

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 884

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, 54-1173, 54-1180, 54-1181, 54-1182,
5 54-1183, 54-1184, and 54-1185, Reissue Revised Statutes
6 of Nebraska, and sections 54-170, 54-1158, 54-1161,
7 54-1163, 54-1169, and 54-1170, Revised Statutes
8 Supplement, 2013; to name and change the Exotic Animal
9 Auctions and Swap Meets Act; to change, transfer, and
10 eliminate provisions of the Livestock Auction Market Act;
11 to harmonize provisions; to repeal the original sections;
12 and to outright repeal sections 54-1174 and 54-1177,
13 Reissue Revised Statutes of Nebraska.

14 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~~ 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~~ 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 sections 54-701 to 54-753.05~~7~~ and
9 54-797 to 54-7,103~~7~~ and ~~54-7,105 to 54-7,108~~ the Exotic Animal
10 Auctions and Swap Meets Act 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.

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

6 54-704 Any veterinary inspector or agent of the United
7 States Department of Agriculture, Animal and Plant Health Inspection
8 Service, Veterinary Services, who has been officially assigned by the
9 United States Department of Agriculture for service in Nebraska may
10 be officially authorized by the Department of Agriculture to perform
11 and exercise such powers and duties as may be prescribed by the
12 department and when so authorized shall have and exercise all rights
13 and powers vested by sections 54-701 to 54-753.05~~7~~ and 54-797 to
14 54-7,103~~7~~ and ~~54-7,105 to 54-7,108~~ the Exotic Animal Auctions and
15 Swap Meets Act in agents and representatives in the regular employ of
16 the department.

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

19 54-705 The Department of Agriculture or any officer,
20 agent, employee, or appointee thereof may call upon any sheriff,
21 deputy sheriff, or other police officer to execute the orders of the
22 department, and the officer shall obey the orders of the department.
23 The officers performing such duties shall receive compensation
24 therefor as is prescribed by law for like services and shall be paid
25 therefor by the county. Any officer may arrest and take before the

1 county judge of the county any person found violating any of the
2 provisions of sections 54-701 to 54-753.05 and ~~54-7,105 to 54-7,108,~~
3 the Exotic Animal Auctions and Swap Meets Act, and such officer shall
4 immediately notify the county attorney of such arrest. The county
5 attorney shall prosecute the person so offending according to law.

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

8 54-750 It shall be unlawful for any person to knowingly
9 harbor, sell, or otherwise dispose of any animal or any part thereof
10 affected with an infectious, contagious, or otherwise transmissible
11 disease except as provided by sections 54-701 to 54-753 and ~~54-7,105~~
12 ~~to 54-7,108,~~ and the rules and regulations prescribed by the
13 Department of Agriculture thereunder. Any person so offending shall
14 be deemed guilty of a Class II misdemeanor for the first violation
15 and a Class I misdemeanor for any subsequent violation.

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

18 54-751 It shall be unlawful for any person to violate any
19 rule or regulation prescribed and promulgated by the Department of
20 Agriculture pursuant to authority granted by sections 54-701 to
21 54-753 and ~~54-7,105 to 54-7,108,~~ the Exotic Animal Auctions and Swap
22 Meets Act, and any person so offending shall be guilty of a Class II
23 misdemeanor for the first violation and a Class I misdemeanor for any
24 subsequent violation.

25 Sec. 11. Section 54-752, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 54-752 Any person violating any of the provisions of
3 sections 54-701 to 54-753 and ~~54-7,105 to 54-7,108~~ the Exotic Animal
4 Auctions and Swap Meets Act shall be guilty of a Class II misdemeanor
5 for the first violation and a Class I misdemeanor for any subsequent
6 violation.

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

9 54-753 The penal provisions of section 54-752 shall not
10 be exclusive, but the district courts of this state, in the exercise
11 of their equity jurisdiction, may, by injunction, compel the
12 observance of, and by that remedy enforce, the provisions of sections
13 54-701 to 54-753 and ~~54-7,105 to 54-7,108~~ the Exotic Animal Auctions
14 and Swap Meets Act and the rules and regulations established and
15 promulgated by the Department of Agriculture.

