

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 884

Final Reading

Introduced by Hansen, 42; Johnson, 23; Lathrop, 12; Schilz, 47;
Wallman, 30.

Read first time January 14, 2014

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 54-701.03,
2 54-703, 54-704, 54-705, 54-750, 54-751, 54-752, 54-753,
3 54-753.06, 54-7,105, 54-7,106, 54-7,107, 54-7,108,
4 54-1156, 54-1159, 54-1166, 54-1173, 54-1180, 54-1181,
5 54-1182, 54-1183, 54-1184, and 54-1185, Reissue Revised
6 Statutes of Nebraska, and sections 54-170, 54-1158,
7 54-1161, 54-1163, 54-1169, and 54-1170, Revised Statutes
8 Supplement, 2013; to name and change the Exotic Animal
9 Auction or Exchange Venue Act; to change, transfer, and
10 eliminate provisions of the Livestock Auction Market Act;
11 to change provisions relating to regulation of animals;
12 to harmonize provisions; to repeal the original sections;
13 and to outright repeal sections 54-1174 and 54-1177,
14 Reissue Revised Statutes of Nebraska.

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

1 Section 1. Section 54-170, Revised Statutes Supplement,
2 2013, is amended to read:

3 54-170 Sections 54-170 to 54-1,128 and sections 2 to 4 of
4 this act shall be known and may be cited as the Livestock Brand Act.

5 Sec. 2. Section 54-1183, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 ~~54-1183~~ The owner or operator of any livestock auction
8 market, as defined in section 54-1158, or packing plant located in
9 any county outside the brand inspection area ~~created in section~~
10 ~~54-1,109~~ may voluntarily elect to provide brand inspection for all
11 cattle brought to such livestock auction market or packing plant from
12 within the brand inspection area upon compliance with sections
13 ~~54-1183 to 54-1185.~~ 2 to 4 of this act.

14 Sec. 3. Section 54-1184, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 ~~54-1184~~ The election provided for by section ~~54-1183-2~~ 2 of
17 this act shall be made by (1) filing with the Secretary of State, in
18 form to be prescribed by the secretary, a written notice of such
19 election and agreement to be bound by section ~~54-1185-4~~ 4 of this act
20 and (2) posting conspicuously on the premises a notice of the fact
21 that brand inspection is provided at such livestock auction market or
22 packing plant.

23 Sec. 4. Section 54-1185, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 ~~54-1185~~ Inspection provided for in sections ~~54-1183 to~~

1 ~~54-1185-2~~ to 4 of this act shall be conducted in the manner
2 established by the Livestock Brand Act. The owner or operator making
3 such election may be required to guarantee to the Nebraska Brand
4 Committee that inspection fees derived from such livestock auction
5 market or packing plant will be sufficient, in each twelve-month
6 period, to pay the per diem and mileage of the inspectors required
7 and that he or she will reimburse the committee for any deficit
8 incurred in any such twelve-month period. Such guarantee shall be
9 secured by a corporate surety bond, to be approved by the Secretary
10 of State, in a penal sum to be established by the Nebraska Brand
11 Committee.

12 Sec. 5. Section 54-701.03, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 54-701.03 For purposes of sections 54-701 to 54-753.05,
15 and 54-797 to 54-7,103: ~~, and 54-7,105 to 54-7,108:~~

16 (1) Accredited veterinarian means a veterinarian duly
17 licensed by the State of Nebraska and approved by the deputy
18 administrator of the Animal and Plant Health Inspection Service of
19 the United States Department of Agriculture in accordance with 9
20 C.F.R. part 161, as such regulation existed on January 1, 2006; 2013;

21 (2) Animal means all vertebrate members of the animal
22 kingdom except humans or wild animals at large;

23 (3) Bureau of Animal Industry means the Bureau of Animal
24 Industry of the Department of Agriculture of the State of Nebraska
25 and includes the State Veterinarian, deputy state veterinarian,

1 veterinary field officers, livestock inspectors, investigators, and
2 other employees of the bureau;

3 (4) Dangerous disease means a disease transmissible to
4 and among livestock which has the potential for rapid spread, serious
5 economic impact or serious threat to livestock health, and is of
6 major importance in the trade of livestock and livestock products;

7 (5) Department means the Department of Agriculture of the
8 State of Nebraska;

9 (6) Director means the Director of Agriculture of the
10 State of Nebraska or his or her designee;

11 (7) Domesticated cervine animal means any elk, deer, or
12 other member of the family cervidae legally obtained from a facility
13 which has a license, permit, or registration authorizing domesticated
14 cervine animals which has been issued by the state where the facility
15 is located and such animal is raised in a confined area;

16 ~~(8) Exotic animal means any animal which is not commonly~~
17 ~~sold through licensed livestock auction markets pursuant to the~~
18 ~~Livestock Auction Market Act. Such animals shall include, but not be~~
19 ~~limited to, miniature cattle, miniature horses, miniature donkeys,~~
20 ~~Barbary sheep, Dall's sheep, alpacas, llamas, pot bellied pigs, and~~
21 ~~small mammals, with the exception of cats of the Felis domesticus~~
22 ~~species and dogs of the Canis familiaris species. The term also~~
23 ~~includes birds and poultry. The term does not include beef and dairy~~
24 ~~cattle, calves, swine, bison, sheep sold for wool or food, goats sold~~
25 ~~for dairy, food, or fiber, and domesticated cervine animals;~~

