

E AND R AMENDMENTS TO LB 884

Introduced by Murante, 49, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Section 54-170, Revised Statutes Supplement,  
4 2013, is amended to read:

5           54-170 Sections 54-170 to 54-1,128 and sections 2 to 4 of  
6 this act shall be known and may be cited as the Livestock Brand  
7 Act.

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

10           ~~54-1183~~ The owner or operator of any livestock auction  
11 market, as defined in section 54-1158, or packing plant located in  
12 any county outside the brand inspection area ~~created in section~~  
13 ~~54-1,109~~ may voluntarily elect to provide brand inspection for all  
14 cattle brought to such livestock auction market or packing plant  
15 from within the brand inspection area upon compliance with sections  
16 ~~54-1183 to 54-1185~~. 2 to 4 of this act.

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

19           ~~54-1184~~ The election provided for by section ~~54-1183~~ 2 of  
20 this act shall be made by (1) filing with the Secretary of State,  
21 in form to be prescribed by the secretary, a written notice of such  
22 election and agreement to be bound by section ~~54-1185~~ 4 of this act  
23 and (2) posting conspicuously on the premises a notice of the fact

1 that brand inspection is provided at such livestock auction market  
2 or packing plant.

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

5 ~~54-1185~~ Inspection provided for in sections ~~54-1183 to~~  
6 ~~54-1185~~ 2 to 4 of this act shall be conducted in the manner  
7 established by the Livestock Brand Act. The owner or operator  
8 making such election may be required to guarantee to the Nebraska  
9 Brand Committee that inspection fees derived from such livestock  
10 auction market or packing plant will be sufficient, in each  
11 twelve-month period, to pay the per diem and mileage of the  
12 inspectors required and that he or she will reimburse the committee  
13 for any deficit incurred in any such twelve-month period. Such  
14 guarantee shall be secured by a corporate surety bond, to  
15 be approved by the Secretary of State, in a penal sum to be  
16 established by the Nebraska Brand Committee.

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

19 54-701.03 For purposes of sections 54-701 to 54-753.05,  
20 and 54-797 to 54-7,103: ~~7~~ and ~~54-7,105 to 54-7,108:~~

21 (1) Accredited veterinarian means a veterinarian duly  
22 licensed by the State of Nebraska and approved by the deputy  
23 administrator of the Animal and Plant Health Inspection Service of  
24 the United States Department of Agriculture in accordance with 9  
25 C.F.R. part 161, as such regulation existed on January 1, 2006:  
26 2013;

27 (2) Animal means all vertebrate members of the animal

1 kingdom except humans or wild animals at large;

2 (3) Bureau of Animal Industry means the Bureau of Animal  
3 Industry of the Department of Agriculture of the State of Nebraska  
4 and includes the State Veterinarian, deputy state veterinarian,  
5 veterinary field officers, livestock inspectors, investigators, and  
6 other employees of the bureau;

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

12 (5) Department means the Department of Agriculture of the  
13 State of Nebraska;

14 (6) Director means the Director of Agriculture of the  
15 State of Nebraska or his or her designee;

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

22 ~~(8) Exotic animal means any animal which is not commonly~~  
23 ~~sold through licensed livestock auction markets pursuant to the~~  
24 ~~Livestock Auction Market Act. Such animals shall include, but~~  
25 ~~not be limited to, miniature cattle, miniature horses, miniature~~  
26 ~~donkeys, Barbary sheep, Dall's sheep, alpacas, llamas, pot-bellied~~  
27 ~~pigs, and small mammals, with the exception of cats of the Felis~~

1 domesticus species and dogs of the Canis familiaris species. The  
2 term also includes birds and poultry. The term does not include  
3 beef and dairy cattle, calves, swine, bison, sheep sold for wool  
4 or feed, goats sold for dairy, food, or fiber, and domesticated  
5 cervine animals;

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

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

23           ~~(11)~~ (8) Exposed means being part of a herd which  
24 contains or has contained an animal infected with a disease agent  
25 which affects livestock or having had a reasonable opportunity  
26 to come in contact with an infective disease agent which affects  
27 livestock;

