

AMENDMENTS TO LB 274

1           1. Insert the following new sections:

2           "Sec. 5. Section 54-626, Revised Statutes Supplement,  
3 2002, is amended to read:

4           54-626. For purposes of the Commercial Dog and Cat  
5 Operator Inspection Act:

6           (1) Boarding kennel means a facility which is primarily  
7 used to house or contain dogs or cats owned by persons other than  
8 the operator of such facility. The primary function of a boarding  
9 kennel is to temporarily harbor dogs or cats when the owner of the  
10 dogs or cats is unable to do so or to provide training, grooming,  
11 or other nonveterinary service for consideration before returning  
12 the dogs or cats to the owner. A facility which houses or contains  
13 thirty or less dogs or cats in a twelve-month period is not a  
14 boarding kennel. Veterinary clinics, animal control facilities,  
15 and nonprofit animal shelters are not boarding kennels for the  
16 purposes of the act;

17           (2) Cat means any animal which is wholly or in part of  
18 the species *Felis domesticus*;

19           (3) Commercial breeder means any person (a) engaged in  
20 the business of breeding dogs or cats and (b) who sells, exchanges,  
21 or leases dogs or cats in return for consideration or who offers to  
22 do so, whether or not the dogs or cats are bred, raised, trained,  
23 groomed, or boarded by such person. A person who owns or harbors  
24 three or less unaltered dogs or cats for breeding purposes which

1 are at least six months of age shall not be a commercial breeder.

2 A person who sells, exchanges, or leases thirty or less  
3 dogs or cats in a twelve-month period shall not be a commercial  
4 breeder if all such dogs or cats are sold, exchanged, or leased to  
5 a final owner rather than for later retail sale or brokered  
6 trading. A person knowingly selling, exchanging, or leasing any  
7 dogs or cats for later retail sale or for brokered trading shall be  
8 classified as a commercial breeder;

9 (4) Dealer means any person who is not a commercial  
10 breeder or a pet shop but is engaged in the business of buying for  
11 resale or selling or exchanging dogs or cats as a principal or  
12 agent or who claims to be so engaged. A person who purchases,  
13 sells, exchanges, or leases thirty or less dogs or cats in a  
14 twelve-month period is not a dealer;

15 (5) Department means the Bureau of Animal Industry of the  
16 Department of Agriculture with the State Veterinarian in charge,  
17 subordinate only to the director;

18 (6) Director means the Director of Agriculture or his or  
19 her designated employee;

20 (7) Dog means any animal which is wholly or in part of  
21 the species *Canis familiaris*;

22 (8) Housing facility means any room, building, or areas  
23 used to contain a primary enclosure;

24 (9) Inspector means any person who is employed by the  
25 department and who is authorized to perform inspections pursuant to  
26 the act;

27 (10) Licensee means a person who has qualified for and

1 received a license from the department pursuant to the act;

2 (11) Pet shop means a retail establishment whose primary  
3 function is to sell companion animals and related supplies and  
4 where such animals are bought, sold, exchanged, given away,  
5 raffled, or offered for raffle or retail sale to the general  
6 public;

7 (12) Primary enclosure means any structure used to  
8 immediately restrict a dog or cat to a limited amount of space,  
9 such as a room, pen, cage, or compartment;

10 ~~(12)~~ (13) Secretary of Agriculture means the Secretary of  
11 Agriculture of the United States Department of Agriculture; and

12 ~~(13)~~ (14) Unaltered means any male or female dog or cat  
13 which has not been neutered or spayed or otherwise rendered  
14 incapable of reproduction.

15 Sec. 6. Section 54-627, Revised Statutes Supplement,  
16 2002, is amended to read:

17 54-627. (1) Beginning April 1, 2001, a person shall not  
18 operate as a commercial breeder, a dealer, or a boarding kennel  
19 unless the person obtains the appropriate license as a commercial  
20 breeder, dealer, or boarding kennel. Beginning January 1, 2004, a  
21 person shall not operate as a pet shop unless the person obtains a  
22 license as a pet shop. An applicant for a license shall submit an  
23 application for the appropriate license to the department, on a  
24 form prescribed by the department, together with a nonreturnable  
25 license fee. Such fee shall be one hundred dollars. The license  
26 fee shall be paid annually. Additionally, the department may  
27 conduct an inspection of the facilities and sanitation and

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1 confinement practices of the applicant or any other practices that  
2 may affect the humane treatment of dogs and cats. Upon receipt of  
3 the application and initial license fee, the appropriate license  
4 may be issued by the department. Such license shall not be  
5 transferable to another person or location.

6 (2) A license to operate as a commercial breeder, a  
7 license to operate as a dealer, ~~or~~ a license to operate as a  
8 boarding kennel, or a license to operate as a pet shop shall be  
9 renewed by filing with the department at least thirty days prior to  
10 April 1 of each year a renewal application and the annual license  
11 fee. Failure to renew a license prior to the expiration of the  
12 license shall result in an additional fee of twenty dollars  
13 required upon application to renew such license.".

14 2. Renumber the remaining section and correct the  
15 repealer accordingly.