1 ~~(9) Exotic animal auction or swap meet means any event or~~
2 ~~location as defined in rules and regulations of the department, other~~
3 ~~than a livestock auction market as defined in section 54-1158, where~~
4 ~~(a) an exotic animal is purchased, sold, traded, bartered, given~~
5 ~~away, or otherwise transferred, (b) an offer to purchase an exotic~~
6 ~~animal is made, or (c) an exotic animal is offered to be sold,~~
7 ~~traded, bartered, given away, or otherwise transferred;~~

8 ~~(10) Exotic animal auction or swap meet organizer means a~~
9 ~~person in charge, as identified by rule and regulation of the~~
10 ~~department, of organizing an exotic animal auction or swap meet~~
11 ~~event, and may include any person who: (a) Arranges events for third~~
12 ~~parties to have private sales or trades of exotic animals; (b)~~
13 ~~organizes or coordinates exotic animal auctions or swap meets; (c)~~
14 ~~leases out areas for exotic animal auctions or swap meets; or (d)~~
15 ~~provides or coordinates other similar arrangements involving exotic~~
16 ~~animals;~~

17 ~~(11)~~~~(8)~~ Exposed means being part of a herd which
18 contains or has contained an animal infected with a disease agent
19 which affects livestock or having had a reasonable opportunity to
20 come in contact with an infective disease agent which affects
21 livestock;

22 ~~(12)~~~~(9)~~ Herd means any group of livestock maintained on
23 common ground for any purpose or two or more groups of livestock
24 under common ownership or supervision geographically separated but
25 which have an interchange of livestock without regard to health

1 status;

2 ~~(13)~~(10) Livestock means cattle, swine, sheep, horses,
3 mules, goats, domesticated cervine animals, ratite birds, and
4 poultry;

5 ~~(14)~~(11) Poultry means domesticated birds that serve as
6 a source of eggs or meat and includes, but is not limited to,
7 chickens, turkeys, ducks, and geese;

8 ~~(15)~~(12) Program disease means a livestock disease for
9 which specific legislation exists for disease control or eradication;

10 ~~(16)~~(13) Quarantine means restriction of (a) movement
11 imposed by the department on an animal, group of animals, or herd of
12 animals because of infection with, or exposure to, a disease agent
13 which affects livestock and (b) use of equipment, facilities, land,
14 buildings, and enclosures which are used or have been used by animals
15 infected with, or suspected of being infected with, a disease agent
16 which affects livestock;

17 ~~(17)~~(14) Ratite bird means any ostrich, emu, rhea, kiwi,
18 or cassowary;

19 ~~(18)~~(15) Sale means a sale, lease, loan, trade, barter,
20 or gift;

21 ~~(19)~~(16) Surveillance means the collection and testing
22 of livestock blood, tissue, hair, body fluids, discharges,
23 excrements, or other samples done in a herd or randomly selected
24 livestock to determine the presence or incidence of disease in the
25 state or area of the state and may include the observation or

1 physical examination of an animal; and

2 ~~(20)~~(17) Veterinarian means an individual who is a
3 graduate of an accredited college of veterinary medicine.

4 Sec. 6. Section 54-703, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 54-703 (1) The Department of Agriculture and all
7 inspectors and persons appointed and authorized to assist in the work
8 of the department shall enforce the Exotic Animal Auction or Exchange
9 Venue Act and sections 54-701 to 54-753.05~~7~~ and 54-797 to 54-7,103~~7~~
10 ~~and 54-7,105 to 54-7,108~~ as designated.

11 (2) The department and any officer, agent, employee, or
12 appointee of the department shall have the right to enter upon the
13 premises of any person who has, or is suspected of having, any animal
14 thereon, including any premises where the carcass or carcasses of
15 dead livestock may be found or where a facility for the disposal or
16 storage of dead livestock is located, for the purpose of making any
17 and all inspections, examinations, tests, and treatments of such
18 animal, to inspect livestock carcass disposal practices, and to
19 declare, carry out, and enforce any and all quarantines.

20 (3) The department, in consultation with the Department
21 of Environmental Quality and the Department of Health and Human
22 Services, may adopt and promulgate rules and regulations reflecting
23 best management practices for the burial of carcasses of dead
24 livestock.

25 (4) The Department of Agriculture ~~shall~~may further adopt

1 and promulgate such rules and regulations as are necessary to
2 promptly and efficiently enforce and effectuate the general purpose
3 and provisions of ~~such~~ sections 54-701 to 54-753.05 and 54-797 to
4 54-7,103.