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

18 54-7,105 (1) Sections 54-7,105 to 54-7,108 and sections
19 14, 18, and 19 of this act shall be known and may be cited as the
20 Exotic Animal Auctions and Swap Meets Act.

21 (2) The purpose of sections ~~54-7,105 to 54-7,108~~ the
22 Exotic Animal Auctions and Swap Meets Act is to authorize the Bureau
23 ~~of Animal Industry~~ department to require exotic animal auction or
24 swap meet organizers to notify the ~~bureau~~ department of any scheduled
25 exotic animal auction or swap meet and to maintain records for animal

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

7 Sec. 14. For purposes of the Exotic Animal Auctions and
8 Swap Meets Act:

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

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

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

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

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

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

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

25 (10) Exotic animal auction or swap meet means any event

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

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

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

25 (13) Poultry has the same meaning as in section

1 54-701.03.

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

4 54-7,106 ~~An~~ (1) Each exotic animal auction or swap meet
5 organizer shall apply for a permit and notify the Bureau of Animal
6 Industry department at least thirty days prior to the date on which
7 the exotic animal auction or swap meet is to be held. Notification
8 shall include the location, time, and dates of the exotic animal
9 auction or swap meet and the name and address of the exotic animal
10 auction or swap meet organizer. Notification shall be made in writing
11 or by facsimile transmission. If a livestock auction market holds an
12 exotic animal auction or swap meet through its licensed livestock
13 auction market, such livestock auction market shall comply with the
14 Exotic Animal Auctions and Swap Meets Act for purposes of the exotic
15 animal auction or swap meet.

16 (2) Issuance of permits for subsequent exotic animal
17 auction or swap meet events is subject to compliance with the act.
18 Procedures for the denial of an exotic animal auction or swap meet
19 permit may be set forth in rules and regulations adopted and
20 promulgated by the department.

21 (3) No change of ownership of bovine, camelid, caprine,
22 ovine, or porcine animals may occur at private treaty on the premises
23 where the exotic animal auction or swap meet is being held for the
24 twenty-four hour period prior to commencement of the exotic animal
25 auction or swap meet, nor for twenty-four hours following such event,

1 unless such animals have a certificate of veterinary inspection at
2 change of ownership.

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

5 54-7,107 (1) An exotic animal auction or swap meet
6 organizer shall maintain records for each exotic animal auction or
7 swap meet such organizer arranges, organizes, leases areas for,
8 consigns, or otherwise coordinates at least five years after the date
9 of the exotic animal auction or swap meet. The records shall include:

10 (a) The name, address, and telephone number of the exotic
11 animal auction or swap meet organizer;

12 (b) The name and address of all persons who purchased,
13 sold, traded, bartered, gave away, or otherwise transferred an exotic
14 animal at the exotic animal auction or swap meet;

15 (c) The number of and species or type of each exotic
16 animal purchased, sold, traded, bartered, given away, or otherwise
17 transferred at the exotic animal auction or swap meet;

18 (d) The date of purchase, sale, trade, barter, or other
19 transfer of an exotic animal at the exotic animal auction or swap
20 meet; and

21 (e) A copy of the completed certificate of veterinary
22 inspection, ~~if required under the Animal Importation Act or any rules~~
23 ~~or regulations adopted and promulgated under the act or if the exotic~~
24 ~~animal is to be exported to another state,~~ for each exotic animal
25 purchased, sold, traded, bartered, given away, or otherwise

1 transferred at the exotic animal auction or swap meet.

2 (2) An exotic animal auction or swap meet organizer
3 shall, during all reasonable times, permit authorized employees and
4 agents of the department to have access to and to copy any or all
5 records relating to his or her exotic animal auction or swap meet
6 business.

