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

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

(c) Beginning October 1, 2021, a physical (2)(a) An inspection fee of eighty-five cents per head until June 30, 2023, and beginning July 1, 2023, a fee established by the Nebraska Brand Committee, of not more than one dollar and ten cents per head shall be charged for all cattle inspected in accordance with the Livestock Brand Act or section 54-415, or inspected within the brand inspection area or brand inspection service area by court order, inspected or at the request of any bank, credit agency, or lending institution with a legal or financial interest in such cattle, or inspected at the request of a

~~neighboring livestock owner with missing cattle. Such fee may vary to encourage inspection to be performed at times and locations that reduce the cost of performing the inspection but shall otherwise be uniform. The inspection fee for court-ordered inspections shall be paid from the proceeds of the sale of such cattle if ordered by the court or by either party as the court directs. For other inspections, the person requesting the inspection of such cattle is responsible for the inspection fee. Brand inspections requested by either a purchaser or seller of cattle located within the brand inspection service area shall be provided upon the same terms and charges as brand inspections performed within the brand inspection area. If estray cattle are identified as a result of the inspection, such cattle shall be processed in the manner provided by section 54-415.~~

~~(d) The actual mileage incurred by the inspector to perform a physical inspection shall be paid by the party requesting inspection and paid at the rate established by the Department of Administrative Services pursuant to section 81-1176.~~

~~(b) A surcharge of not more than twenty dollars, as established by the brand committee, may be charged to cover travel expenses incurred by the brand inspector per inspection location when performing brand inspections. The surcharge shall be collected by the brand inspector and paid by the person requesting the inspection or the person required by law to have the inspection.~~

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

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

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

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

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

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

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

~~Sec. 22. Section 54-1,110, Revised Statutes Cumulative Supplement, 2020, is amended to read:~~

~~54-1,110 (1) Except as provided in subsections (2) and (3) of this section, no person shall move, in any manner, cattle from a point within the brand inspection area to a point outside the brand inspection area unless such cattle first have a brand inspection by the Nebraska Brand Committee and a certificate of inspection is issued. A copy of such certificate shall accompany the cattle and shall be retained by all persons moving such cattle as a permanent record.~~

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

~~(3) If the line designating the brand inspection area divides a farm or~~

ranch or lies between noncontiguous parcels of land which are owned or operated by the same cattle owner or owners, a permit may be issued, at the discretion of the Nebraska Brand Committee, to the owner or owners of cattle on such farm, ranch, or parcels of land to move the cattle in and out of the brand inspection area without inspection. If the line designating the brand inspection area lies between a farm or ranch and nearby veterinary medical facilities, a permit may be issued, at the discretion of the brand committee, to the owner or owners of cattle on such farm or ranch to move the cattle in and out of the brand inspection area without inspection to obtain care from the veterinary medical facilities. The brand committee shall issue initial permits only after receiving an application which includes an application fee established by the brand committee which shall not be more than fifteen dollars. The brand committee shall mail all current permitholders an annual renewal notice, for January 1 renewal, which requires a renewal fee established by the brand committee which shall not be more than fifty fifteen dollars. If the permit conditions still exist, the cattle owner or owners may renew the permit.

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

(5) A violation of this section is an infraction. A peace officer shall have the authority to write a citation, which shall be waivable, to offenders in violation of this section. A fine under this section shall not exceed two hundred dollars per head for each offense. Violations shall be charged in the county of origin of the cattle or any other county through which the cattle were moved from the brand inspection area. In cases of prosecution for violation of this section, venue may be established in the county of origin or any other county through which the cattle may pass in leaving the brand inspection area.

Sec. 23. Section 54-1,111, Revised Statutes Cumulative Supplement, 2020, is amended to read:

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

(2) A brand inspection is not required:

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

(b) For cattle that are:

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

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

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

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

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

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

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

Sec. 24. Section 54-1,112, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,112 (1) Any person located within the brand inspection area who slaughters or has cattle slaughtered for sale or distribution shall keep, in a book for that purpose, a true and faithful record of all cattle purchased and slaughtered. Such record shall also contain a description of the marks, brands, age, weight, and color of all cattle slaughtered. Such record shall contain the date when the cattle were slaughtered and a notation which sets forth by whom the cattle were raised or from whom purchased.

(2) All persons who purchase hides shall keep a record of all hides of cattle purchased by them, which record shall state the name or names of the person or persons from whom purchased, their place of residence, the date of purchase, and all marks and brands on the hide, and the record shall at all times be open for inspection by any peace officer.

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

Sec. 25. Section 54-1,113, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,113 (1)(a) Inside of the brand inspection area, no person shall sell or trade or offer for sale or trade the carcass of a beef or veal, or any portion thereof, including the hide of such carcass, unless a certificate of inspection is secured from a brand inspector. Such person shall exhibit the certificate of inspection upon the demand of any person.

(b) Outside of the brand inspection area, no person shall sell or offer for sale, except as a butcher bonded under section 54-1,114, the carcass of a beef or veal, or any portion thereof, without first exhibiting the intact hide of the same and exposing the brand upon the hide, if any, to the purchaser. A person selling or offering for sale any such carcass of beef or veal shall preserve the hide of the same for a period of fifteen days unless a certificate of inspection is secured from a brand inspector, and such person shall exhibit the certificate of inspection upon the demand of any person.