5 Sec. 7. Section 54-704, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 54-704 Any veterinary inspector or agent of the United
8 States Department of Agriculture, Animal and Plant Health Inspection
9 Service, Veterinary Services, who has been officially assigned by the
10 United States Department of Agriculture for service in Nebraska may
11 be officially authorized by the Department of Agriculture to perform
12 and exercise such powers and duties as may be prescribed by the
13 department and when so authorized shall have and exercise all rights
14 and powers vested by the Exotic Animal Auction or Exchange Venue Act
15 and sections 54-701 to 54-753.05, and 54-797 to 54-7,103, ~~and~~
16 ~~54-7,105 to 54-7,108~~ in agents and representatives in the regular
17 employ of the department.

18 Sec. 8. Section 54-705, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 54-705 The Department of Agriculture or any officer,
21 agent, employee, or appointee thereof may call upon any sheriff,
22 deputy sheriff, or other police officer to execute the orders of the
23 department, and the officer shall obey the orders of the department.
24 The officers performing such duties shall receive compensation
25 therefor as is prescribed by law for like services and shall be paid

1 therefor by the county. Any officer may arrest and take before the
2 county judge of the county any person found violating any of the
3 provisions of the Exotic Animal Auction or Exchange Venue Act and
4 sections 54-701 to 54-753.05, ~~and 54-7,105 to 54-7,108,~~ and such
5 officer shall immediately notify the county attorney of such arrest.
6 The county attorney shall prosecute the person so offending according
7 to law.

8 Sec. 9. Section 54-750, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 54-750 It shall be unlawful for any person to knowingly
11 harbor, sell, or otherwise dispose of any animal or any part thereof
12 affected with an infectious, contagious, or otherwise transmissible
13 disease except as provided by sections 54-701 to 54-753 ~~and 54-7,105~~
14 ~~to 54-7,108,~~ and the rules and regulations prescribed by the
15 Department of Agriculture thereunder. Any person so offending shall
16 be deemed guilty of a Class II misdemeanor for the first violation
17 and a Class I misdemeanor for any subsequent violation.

18 Sec. 10. Section 54-751, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 54-751 It shall be unlawful for any person to violate any
21 rule or regulation prescribed and promulgated by the Department of
22 Agriculture pursuant to authority granted by the Exotic Animal
23 Auction or Exchange Venue Act and sections 54-701 to 54-753, ~~and~~
24 ~~54-7,105 to 54-7,108,~~ and any person so offending shall be guilty of
25 a Class II misdemeanor for the first violation and a Class I

1 misdemeanor for any subsequent violation.

2 Sec. 11. Section 54-752, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 54-752 Any person violating any of the provisions of the
5 Exotic Animal Auction or Exchange Venue Act and sections 54-701 to
6 54-753 ~~and 54-7,105 to 54-7,108~~ shall be guilty of a Class II
7 misdemeanor for the first violation and a Class I misdemeanor for any
8 subsequent violation.

9 Sec. 12. Section 54-753, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 54-753 The penal provisions of section 54-752 shall not
12 be exclusive, but the district courts of this state, in the exercise
13 of their equity jurisdiction, may, by injunction, compel the
14 observance of, and by that remedy enforce, the provisions of the
15 Exotic Animal Auction or Exchange Venue Act and sections 54-701 to
16 54-753 ~~and 54-7,105 to 54-7,108~~ and the rules and regulations
17 established and promulgated by the Department of Agriculture.

18 Sec. 13. Section 54-7,105, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 54-7,105 (1) Sections 54-7,105 to 54-7,108 and sections
21 14, 18, and 19 of this act shall be known and may be cited as the
22 Exotic Animal Auction or Exchange Venue Act.

23 (2) ~~The purpose of sections 54-7,105 to 54-7,108 is to~~
24 ~~authorize the Bureau of Animal Industry to require exotic animal~~
25 ~~auction or swap meet organizers to notify the bureau of any scheduled~~

1 ~~exotic animal auction or swap meet~~ the Exotic Animal Auction or
2 Exchange Venue Act is to require an exotic animal auction or exchange
3 venue organizer to obtain a permit from the department before
4 conducting an exotic animal auction or exchange venue and to maintain
5 records for animal disease tracking purposes. Exotic animals sold at
6 ~~exotic animal auctions or swap meets~~ an exotic animal auction or
7 exchange venue are often foreign to the United States or to the State
8 of Nebraska. These exotic animals may carry dangerous, infectious,
9 contagious, or otherwise transmissible diseases, including foreign
10 animal diseases, which could pose a threat to Nebraska's livestock
11 health and the livestock industry.