7 (3) When necessary for the enforcement of ~~sections~~
8 ~~54-7,105 to 54-7,108~~ the Exotic Animal Auctions and Swap Meets Act or
9 any rules and regulations adopted and promulgated pursuant to such
10 ~~sections, act,~~ the authorized employees and agents of the department
11 may access the records required by this section.

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

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

24 (1) No beef or dairy cattle, calves, swine, bison, or
25 domesticated cervine animals shall be, or offered to be, consigned,

1 purchased, sold, bartered, traded, given away, or otherwise
2 transferred at an exotic animal auction or swap meet.

3 (2) An exotic animal auction or swap meet organizer shall
4 contact the department if a particular animal cannot be readily
5 identified as an animal that is prohibited from being consigned,
6 purchased, sold, bartered, traded, given away, or otherwise
7 transferred at an exotic animal auction or swap meet under this
8 section.

9 (3) For purposes of both intrastate and interstate change
10 of ownership, no exotic animal shall change ownership or be otherwise
11 transferred at an exotic animal auction or swap meet unless such
12 animals have been inspected by an accredited veterinarian through
13 presentation to the organizer of a completed certificate of
14 veterinary inspection prior to change of ownership or other transfer
15 as follows:

16 (a) A completed certificate of veterinary inspection
17 signed by an accredited veterinarian no more than thirty days prior
18 to change of ownership; and

19 (b) All sheep and goats shall have official
20 identification as required under the Scrapie Control and Eradication
21 Act.

22 (4) An exotic animal auction or swap meet organizer shall
23 contract with an accredited veterinarian to be present during the
24 exotic animal auction or swap meet for visually inspecting such
25 exotic animals and to issue necessary certificates of veterinary

1 inspection for change of ownership.

2 (5) All dairy goats imported into Nebraska shall have an
3 official tuberculin test prior to import into Nebraska.

4 (6) A copy of the certificate of veterinary inspection
5 shall be submitted to the department by the exotic animal auction or
6 swap meet organizer within seven days from the date the exotic animal
7 auction or swap meet was held.

8 (7) Any bovine, camelid, caprine, ovine, or porcine
9 animal which is not prohibited from transfer at an exotic animal
10 auction or swap meet shall be officially identified prior to change
11 of ownership.

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

14 ~~54-753.06~~ Compliance with ~~sections 54-7,105 to 54-7,108~~
15 the Exotic Animal Auctions and Swap Meets Act does not relieve a
16 person of the requirement to comply with the provisions of sections
17 37-477 to 37-479.

18 Sec. 19. (1) The Exotic Animal Auctions and Swap Meets
19 Act shall be enforced by the department as provided in sections
20 54-703 to 54-705.

21 (2) The department may adopt and promulgate rules and
22 regulations to aid in the administration and enforcement of the act.
23 The rules and regulations may include, but are not limited to,
24 provisions governing record keeping and any other requirements
25 necessary for the enforcement of the act.

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

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

6 54-1156 Sections 54-1156 to ~~54-1185~~54-1182 and section
7 23 of this act shall be known and may be cited as the Livestock
8 Auction Market Act.

9 Sec. 21. Section 54-1158, Revised Statutes Supplement,
10 2013, is amended to read:

11 54-1158 As used in the Livestock Auction Market Act,
12 unless the context otherwise requires:

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

18 (2) Department means the Department of Agriculture;

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

24 (4) Director means the Director of Agriculture;

25 (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 are
7 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 her
17 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;

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

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

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

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

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

25 54-1161 No person shall conduct or operate a livestock

1 auction market unless he or she holds a market license therefor, upon
2 which the current annual market license fee has been paid. Any person
3 making application for a new market license shall do so to the
4 director in writing, verified by the applicant, on a form prescribed
5 by the department, showing the following:

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

15 (4) The schedule of charges 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 benefits
20 to be derived by the livestock industry, and the services proposed to
21 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:

1 54-1163 The hearing required by section 54-1162 shall be
2 heard by the director. ~~and the State Veterinarian.~~ If the director
3 ~~and the State Veterinarian determine,~~ determines, after such hearing,
4 that the proposed livestock auction market would beneficially serve
5 the livestock economy, the department shall issue a market license to
6 the applicant. In determining whether or not the application should
7 be granted or denied, reasonable consideration shall be given to:

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

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

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

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

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

20 Sec. 26. Section 54-1169, Revised Statutes Supplement,
21 2013, is amended to read:

22 54-1169 (1) The department may, upon its own motion,
23 whenever it has reason to believe the Livestock Auction Market Act
24 has been violated, or upon verified complaint of any person in
25 writing, investigate the actions of any market license holder, and if

1 the department finds probable cause to do so, shall file a complaint
2 against the market license holder which shall be set down for hearing
3 before the director ~~and the State Veterinarian~~ upon fifteen days'
4 notice served upon such market license holder either by personal
5 service upon him or her or by registered or certified mail ~~or~~
6 ~~telegram~~ prior to such hearing.

7 (2) The director shall have the power to administer
8 oaths, certify to all official acts, and subpoena any person in this
9 state as a witness, to compel the producing of books and papers, and
10 to take the testimony of any person on deposition in the same manner
11 as is prescribed by law in the procedure before the courts of this
12 state in civil cases. Processes issued by the director shall extend
13 to all parts of the state and may be served by any person authorized
14 to serve processes. Each witness who shall appear by the order of the
15 director at any hearing shall receive for such attendance the same
16 fees allowed by law to witnesses in civil cases appearing in the
17 district court and mileage at the same rate provided in section
18 81-1176, which amount shall be paid by the party at whose request
19 such witness is subpoenaed. When any witness has not been required to
20 attend at the request of any party, but has been subpoenaed by the
21 director, his or her fees and mileage shall be paid by the director
22 in the same manner as other expenses are paid under the Livestock
23 Auction Market Act.

24 (3) All powers of the director as provided in this
25 section shall likewise be applicable to hearings held on applications

1 for the issuance of a market license.

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

12 Sec. 27. Section 54-1170, Revised Statutes Supplement,
13 2013, is amended to read:

14 54-1170 The director shall keep ~~a complete transcript~~ an
15 audio recording of all proceedings and evidence presented in any
16 hearing under the Livestock Auction Market Act. The applicant for a
17 market license, any protestant formally appearing in the hearing for
18 such market license, the holder of any market license suspended or
19 revoked, or any party to a transfer application may appeal the order,
20 and the appeal shall be in accordance with the Administrative
21 Procedure Act.

22 Sec. 28. Section 54-1173, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 54-1173 The license and permit fees collected as provided
25 by the Livestock Auction Market Act are an occupation tax and shall

1 be remitted to the State Treasurer for credit to the Livestock
2 Auction Market Fund. All money so collected shall be appropriated to
3 the uses of the Department of Agriculture for the purpose of
4 administering such act and shall be paid out only on vouchers
5 approved by the director and upon the warrant or warrants issued by
6 the Director of Administrative Services. Any unexpended balance in
7 such fund at the close of any biennium shall, when reappropriated, be
8 available for the uses and purposes of the fund for the succeeding
9 biennium. ~~; otherwise it shall lapse into the General Fund.~~

10 Sec. 29. Section 54-1180, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 54-1180 All cattle, calves, swine, sheep, and goats, upon
13 entering a livestock auction market, shall be inspected for health
14 before being offered for sale. Such inspection shall be made by a
15 designated veterinarian. The fees for such inspection shall be
16 established by rules and regulations of the ~~State Veterinarian~~
17 department and shall be collected by the operator of the livestock
18 auction market. Such fees shall be used to pay the fees of necessary
19 inspections and for no other purpose and shall be remitted as may be
20 provided by regulation. The fees shall be remitted to the State
21 Treasurer for credit to the Livestock Auction Market Fund and shall
22 be expended exclusively to pay the fees of providing necessary
23 inspections at the livestock auction market which has remitted such
24 fees. ~~Each designated veterinarian making market inspections shall be~~
25 ~~paid twenty five dollars for each regularly scheduled sale day in~~