1           ~~(12)~~ (9) Herd means any group of livestock maintained on  
2 common ground for any purpose or two or more groups of livestock  
3 under common ownership or supervision geographically separated but  
4 which have an interchange of livestock without regard to health  
5 status;

6           ~~(13)~~ (10) Livestock means cattle, swine, sheep, horses,  
7 mules, goats, domesticated cervine animals, ratite birds, and  
8 poultry;

9           ~~(14)~~ (11) Poultry means domesticated birds that serve as  
10 a source of eggs or meat and includes, but is not limited to,  
11 chickens, turkeys, ducks, and geese;

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

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

22           ~~(17)~~ (14) Ratite bird means any ostrich, emu, rhea, kiwi,  
23 or cassowary;

24           ~~(18)~~ (15) Sale means a sale, lease, loan, trade, barter,  
25 or gift;

26           ~~(19)~~ (16) Surveillance means the collection and testing  
27 of livestock blood, tissue, hair, body fluids, discharges,

1 excrements, or other samples done in a herd or randomly selected  
2 livestock to determine the presence or incidence of disease in  
3 the state or area of the state and may include the observation or  
4 physical examination of an animal; and

5 ~~(20)~~ (17) Veterinarian means an individual who is a  
6 graduate of an accredited college of veterinary medicine.

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

9 54-703 (1) The Department of Agriculture and all  
10 inspectors and persons appointed and authorized to assist in the  
11 work of the department shall enforce the Exotic Animal Auction or  
12 Exchange Venue Act and sections 54-701 to 54-753.05~~7~~ and 54-797 to  
13 54-7,103~~7~~ and 54-7,105 ~~to~~ 54-7,108 as designated.

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

24 (3) The department, in consultation with the Department  
25 of Environmental Quality and the Department of Health and Human  
26 Services, may adopt and promulgate rules and regulations reflecting  
27 best management practices for the burial of carcasses of dead

1 livestock.

2 (4) The Department of Agriculture ~~shall~~ may further adopt  
3 and promulgate such rules and regulations as are necessary to  
4 promptly and efficiently enforce and effectuate the general purpose  
5 and provisions of ~~such~~ sections 54-701 to 54-753.05 and 54-797 to  
6 54-7,103.

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

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

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

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

1 and shall be paid therefor by the county. Any officer may arrest  
2 and take before the county judge of the county any person found  
3 violating any of the provisions of the Exotic Animal Auction or  
4 Exchange Venue Act and sections 54-701 to 54-753.05, and ~~54-7,105~~  
5 ~~to 54-7,108,~~ and such officer shall immediately notify the county  
6 attorney of such arrest. The county attorney shall prosecute the  
7 person so offending according 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  
12 thereof affected with an infectious, contagious, or otherwise  
13 transmissible disease except as provided by sections 54-701 to  
14 54-753 and ~~54-7,105 to 54-7,108,~~ and the rules and regulations  
15 prescribed by the Department of Agriculture thereunder. Any person  
16 so offending shall be deemed guilty of a Class II misdemeanor for  
17 the first violation and a Class I misdemeanor for any subsequent  
18 violation.

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

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



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

3           54-752 Any person violating any of the provisions of the  
4 Exotic Animal Auction or Exchange Venue Act and sections 54-701  
5 to 54-753 and ~~54-7,105 to 54-7,108~~ shall be guilty of a Class II  
6 misdemeanor for the first violation and a Class I misdemeanor for  
7 any subsequent violation.

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

10           54-753 The penal provisions of section 54-752 shall not  
11 be exclusive, but the district courts of this state, in the  
12 exercise of their equity jurisdiction, may, by injunction, compel  
13 the observance of, and by that remedy enforce, the provisions of  
14 the Exotic Animal Auction or Exchange Venue Act and sections 54-701  
15 to 54-753 and ~~54-7,105 to 54-7,108~~ and the rules and regulations  
16 established and promulgated by the Department of Agriculture.