12 Sec. 14. For purposes of the Exotic Animal Auction or
13 Exchange Venue Act:

14 (1) Accredited veterinarian has the same meaning as in
15 section 54-701.03;

16 (2) Animal has the same meaning as in section 54-701.03;

17 (3) Animal welfare organization has the same meaning as
18 in section 54-2503;

19 (4) Certificate of veterinary inspection means a legible
20 document approved by the department, either paper copy or electronic,
21 issued by an accredited veterinarian at the point of origin of an
22 animal movement which records the (a) name and address of both
23 consignor and consignee, (b) purpose of animal's movement, (c)
24 destination in the state which includes the street address or
25 enhanced-911 address of the premises, (d) age, breed, sex, and number

1 of animals in the shipment, (e) description of the animals, (f)
2 individual identification, when required, and (g) health examination
3 date of the animals. The certificate of veterinary inspection is an
4 acknowledgment by the accredited veterinarian of the apparent absence
5 of any infectious, dangerous, contagious, or otherwise transmissible
6 disease of any animal sold or offered for sale, purchased, bartered,
7 or other change of ownership at an exotic animal auction or exchange
8 venue;

9 (5) Change of ownership means the transfer within the
10 State of Nebraska of possession or control of an animal allowed to be
11 transferred through consignment, sale, purchase, barter, lease,
12 exchange, trade, gift, or any other transfer of possession or control
13 at an exotic animal auction or exchange venue;

14 (6) Dangerous disease has the same meaning as in section
15 54-701.03;

16 (7) Department means the Department of Agriculture of the
17 State of Nebraska;

18 (8) Domesticated cervine animal has the same meaning as
19 in section 54-701.03;

20 (9) Exotic animal means any animal which is not commonly
21 sold through licensed livestock auction markets pursuant to the
22 Livestock Auction Market Act. Such animals shall include, but not be
23 limited to, miniature cattle (bovine), miniature horses, miniature
24 donkeys, sheep (ovine), goats (caprine), alpacas (camelid), llamas
25 (camelid), pot-bellied pigs (porcine), and small mammals, with the

1 exception of cats of the Felis domesticus species and dogs of the
2 Canis familiaris species. The term also includes birds and poultry.
3 The term does not include beef and dairy cattle, calves, swine,
4 bison, or domesticated cervine animals;

5 (10) Exotic animal auction or exchange venue means any
6 event or location, other than a livestock auction market as defined
7 in section 54-1158 or events by an animal welfare organization or at
8 an animal welfare organization location, where (a) an exotic animal
9 is consigned, purchased, sold, traded, bartered, given away, or
10 otherwise transferred, (b) an offer to purchase an exotic animal is
11 made, (c) an exotic animal is offered to be consigned, sold, traded,
12 bartered, given away, or otherwise transferred, or (d) any other
13 event or location where there is a change of ownership of an exotic
14 animal;

15 (11) Exotic animal auction or exchange venue organizer
16 means a person in charge of organizing an exotic animal auction or
17 exchange venue event, and may include any person who: (a) Arranges
18 events for third parties to have private sales or trades of exotic
19 animals; (b) organizes or coordinates exotic animal auctions or
20 exchange venues; (c) leases out areas for exotic animal auctions or
21 exchange venues; (d) provides or coordinates other similar
22 arrangements involving exotic animals at retail establishments such
23 as feed and supply stores, farm implement stores, and farm and ranch
24 stores, which allow such sales in or on the premises; or (e) takes
25 exotic animals for consignment on behalf of third parties;

1 (12) Officially identified means the application of an
2 official identification device or method approved by the United
3 States Department of Agriculture, Animal and Plant Health Inspection
4 Service, Veterinary Services; and

5 (13) Poultry has the same meaning as in section
6 54-701.03.

7 Sec. 15. Section 54-7,106, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 54-7,106 ~~An~~ (1) Each exotic animal auction or swap meet
10 exchange venue organizer shall apply for a permit and notify the
11 Bureau of Animal Industry department at least thirty days prior to
12 the date on which the exotic animal auction or swap meet exchange
13 venue is to be held. An applicant for a permit shall verify upon the
14 application that the applicant has contracted the services of an
15 accredited veterinarian to be present during the exotic animal
16 auction or exchange venue as required under subsection (4) of section
17 54-7,108. Notification shall include the location, time, and dates of
18 the exotic animal auction or swap meet exchange venue and the name
19 and address of the exotic animal auction or swap meet exchange venue
20 organizer. Notification shall be made in writing or by facsimile
21 transmission. If a livestock auction market holds an exotic animal
22 auction or exchange venue through its licensed livestock auction
23 market, such livestock auction market shall comply with the Exotic
24 Animal Auction or Exchange Venue Act for purposes of the exotic
25 animal auction or exchange venue.

1 (2) The department may deny an application for a permit
2 if the application does not satisfy the requirements of subsection
3 (1) of this section, for previous acts or omissions of the applicant
4 in noncompliance with the Exotic Animal Auction or Exchange Venue
5 Act, or upon a determination that the applicant is unable to fulfill
6 the duties and responsibilities of a permittee under the act.

7 (3) No person shall conduct an exotic animal auction or
8 exchange venue without a permit issued pursuant to this section.

9 (4) No change of ownership of bovine, camelid, caprine,
10 ovine, or porcine animals may occur at private treaty on the premises
11 where the exotic animal auction or exchange venue is being held for
12 the twenty-four-hour period prior to commencement of the exotic
13 animal auction or exchange venue, nor for twenty-four hours following
14 such event, unless such animals have a certificate of veterinary
15 inspection at change of ownership.