(2) No person shall kill for his, her, or its own use and consumption any cattle for beef or veal without preserving the hide of such animal intact with a complete unskinned tail attached thereto for a period of not less than fifteen days unless a certificate of inspection is secured from a brand inspector, and such hide shall be presented for inspection upon demand of any person.

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

Sec. 26. Section 54-1,114, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,114 (1) Except as provided in subsections (2) and (3) of this section, no butcher, packer, or vendor engaged in the slaughter of cattle within the brand inspection area shall kill or otherwise dispose of any cattle until a brand inspection is performed by the Nebraska Brand Committee on the premises where such slaughter is to take place and until a certificate of inspection from the brand committee is filed and is made a part of such operator's permanent records. All such certificates of inspection shall, upon demand, be displayed to any peace officer or to the brand committee at any time.

(2) If cattle requiring inspection under this section are to be slaughtered and are purchased by such butcher, packer, or vendor at a regularly brand-inspected sales barn and are destined for direct slaughter upon reaching their destination, the brand inspector at such sales barn shall be advised that such cattle are destined for direct slaughter. The brand inspector shall then issue a certificate of inspection for the cattle, such certificate to indicate that the cattle are to go to direct slaughter and that the cattle are not to be retained by such butcher, packer, or vendor for longer than ninety-six hours prior to slaughter. Cattle inspected at the point of origin by a brand inspector shall not require an additional brand inspection upon reaching a destination within the state if the certificate of inspection designates that the cattle are to go directly for slaughter and not to be retained by such butcher, packer, or vendor longer than ninety-six hours prior to slaughter.

(3) If cattle required to be inspected under this section are offered for slaughter and satisfactory evidence of ownership has not been provided, the butcher, packer, or vendor may, with the approval of the brand inspector, slaughter the cattle and hold the meat until such time as satisfactory evidence of ownership is provided to the brand committee. The brand inspector shall provide the butcher, packer, or vendor with an official notice advising the operator not to release the meat until authorized by the brand committee. The brand committee may provide for a cash bond to be posted with the executive director of the brand committee so that the meat may be released prior to the establishment of satisfactory evidence of ownership. The amount of the bond shall be set at the approximate value of the cattle. When satisfactory evidence of ownership has been provided by the person offering the cattle for slaughter, the executive director shall authorize the release of the meat or the return of the bond.

(4) A violation of this section is an infraction. A peace officer shall have the authority to write a citation, which shall be waivable, to offenders

in violation of this section. A fine under this section shall not exceed two hundred dollars per head for each offense. Violations shall be charged in the county in which the offense occurred.

Sec. 27. Section 54-1,115, Revised Statutes Cumulative Supplement, 2020, is amended to read:

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

(2) A livestock transportation authority form shall be in writing and shall state the name of the owner of the livestock, the owner's post office address, the place from which the livestock are being moved, including the name of the ranch, if any, the destination, the name and address of the carrier, the license number and make of motor vehicle to which consigned, together with the number of livestock and a description thereof including kind, sex, breed, color, and marks, if any, and in the case of livestock shipments originating within the brand inspection area, the brands, if there are any. The authority form shall be signed by the owner of the livestock or the owner's authorized agent.

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

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

Sec. 28. Section 54-1,116, Reissue Revised Statutes of Nebraska, is amended to read:

54-1,116 (1) All livestock sold or otherwise disposed of shall be accompanied by a properly executed bill of sale in writing or, for cattle, a certificate of inspection. All owners of or persons possessing livestock have a duty to exhibit, upon request of any person, the bill of sale or other satisfactory evidence of ownership of the livestock.

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

Sec. 29. Section 54-1,120, Revised Statutes Cumulative Supplement, 2020, is amended to read:

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

(a) The operator's feedlot must be permanently fenced; and

(b) The operator must commonly practice feeding cattle to finish for slaughter.

If the application is satisfactory, and upon payment of an initial registration fee by the applicant, the brand committee shall issue a registration number and registration certificate valid for one year unless rescinded for cause. If the registration is rescinded for cause, any registration fee shall be forfeited by the applicant. The initial fee for a registered feedlot shall be an amount for a registered feedlot having one thousand head or less capacity and an equal amount for each additional one thousand head capacity, or part thereof, of such registered feedlot. For each subsequent year, the renewal fee for a registered feedlot shall be an amount for the first one thousand head or portion thereof of average annual inventory of cattle on feed of the registered feedlot and an equal amount for each additional one thousand head or portion thereof of average annual inventory of cattle on feed of the registered feedlot. The brand committee shall set the fee per one thousand head capacity or average annual inventory so as to correspond with the inspection fee provided under section 54-1,108. The registration fee shall be paid on an annual basis.