1 ~~each calendar month as a guaranteed minimum salary for providing~~
2 ~~adequate inspection services. If the fees collected each calendar~~
3 ~~month by the market operator do not equal such amount, the market~~
4 ~~operator shall make up the difference in his or her remittance to the~~
5 ~~state. The rules and regulations establishing fees for such~~
6 ~~inspection shall not be adopted, amended, or repealed until after~~
7 ~~notice by mail to each market licensee and designated veterinarian of~~
8 ~~the time and place of hearing on the question of adoption, amendment,~~
9 ~~or repeal of such rules and regulations; such notice shall be mailed~~
10 ~~at least ten days prior to the date of hearing and shall be~~
11 ~~sufficient if addressed to the last known address of each market~~
12 ~~licensee and designated veterinarian shown on the records of the~~
13 ~~department.~~

14 Sec. 30. Section 54-1181, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 54-1181 The State Veterinarian shall make the designation
17 of the veterinarians required by sections 54-1180 and 54-1182 by
18 entering into an agreement with any accredited veterinarian for his
19 or her professional services in performing necessary inspections.
20 Such agreement shall provide that the State Veterinarian may
21 terminate it at any time for what he or she deems to be just cause
22 and shall further provide that the state pay such veterinarian a fee
23 as established by ~~section 54-1180, rule and regulation adopted and~~
24 promulgated by the department, which amount shall be paid monthly
25 from the Livestock Auction Market Fund. Such agreement shall make the

1 designated veterinarian an agent for the Department of Agriculture to
2 perform the duties assigned by sections 54-1180 and 54-1182, and the
3 rules and regulations prescribed by the ~~State Veterinarian,~~
4 department, but shall not be deemed to make the designated
5 veterinarian an officer or employee of the state. The orders of such
6 designated veterinarian, issued in the performance of the duties
7 assigned under sections 54-1180 and 54-1182 and the rules and
8 regulations prescribed by the ~~State Veterinarian,~~ department, shall
9 have the same force and effect as though such order had been made by
10 the State Veterinarian. Designated veterinarians shall not be liable
11 for reasonable acts performed to carry out the duties as set forth in
12 sections 54-1180 and 54-1182 and the rules and regulations prescribed
13 by the ~~State Veterinarian~~ department pursuant to such sections.

14 Sec. 31. Section 54-1182, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 54-1182 Any livestock sold or disposed of at a livestock
17 auction market, before removal therefrom, shall be released by the
18 designated veterinarian and treated to conform with the health
19 requirements of the rules and regulations prescribed by the ~~State~~
20 ~~Veterinarian~~ department for the movement of livestock. When required,
21 the designated veterinarian shall furnish each owner with
22 documentation showing such inspection, treatment, or quarantine. No
23 such livestock for interstate or intrastate shipment shall be
24 released until all the requirements of the state of its destination
25 have been complied with. Any diseased or exposed livestock shall be

1 handled in accordance with the rules and regulations as prescribed by
2 the ~~State Veterinarian~~ department.

3 Sec. 32. Original sections 54-701.03, 54-703, 54-704,
4 54-705, 54-750, 54-751, 54-752, 54-753, 54-753.06, 54-7,105,
5 54-7,106, 54-7,107, 54-7,108, 54-1156, 54-1159, 54-1173, 54-1180,
6 54-1181, 54-1182, 54-1183, 54-1184, and 54-1185, Reissue Revised
7 Statutes of Nebraska, and sections 54-170, 54-1158, 54-1161, 54-1163,
8 54-1169, and 54-1170, Revised Statutes Supplement, 2013, are
9 repealed.

10 Sec. 33. The following sections are outright repealed:
11 Sections 54-1174 and 54-1177, Reissue Revised Statutes of Nebraska.