16 Sec. 16. Section 54-7,107, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 54-7,107 (1) An exotic animal auction or ~~swap meet~~
19 exchange venue organizer shall maintain records for each exotic
20 animal auction or ~~swap meet~~ exchange venue such organizer arranges,
21 organizes, leases areas for, consigns, or otherwise coordinates at
22 least five years after the date of the exotic animal auction or ~~swap~~
23 ~~meet.~~ exchange venue. The records shall include:

24 (a) The name, address, and telephone number of the exotic
25 animal auction or ~~swap meet~~ exchange venue organizer;

1 (b) The name and address of all persons who purchased,
2 sold, traded, bartered, gave away, or otherwise transferred an exotic
3 animal at the exotic animal auction or ~~swap meet;~~ exchange venue;

4 (c) The number of and species or type of each exotic
5 animal purchased, sold, traded, bartered, given away, or otherwise
6 transferred at the exotic animal auction or ~~swap meet;~~ exchange
7 venue;

8 (d) The date of purchase, sale, trade, barter, or other
9 transfer of an exotic animal at the exotic animal auction or ~~swap~~
10 ~~meet;~~ exchange venue; and

11 (e) ~~A~~ When required by the Animal Importation Act or the
12 Exotic Animal Auction or Exchange Venue Act, a copy of the completed
13 certificate of veterinary inspection, if required under the Animal
14 Importation Act or any rules or regulations adopted and promulgated
15 under the act or if the exotic animal is to be exported to another
16 state, for each exotic animal purchased, sold, traded, bartered,
17 given away, or otherwise transferred at the exotic animal auction or
18 ~~swap meet.~~ exchange venue.

19 (2) An exotic animal auction or ~~swap meet~~ exchange venue
20 organizer shall, during all reasonable times, permit authorized
21 employees and agents of the department to have access to and to copy
22 any or all records relating to his or her exotic animal auction or
23 ~~swap meet~~ exchange venue business.

24 (3) When necessary for the enforcement of ~~sections~~
25 ~~54-7,105 to 54-7,108~~ the Exotic Animal Auction or Exchange Venue Act

1 or any rules and regulations adopted and promulgated pursuant to such
2 ~~sections, act,~~ the authorized employees and agents of the department
3 may access the records required by this section.

4 Sec. 17. Section 54-7,108, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 54-7,108 ~~No beef or dairy cattle, calves, swine, bison,~~
7 ~~or sheep sold for wool or food, goats sold for dairy, food, or fiber,~~
8 ~~or domesticated cervine animals shall be purchased, sold, bartered,~~
9 ~~traded, given away, or otherwise transferred at an exotic animal~~
10 ~~auction or swap meet. An exotic animal auction or swap meet organizer~~
11 ~~shall contact the Bureau of Animal Industry if a particular animal~~
12 ~~cannot be readily identified as an animal that is prohibited from~~
13 ~~being purchased, sold, bartered, traded, given away, or otherwise~~
14 ~~transferred at an exotic animal auction or swap meet under this~~
15 ~~section.~~

16 (1) No beef or dairy cattle, calves, swine, bison, or
17 domesticated cervine animals shall be, or offered to be, consigned,
18 purchased, sold, bartered, traded, given away, or otherwise
19 transferred at an exotic animal auction or exchange venue.

20 (2) An exotic animal auction or exchange venue organizer
21 shall contact the department if a particular animal cannot be readily
22 identified as an animal that is prohibited from being consigned,
23 purchased, sold, bartered, traded, given away, or otherwise
24 transferred at an exotic animal auction or exchange venue under this
25 section.

1 (3) No bovine, camelid, caprine, ovine, or porcine animal
2 shall be, or be offered to be, consigned, purchased, sold, bartered,
3 traded, given away, or otherwise transferred at an exotic animal
4 auction or exchange venue unless, prior to a change of ownership or
5 other transfer of the animal, a completed certificate of veterinary
6 inspection for such animal is presented to the exotic animal auction
7 or exchange venue organizer. Such certificate of veterinary
8 inspection shall be signed by an accredited veterinarian on the date
9 of or no more than thirty days prior to the date the exotic animal
10 auction or exchange venue is held.

11 (4) An exotic animal auction or exchange venue organizer
12 shall contract with an accredited veterinarian to be present during
13 the exotic animal auction or exchange venue for visually inspecting
14 such exotic animals and to issue necessary certificates of veterinary
15 inspection for change of ownership when required by the Animal
16 Importation Act or the Exotic Animal Auction or Exchange Venue Act.

17 (5) All dairy goats imported into Nebraska shall have an
18 official tuberculin test prior to import into Nebraska. All sheep and
19 goats shall have official identification as required under the
20 Scrapie Control and Eradication Act.

21 (6) A copy of the certificate of veterinary inspection
22 shall be submitted to the department by the exotic animal auction or
23 exchange venue organizer within seven days from the date the exotic
24 animal auction or exchange venue was held.

25 (7) Any bovine, camelid, caprine, ovine, or porcine

1 animal which is not prohibited from transfer at an exotic animal
2 auction or exchange venue shall be officially identified prior to
3 change of ownership.