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

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

22           (2) The purpose of sections 54-7,105 to 54-7,108 is to  
23 authorize the Bureau of Animal Industry to require exotic animal  
24 auction or swap meet organizers to notify the bureau of any  
25 scheduled exotic animal auction or swap meet the Exotic Animal  
26 Auction or Exchange Venue Act is to require an exotic animal  
27 auction or exchange venue organizer to obtain a permit from the

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

9           Sec. 14. For purposes of the Exotic Animal Auction or  
10 Exchange Venue Act:

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

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

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

16           (4) Certificate of veterinary inspection means a legible  
17 document approved by the department, either paper copy or  
18 electronic, issued by an accredited veterinarian at the point of  
19 origin of an animal movement which records the (a) name and address  
20 of both consignor and consignee, (b) purpose of animal's movement,  
21 (c) destination in the state which includes the street address or  
22 enhanced-911 address of the premises, (d) age, breed, sex, and  
23 number of animals in the shipment, (e) description of the animals,  
24 (f) individual identification, when required, and (g) health  
25 examination date of the animals. The certificate of veterinary  
26 inspection is an acknowledgment by the accredited veterinarian of  
27 the apparent absence of any infectious, dangerous, contagious,

1 or otherwise transmissible disease of any animal sold or offered  
2 for sale, purchased, bartered, or other change of ownership at an  
3 exotic animal auction or exchange venue;

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

9 (6) Dangerous disease has the same meaning as in section  
10 54-701.03;

11 (7) Department means the Department of Agriculture of the  
12 State of Nebraska;

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

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

25 (10) Exotic animal auction or exchange venue means any  
26 event or location, other than a livestock auction market as defined  
27 in section 54-1158 or events by an animal welfare organization or

1 at an animal welfare organization location, where (a) an exotic  
2 animal is consigned, purchased, sold, traded, bartered, given away,  
3 or otherwise transferred, (b) an offer to purchase an exotic animal  
4 is made, (c) an exotic animal is offered to be consigned, sold,  
5 traded, bartered, given away, or otherwise transferred, or (d) any  
6 other event or location where there is a change of ownership of an  
7 exotic animal;

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

19 (12) Officially identified means the application of  
20 an official identification device or method approved by the  
21 United States Department of Agriculture, Animal and Plant Health  
22 Inspection Service, Veterinary Services; and

23 (13) Poultry has the same meaning as in section  
24 54-701.03.

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

27 54-7,106 ~~An~~ (1) Each exotic animal auction or ~~swap meet~~

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

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

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

26 (4) No change of ownership of bovine, camelid, caprine,  
27 ovine, or porcine animals may occur at private treaty on the

1 premises where the exotic animal auction or exchange venue is being  
2 held for the twenty-four-hour period prior to commencement of the  
3 exotic animal auction or exchange venue, nor for twenty-four hours  
4 following such event, unless such animals have a certificate of  
5 veterinary inspection at change of ownership.

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

8           54-7,107 (1) An exotic animal auction or ~~swap meet~~  
9 exchange venue organizer shall maintain records for each exotic  
10 animal auction or ~~swap meet~~ exchange venue such organizer arranges,  
11 organizes, leases areas for, consigns, or otherwise coordinates at  
12 least five years after the date of the exotic animal auction or  
13 ~~swap meet.~~ exchange venue. The records shall include:

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

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

20           (c) The number of and species or type of each exotic  
21 animal purchased, sold, traded, bartered, given away, or otherwise  
22 transferred at the exotic animal auction or ~~swap meet;~~exchange  
23 venue;

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

27           (e) A When required by the Animal Importation Act or

1 the Exotic Animal Auction or Exchange Venue Act, a copy of the  
2 completed certificate of veterinary inspection, if required under  
3 the Animal Importation Act or any rules or regulations adopted and  
4 promulgated under the act or if the exotic animal is to be exported  
5 to another state, for each exotic animal purchased, sold, traded,  
6 bartered, given away, or otherwise transferred at the exotic animal  
7 auction or swap meet-exchange venue.