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

(3) Registered feedlots are subject to inspection at any reasonable time

at the discretion of the brand committee and its authorized agents, and the operator shall show cattle purchase records or certificates of inspection to cover all cattle in his or her feedlot. Cattle having originated from such registered feedlots may from time to time, at the discretion of the committee, be subject to a spot-check inspection and audit at destination to enable the brand committee to assure satisfactory compliance with the brand laws by the registered feedlot operator.

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

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

Sec. 30. Section 54-1,122, Revised Statutes Cumulative Supplement, 2020, is amended to read:

54-1,122 Any cattle originating in a state that has a brand inspection agency and which are accompanied by a certificate of inspection or brand clearance issued by such agency may be moved directly from the point of origin into a registered feedlot. Any cattle not accompanied by such a certificate of inspection or brand clearance or by satisfactory evidence of ownership from states or portions of states not having brand inspection shall be subjected to physical inspection inspected for brands by the Nebraska Brand Committee or, if applicable, subjected to electronic inspection, within a reasonable time after arrival at a registered feedlot, and the inspection fee and mileage charge, if applicable, surcharge provided under section 54-1,108 shall be collected by the brand inspector at the time the inspection is performed.

Sec. 31. A person commits a Class III felony if:

(1) Such person willfully and knowingly performs or causes to be performed any act to:

(a) Apply, remove, damage, or alter an approved nonvisual identifier; or

(b) Expunge, alter, render inaccessible, or otherwise corrupt information recorded or embedded on or in an approved nonvisual identifier; and

(2) Such conduct is done with the intent to deprive an owner of livestock or falsely assert ownership of livestock.

Sec. 32. Section 54-1,128, Revised Statutes Cumulative Supplement, 2020, is amended to read:

54-1,128 (1) An owner may brand cattle with a brand recorded or registered in another state when:

(a) Cattle are purchased at a livestock auction market licensed under the Livestock Auction Market Act or congregated at another location approved by the Nebraska Brand Committee;

(b) The cattle will be imminently exported from Nebraska;

(c) The cattle are branded at the livestock auction market or other approved location; and

(d) An out-of-state brand permit has been obtained prior to branding the cattle.

(2) An application for an out-of-state brand permit shall be made to a brand inspector and shall include a description of the brand, a written application, and a fee not to exceed fifty dollars as determined by the Nebraska Brand Committee. A brand inspector shall evaluate and may approve an out-of-state brand permit within a reasonable period of time.

(3) Cattle branded under an out-of-state brand permit shall remain subject to all other brand inspection requirements under the Livestock Brand Act.

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

Sec. 33. Section 54-415, Revised Statutes Cumulative Supplement, 2020, is amended to read:

54-415 Any person taking up an estray within the brand inspection area or brand inspection service area shall report the same within seven days thereafter to the Nebraska Brand Committee. Any person taking up an estray in any other area of the state shall report the same to the county sheriff of the county where the estray was taken. If the animal is determined to be an estray by a representative of the Nebraska Brand Committee or the county sheriff, as the case may be, such animal shall, as promptly as may be practicable, be sold through the most convenient livestock auction market. The proceeds of such sale, after deducting the selling expenses, shall be paid over to the Nebraska Brand Committee to be placed in the estray fund identified in section 54-1,118, if such estray was taken up within the brand inspection area or brand inspection service area, and otherwise to the treasurer of the county in which such estray was taken up. During the time such proceeds are impounded, any person taking up such estray may file claim with the Nebraska Brand Committee or the county treasurer, as the case may be, for the expense of feeding and keeping such estray while in his or her possession. When such claim is filed it shall be the duty of the Nebraska Brand Committee or the county board, as the case may be, to decide on the validity of the claim so filed and allow the claim for such amount as may be deemed equitable. When the estray is taken up within the brand inspection area or brand inspection service area, such proceeds shall be impounded for one year, unless ownership is determined sooner

by the Nebraska Brand Committee, and if ownership is not determined within such one-year period, the proceeds shall be paid into the permanent school fund, less the actual expenses incurred in the investigation and processing of the estray fund. Any amount deducted as actual expenses incurred shall be deposited in the Nebraska Brand Inspection and Theft Prevention Fund. When the estray is taken up outside the brand inspection area or brand inspection service area and ownership cannot be determined by the county board, the county board shall then order payment of the balance of the sale proceeds less expenses, to the permanent school fund. If the brand committee or the county board determines ownership of an estray sold in accordance with this section by means of evidence of ownership other than the owner's recorded Nebraska brand, an amount not to exceed the actual investigative costs or expenses may be deducted from the proceeds of the sale. Any person who violates this section is guilty of a Class II misdemeanor. The definitions found in sections 54-172 to 54-190 and sections 3, 4, 5, 6, 7, 8, and 9 of this act apply to this section.

Sec. 34. Original sections 54-173, 54-176, 54-182, 54-199, 54-1,101, 54-1,102, 54-1,112, 54-1,113, 54-1,114, and 54-1,116, Reissue Revised Statutes of Nebraska, and sections 54-170, 54-171, 54-172, 54-179, 54-189, 54-191, 54-198, 54-1,108, 54-1,110, 54-1,111, 54-1,115, 54-1,120, 54-1,122, 54-1,128, and 54-415, Revised Statutes Cumulative Supplement, 2020, are repealed.