4 Sec. 18. Section 54-753.06, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 ~~54-753.06~~ Compliance with ~~sections 54-7,105 to 54-7,108~~
7 the Exotic Animal Auction or Exchange Venue Act does not relieve a
8 person of the requirement to comply with the provisions of sections
9 37-477 to 37-479.

10 Sec. 19. (1) The Exotic Animal Auction or Exchange Venue
11 Act shall be enforced by the department as provided in sections
12 54-703 to 54-705.

13 (2) The department may adopt and promulgate rules and
14 regulations to aid in the administration and enforcement of the act.
15 The rules and regulations may include, but are not limited to,
16 provisions governing record keeping and any other requirements
17 necessary for the enforcement of the act.

18 (3) Penalties and remedies for violations of the act and
19 any rules and regulations adopted and promulgated pursuant to the act
20 are in sections 54-751 to 54-753.

21 Sec. 20. Section 54-1156, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 54-1156 Sections 54-1156 to ~~54-1185~~ 54-1182 and section
24 23 of this act shall be known and may be cited as the Livestock
25 Auction Market Act.

1 Sec. 21. Section 54-1158, Revised Statutes Supplement,
2 2013, is amended to read:

3 54-1158 As used in the Livestock Auction Market Act,
4 unless the context otherwise requires:

5 (1) Accredited veterinarian ~~means a veterinarian duly~~
6 ~~licensed by the State of Nebraska and approved by the deputy~~
7 ~~administrator of the United States Department of Agriculture in~~
8 ~~accordance with 9 C.F.R. part 161 as the regulations existed on~~
9 ~~September 1, 2001;~~ has the same meaning as in section 54-701.03;

10 (2) Department means the Department of Agriculture;

11 (3) Designated veterinarian means an accredited
12 veterinarian who has been designated and authorized by the State
13 Veterinarian to make inspections of livestock at livestock auction
14 markets as may be required by law or regulation whether such
15 livestock is moved in interstate or intrastate commerce;

16 (4) Director means the Director of Agriculture;

17 (5) Livestock means cattle, calves, swine, sheep, and
18 goats;

19 (6) Livestock auction market means any place,
20 establishment, or facility commonly known as a livestock auction
21 market, sales ring, or the like, conducted or operated for
22 compensation as an auction market for livestock, consisting of pens
23 or other enclosures, and their appurtenances, in which livestock are
24 received, held, sold, or kept for sale or shipment;

25 (7) Livestock auction market operator means any person

1 engaged in the business of conducting or operating a livestock
2 auction market, whether personally or through agents or employees;

3 (8) Market license means the license for a livestock
4 auction market authorized to be issued under the act;

5 (9) Person means any individual, firm, association,
6 partnership, limited liability company, or corporation; and

7 (10) State Veterinarian means the veterinarian in charge
8 of the Bureau of Animal Industry within the department or his or her
9 designee, subordinate to the director.

10 Sec. 22. Section 54-1159, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 54-1159 (1) The Livestock Auction Market Act shall not be
13 construed to include:

14 ~~(1)~~ (a) Any place or operation where Future Farmers of
15 America, 4-H groups, or private fairs conduct sales of livestock;

16 (b) An animal welfare organization as defined in section
17 54-2503;

18 ~~(2)~~ (c) Any place or operation conducted for a dispersal
19 sale of the livestock of farmers, dairypersons, or livestock breeders
20 or feeders, where no other livestock is sold or offered for sale; or

21 ~~(3)~~ (d) Any place or operation where a breeder or an
22 association of breeders of livestock assemble and offer for sale and
23 sell under their own management any livestock, when such breeders
24 assume all responsibility of such sale and the title of livestock
25 sold. This shall apply to all purebred livestock association sales.

1 (2) An exotic animal auction or exchange venue or an
2 exotic animal auction or exchange venue organizer as defined in
3 section 14 of this act is not required to be licensed under the
4 Livestock Auction Market Act if any bovine, camelid, caprine, ovine,
5 or porcine allowed to be sold under the Exotic Animal Auction or
6 Exchange Venue Act are accompanied by a certificate of veterinary
7 inspection issued by an accredited veterinarian and the exotic animal
8 auction or exchange venue organizer contracts for the services of an
9 accredited veterinarian to issue such certificates onsite during the
10 auction or exchange venue for bovine, camelid, caprine, ovine, or
11 porcine present.

12 Sec. 23. The owner or operator of any livestock auction
13 market located in any county outside the brand inspection area
14 created in section 54-1,109 may voluntarily elect to provide brand
15 inspection as provided in sections 2 to 4 of this act.

16 Sec. 24. Section 54-1161, Revised Statutes Supplement,
17 2013, is amended to read:

18 54-1161 No person shall conduct or operate a livestock
19 auction market unless he or she holds a market license therefor, upon
20 which the current annual market license fee has been paid. Any person
21 making application for a new market license shall do so to the
22 director in writing, verified by the applicant, on a form prescribed
23 by the department, showing the following:

24 (1) The name and address of the applicant ~~and, if the~~
25 ~~applicant is an individual, his or her social security number, with a~~

1 statement of the names and addresses of all persons having any
2 financial interest in the applicant and the amount of such interest;

3 (2) Financial responsibility of the applicant in the form
4 of a statement of all assets and liabilities;

5 (3) A legal description of the property and its exact
6 location with a complete description of the facilities proposed to be
7 used in connection with such livestock auction market;

8 (4) The schedule of charges an applicant proposes for all
9 services proposed to be rendered; and

10 (5) A detailed statement of the facts upon which the
11 applicant relies showing the general confines of the trade area
12 proposed to be served by such livestock auction market, the benefits
13 to be derived by the livestock industry, and the services proposed to
14 be rendered.