8 (2) An exotic animal auction or swap meet exchange venue  
9 organizer shall, during all reasonable times, permit authorized  
10 employees and agents of the department to have access to and to  
11 copy any or all records relating to his or her exotic animal  
12 auction or swap meet exchange venue business.

13 (3) When necessary for the enforcement of sections  
14 ~~54-7,105 to 54-7,108~~ the Exotic Animal Auction or Exchange Venue  
15 Act or any rules and regulations adopted and promulgated pursuant  
16 to such ~~sections, act,~~ the authorized employees and agents of the  
17 department may access the records required by this section.

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

20 54-7,108 No beef or dairy cattle, calves, swine, bison,  
21 or sheep sold for wool or food, goats sold for dairy, food, or  
22 fiber, or domesticated cervine animals shall be purchased, sold,  
23 bartered, traded, given away, or otherwise transferred at an exotic  
24 animal auction or swap meet. An exotic animal auction or swap  
25 meet organizer shall contact the Bureau of Animal Industry if a  
26 particular animal cannot be readily identified as an animal that  
27 is prohibited from being purchased, sold, bartered, traded, given

1 ~~away, or otherwise transferred at an exotic animal auction or swap~~  
2 ~~meet under this section.~~

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

8 (2) An exotic animal auction or exchange venue organizer  
9 shall contact the department if a particular animal cannot be  
10 readily identified as an animal that is prohibited from being  
11 consigned, purchased, sold, bartered, traded, given away, or  
12 otherwise transferred at an exotic animal auction or exchange  
13 venue under this section.

14 (3) No bovine, camelid, caprine, ovine, or porcine animal  
15 shall be, or be offered to be, consigned, purchased, sold,  
16 bartered, traded, given away, or otherwise transferred at an exotic  
17 animal auction or exchange venue unless, prior to a change of  
18 ownership or other transfer of the animal, a completed certificate  
19 of veterinary inspection for such animal is presented to the exotic  
20 animal auction or exchange venue organizer. Such certificate of  
21 veterinary inspection shall be signed by an accredited veterinarian  
22 on the date of or no more than thirty days prior to the date the  
23 exotic animal auction or exchange venue is held.

24 (4) An exotic animal auction or exchange venue organizer  
25 shall contract with an accredited veterinarian to be present  
26 during the exotic animal auction or exchange venue for visually  
27 inspecting such exotic animals and to issue necessary certificates



1 of veterinary inspection for change of ownership when required by  
2 the Animal Importation Act or the Exotic Animal Auction or Exchange  
3 Venue Act.

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

8 (6) A copy of the certificate of veterinary inspection  
9 shall be submitted to the department by the exotic animal auction  
10 or exchange venue organizer within seven days from the date the  
11 exotic animal auction or exchange venue was held.

12 (7) Any bovine, camelid, caprine, ovine, or porcine  
13 animal which is not prohibited from transfer at an exotic animal  
14 auction or exchange venue shall be officially identified prior to  
15 change of ownership.

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

18 54-753.06 Compliance with sections 54-7,105 to 54-7,108  
19 the Exotic Animal Auction or Exchange Venue Act does not relieve a  
20 person of the requirement to comply with the provisions of sections  
21 37-477 to 37-479.

22 Sec. 19. (1) The Exotic Animal Auction or Exchange Venue  
23 Act shall be enforced by the department as provided in sections  
24 54-703 to 54-705.

25 (2) The department may adopt and promulgate rules and  
26 regulations to aid in the administration and enforcement of the  
27 act. The rules and regulations may include, but are not limited

1 to, provisions governing record keeping and any other requirements  
2 necessary for the enforcement of the act.

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

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

8 54-1156 Sections 54-1156 to ~~54-1185~~ 54-1182 and section  
9 23 of this act shall be known and may be cited as the Livestock  
10 Auction Market Act.