15 Such application shall be accompanied by the annual fee
16 as prescribed in section 54-1165.

17 Sec. 25. Section 54-1163, Revised Statutes Supplement,
18 2013, is amended to read:

19 54-1163 The hearing required by section 54-1162 shall be
20 heard by the director. ~~and the State Veterinarian.~~ If the director
21 ~~and the State Veterinarian determine,~~ determines, after such hearing,
22 that the proposed livestock auction market would beneficially serve
23 the livestock economy, the department shall issue a market license to
24 the applicant. In determining whether or not the application should
25 be granted or denied, reasonable consideration shall be given to:

1 (1) The ability of the applicant to comply with the
2 federal Packers and Stockyards Act, 1921, 7 U.S.C. 181 et seq., as
3 amended;

4 (2) The financial stability, business integrity, and
5 fiduciary responsibility of the applicant;

6 (3) The adequacy of the facilities described to permit
7 the performance of market services proposed in the application;

8 (4) The present needs for market services or additional
9 services as expressed by livestock growers and feeders in the
10 community; and

11 (5) Whether the proposed livestock auction market would
12 be permanent and continuous.

13 Sec. 26. Section 54-1166, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 54-1166 Except as otherwise provided in this section,
16 each market license shall be personal to the holder and the
17 facilities covered thereby and transferable without a hearing. The
18 original or a certified copy of such license shall be posted during
19 sale periods in a conspicuous place on the premises where the
20 livestock auction market is conducted. The market license covering
21 any livestock auction market which does not hold a sale for a period
22 of one year shall terminate automatically one year from the date of
23 the last sale conducted by the livestock auction market, and the
24 license holder whose license is so terminated may request a hearing
25 by filing a written request for such hearing within twenty days after

1 the termination of the license.

2 Sec. 27. Section 54-1169, Revised Statutes Supplement,
3 2013, is amended to read:

4 54-1169 (1) The department may, upon its own motion,
5 whenever it has reason to believe the Livestock Auction Market Act
6 has been violated, or upon verified complaint of any person in
7 writing, investigate the actions of any market license holder, and if
8 the department finds probable cause to do so, shall file a complaint
9 against the market license holder which shall be set down for hearing
10 before the director ~~and the State Veterinarian~~ upon fifteen days'
11 notice served upon such market license holder either by personal
12 service upon him or her or by registered or certified mail ~~or~~
13 ~~telegram~~ prior to such hearing.

14 (2) The director shall have the power to administer
15 oaths, certify to all official acts, and subpoena any person in this
16 state as a witness, to compel the producing of books and papers, and
17 to take the testimony of any person on deposition in the same manner
18 as is prescribed by law in the procedure before the courts of this
19 state in civil cases. Processes issued by the director shall extend
20 to all parts of the state and may be served by any person authorized
21 to serve processes. Each witness who shall appear by the order of the
22 director at any hearing shall receive for such attendance the same
23 fees allowed by law to witnesses in civil cases appearing in the
24 district court and mileage at the same rate provided in section
25 81-1176, which amount shall be paid by the party at whose request

1 such witness is subpoenaed. When any witness has not been required to
2 attend at the request of any party, but has been subpoenaed by the
3 director, his or her fees and mileage shall be paid by the director
4 in the same manner as other expenses are paid under the Livestock
5 Auction Market Act.

6 (3) All powers of the director as provided in this
7 section shall likewise be applicable to hearings held on applications
8 for the issuance of a market license.

9 (4) Formal finding by the director ~~and the State~~
10 ~~Veterinarian~~ after due hearing that any market license holder (a) has
11 ceased to conduct a livestock auction market business, (b) has been
12 guilty of fraud or misrepresentation as to the titles, charges,
13 number, brands, weights, proceeds of sale, or ownership of livestock,
14 (c) has violated any of the provisions of the Livestock Auction
15 Market Act, or (d) has violated any of the rules or regulations
16 adopted and promulgated under the act, shall be sufficient cause for
17 the suspension or revocation of the market license of the offending
18 livestock auction market operator.

19 Sec. 28. Section 54-1170, Revised Statutes Supplement,
20 2013, is amended to read:

21 54-1170 The director shall keep ~~a complete transcript an~~
22 audio recording of all proceedings and evidence presented in any
23 hearing under the Livestock Auction Market Act. The applicant for a
24 market license, any protestant formally appearing in the hearing for
25 such market license, the holder of any market license suspended or

1 revoked, or any party to a transfer application may appeal the order,
2 and the appeal shall be in accordance with the Administrative
3 Procedure Act.