11 Sec. 21. Section 54-1158, Revised Statutes Supplement,  
12 2013, is amended to read:

13 54-1158 As used in the Livestock Auction Market Act,  
14 unless the context otherwise requires:

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

20 (2) Department means the Department of Agriculture;

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

26 (4) Director means the Director of Agriculture;

27 (5) Livestock means cattle, calves, swine, sheep, and

1 goats;

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

8 (7) Livestock auction market operator means any person  
9 engaged in the business of conducting or operating a livestock  
10 auction market, whether personally or through agents or employees;

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

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

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

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

20 54-1159 (1) The Livestock Auction Market Act shall not be  
21 construed to include:

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

24 (b) An animal welfare organization as defined in section  
25 54-2503;

26 ~~(2)~~ (c) Any place or operation conducted for a dispersal  
27 sale of the livestock of farmers, dairypersons, or livestock

1 breeders or feeders, where no other livestock is sold or offered  
2 for sale; or

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

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

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

24 Sec. 24. Section 54-1161, Revised Statutes Supplement,  
25 2013, is amended to read:

26 54-1161 No person shall conduct or operate a livestock  
27 auction market unless he or she holds a market license therefor,

1 upon which the current annual market license fee has been paid.

2 Any person making application for a new market license shall do so  
3 to the director in writing, verified by the applicant, on a form  
4 prescribed by the department, showing the following:

5 (1) The name and address of the applicant ~~and, if the~~  
6 ~~applicant is an individual, his or her social security number,~~  
7 with a statement of the names and addresses of all persons having  
8 any financial interest in the applicant and the amount of such  
9 interest;

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

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

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

17 (5) A detailed statement of the facts upon which the  
18 applicant relies showing the general confines of the trade area  
19 proposed to be served by such livestock auction market, the  
20 benefits to be derived by the livestock industry, and the services  
21 proposed to be rendered.

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

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

26 54-1163 The hearing required by section 54-1162 shall  
27 be heard by the director, ~~and the State Veterinarian.~~ If the

1 director ~~and the State Veterinarian determine,~~ determines, after  
2 such hearing, that the proposed livestock auction market would  
3 beneficially serve the livestock economy, the department shall  
4 issue a market license to the applicant. In determining whether  
5 or not the application should be granted or denied, reasonable  
6 consideration shall be given to:

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

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

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

14 (4) The present needs for market services or additional  
15 services as expressed by livestock growers and feeders in the  
16 community; and

17 (5) Whether the proposed livestock auction market would  
18 be permanent and continuous.

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

21 54-1166 Except as otherwise provided in this section,  
22 each market license shall be personal to the holder and the  
23 facilities covered thereby and transferable without a hearing. The  
24 original or a certified copy of such license shall be posted during  
25 sale periods in a conspicuous place on the premises where the  
26 livestock auction market is conducted. The market license covering  
27 any livestock auction market which does not hold a sale for a

1 period of one year shall terminate automatically one year from the  
2 date of the last sale conducted by the livestock auction market,  
3 and the license holder whose license is so terminated may request a  
4 hearing by filing a written request for such hearing within twenty  
5 days after the termination of the license.

6           Sec. 27. Section 54-1169, Revised Statutes Supplement,  
7 2013, is amended to read:

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

18           (2) The director shall have the power to administer  
19 oaths, certify to all official acts, and subpoena any person in  
20 this state as a witness, to compel the producing of books and  
21 papers, and to take the testimony of any person on deposition in  
22 the same manner as is prescribed by law in the procedure before  
23 the courts of this state in civil cases. Processes issued by the  
24 director shall extend to all parts of the state and may be served  
25 by any person authorized to serve processes. Each witness who shall  
26 appear by the order of the director at any hearing shall receive  
27 for such attendance the same fees allowed by law to witnesses in

1 civil cases appearing in the district court and mileage at the same  
2 rate provided in section 81-1176, which amount shall be paid by the  
3 party at whose request such witness is subpoenaed. When any witness  
4 has not been required to attend at the request of any party, but  
5 has been subpoenaed by the director, his or her fees and mileage  
6 shall be paid by the director in the same manner as other expenses  
7 are paid under the Livestock Auction Market Act.

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

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

21 Sec. 28. Section 54-1170, Revised Statutes Supplement,  
22 2013, is amended to read:

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



1 suspended or revoked, or any party to a transfer application may  
2 appeal the order, and the appeal shall be in accordance with the  
3 Administrative 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  
10 to 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,  
15 be available for the uses and purposes of the fund for the  
16 succeeding biennium. ~~otherwise it shall lapse into the General~~  
17 ~~Fund.~~

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

20 54-1180 All cattle, calves, swine, sheep, and goats, upon  
21 entering a livestock auction market, shall be inspected for health  
22 before being offered for sale. Such inspection shall be made by  
23 a designated veterinarian. The fees for such inspection shall be  
24 established by rules and regulations of the ~~State Veterinarian~~  
25 department and shall be collected by the operator of the livestock  
26 auction market. Such fees shall be used to pay the fees of  
27 necessary inspections and for no other purpose and shall be

1 remitted as may be provided by regulation. The fees shall be  
2 remitted to the State Treasurer for credit to the Livestock Auction  
3 Market Fund and shall be expended exclusively to pay the fees of  
4 providing necessary inspections at the livestock auction market  
5 which has remitted such fees. Each designated veterinarian making  
6 market inspections shall be paid twenty-five dollars for each  
7 regularly scheduled sale day in each calendar month as a guaranteed  
8 minimum salary for providing adequate inspection services. If the  
9 fees collected each calendar month by the market operator do  
10 not equal such amount, the market operator shall make up the  
11 difference in his or her remittance to the state. The rules and  
12 regulations establishing fees for such inspection shall not be  
13 adopted, amended, or repealed until after notice by mail to each  
14 market licensee and designated veterinarian of the time and place  
15 of hearing on the question of adoption, amendment, or repeal of  
16 such rules and regulations; such notice shall be mailed at least  
17 ten days prior to the date of hearing and shall be sufficient if  
18 addressed to the last-known address of each market licensee and  
19 designated veterinarian shown on the records of the department.

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

22           54-1181 The State Veterinarian shall make the designation  
23 of the veterinarians required by sections 54-1180 and 54-1182 by  
24 entering into an agreement with any accredited veterinarian for his  
25 or her professional services in performing necessary inspections.  
26 Such agreement shall provide that the State Veterinarian may  
27 terminate it at any time for what he or she deems to be just cause

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

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

20           54-1182 Any livestock sold or disposed of at a livestock  
21 auction market, before removal therefrom, shall be released by  
22 the designated veterinarian and treated to conform with the  
23 health requirements of the rules and regulations prescribed by the  
24 ~~State Veterinarian~~ department for the movement of livestock. When  
25 required, the designated veterinarian shall furnish each owner with  
26 documentation showing such inspection, treatment, or quarantine.  
27 No such livestock for interstate or intrastate shipment shall be

1 released until all the requirements of the state of its destination  
2 have been complied with. Any diseased or exposed livestock shall be  
3 handled in accordance with the rules and regulations as prescribed  
4 by the ~~State Veterinarian~~ department.

5           Sec. 33. Original sections 54-701.03, 54-703, 54-704,  
6 54-705, 54-750, 54-751, 54-752, 54-753, 54-753.06, 54-7,105,  
7 54-7,106, 54-7,107, 54-7,108, 54-1156, 54-1159, 54-1166, 54-1173,  
8 54-1180, 54-1181, 54-1182, 54-1183, 54-1184, and 54-1185,  
9 Reissue Revised Statutes of Nebraska, and sections 54-170,  
10 54-1158, 54-1161, 54-1163, 54-1169, and 54-1170, Revised Statutes  
11 Supplement, 2013, are repealed.

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

14           2. On page 1, line 4, after the second comma insert  
15 "54-1166,"; in line 9 strike "Auctions and Swap Meets" and insert  
16 "Auction or Exchange Venue"; and in line 10 after the semicolon  
17 insert "to change provisions relating to regulation of animals;".