4 Sec. 29. Section 54-1173, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 54-1173 The license and permit fees collected as provided
7 by the Livestock Auction Market Act are an occupation tax and shall
8 be remitted to the State Treasurer for credit to the Livestock
9 Auction Market Fund. All money so collected shall be appropriated to
10 the uses of the Department of Agriculture for the purpose of
11 administering such act and shall be paid out only on vouchers
12 approved by the director and upon the warrant or warrants issued by
13 the Director of Administrative Services. Any unexpended balance in
14 such fund at the close of any biennium shall, when reappropriated, be
15 available for the uses and purposes of the fund for the succeeding
16 biennium. ~~; otherwise it shall lapse into the General Fund.~~

17 Sec. 30. Section 54-1180, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 54-1180 All cattle, calves, swine, sheep, and goats, upon
20 entering a livestock auction market, shall be inspected for health
21 before being offered for sale. Such inspection shall be made by a
22 designated veterinarian. The fees for such inspection shall be
23 established by rules and regulations of the ~~State Veterinarian~~
24 department and shall be collected by the operator of the livestock
25 auction market. Such fees shall be used to pay the fees of necessary

1 inspections and for no other purpose and shall be remitted as may be
2 provided by regulation. The fees shall be remitted to the State
3 Treasurer for credit to the Livestock Auction Market Fund and shall
4 be expended exclusively to pay the fees of providing necessary
5 inspections at the livestock auction market which has remitted such
6 fees. Each designated veterinarian making market inspections shall be
7 paid twenty-five dollars for each regularly scheduled sale day in
8 each calendar month as a guaranteed minimum salary for providing
9 adequate inspection services. If the fees collected each calendar
10 month by the market operator do not equal such amount, the market
11 operator shall make up the difference in his or her remittance to the
12 state. The rules and regulations establishing fees for such
13 inspection shall not be adopted, amended, or repealed until after
14 notice by mail to each market licensee and designated veterinarian of
15 the time and place of hearing on the question of adoption, amendment,
16 or repeal of such rules and regulations; such notice shall be mailed
17 at least ten days prior to the date of hearing and shall be
18 sufficient if addressed to the last-known address of each market
19 licensee and designated veterinarian shown on the records of the
20 department.

21 Sec. 31. Section 54-1181, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 54-1181 The State Veterinarian shall make the designation
24 of the veterinarians required by sections 54-1180 and 54-1182 by
25 entering into an agreement with any accredited veterinarian for his

1 or her professional services in performing necessary inspections.
2 Such agreement shall provide that the State Veterinarian may
3 terminate it at any time for what he or she deems to be just cause
4 and shall further provide that the state pay such veterinarian a fee
5 as established by section 54-1180, which amount shall be paid monthly
6 from the Livestock Auction Market Fund. Such agreement shall make the
7 designated veterinarian an agent for the Department of Agriculture to
8 perform the duties assigned by sections 54-1180 and 54-1182, and the
9 rules and regulations prescribed by the ~~State Veterinarian,~~
10 department, but shall not be deemed to make the designated
11 veterinarian an officer or employee of the state. The orders of such
12 designated veterinarian, issued in the performance of the duties
13 assigned under sections 54-1180 and 54-1182 and the rules and
14 regulations prescribed by the ~~State Veterinarian,~~ department, shall
15 have the same force and effect as though such order had been made by
16 the State Veterinarian. Designated veterinarians shall not be liable
17 for reasonable acts performed to carry out the duties as set forth in
18 sections 54-1180 and 54-1182 and the rules and regulations prescribed
19 by the ~~State Veterinarian~~ department pursuant to such sections.

20 Sec. 32. Section 54-1182, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 54-1182 Any livestock sold or disposed of at a livestock
23 auction market, before removal therefrom, shall be released by the
24 designated veterinarian and treated to conform with the health
25 requirements of the rules and regulations prescribed by the State

1 ~~Veterinarian department~~ for the movement of livestock. When required,
2 the designated veterinarian shall furnish each owner with
3 documentation showing such inspection, treatment, or quarantine. No
4 such livestock for interstate or intrastate shipment shall be
5 released until all the requirements of the state of its destination
6 have been complied with. Any diseased or exposed livestock shall be
7 handled in accordance with the rules and regulations as prescribed by
8 the ~~State Veterinarian~~ department.

9 Sec. 33. Original sections 54-701.03, 54-703, 54-704,
10 54-705, 54-750, 54-751, 54-752, 54-753, 54-753.06, 54-7,105,
11 54-7,106, 54-7,107, 54-7,108, 54-1156, 54-1159, 54-1166, 54-1173,
12 54-1180, 54-1181, 54-1182, 54-1183, 54-1184, and 54-1185, Reissue
13 Revised Statutes of Nebraska, and sections 54-170, 54-1158, 54-1161,
14 54-1163, 54-1169, and 54-1170, Revised Statutes Supplement, 2013, are
15 repealed.

16 Sec. 34. The following sections are outright repealed:
17 Sections 54-1174 and 54-1177, Reissue Revised Statutes of Nebraska.