

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 729

Introduced by Flood, 19.

Read first time January 09, 2008

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 54-701.03 and
2 54-7,108, Revised Statutes Cumulative Supplement, 2006;
3 to change provisions relating to exotic animal auctions
4 or swap meets; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-701.03, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 54-701.03 For purposes of sections 54-701 to 54-753.05,
4 54-797 to 54-7,103, and 54-7,105 to 54-7,108:

5 (1) Accredited veterinarian means a veterinarian approved
6 by the deputy administrator of the United States Department
7 of Agriculture in accordance with 9 C.F.R. part 161, as such
8 regulation existed on January 1, 2006;

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

11 (3) Bureau of Animal Industry means the Bureau of Animal
12 Industry of the Department of Agriculture of the State of Nebraska
13 and includes the State Veterinarian, deputy state veterinarian,
14 veterinary field officers, livestock inspectors, investigators, and
15 other employees of the bureau;

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

21 (5) Department means the Department of Agriculture of the
22 State of Nebraska;

23 (6) Director means the Director of Agriculture of the
24 State of Nebraska or his or her designee;

25 (7) Domesticated cervine animal means any elk, deer,

1 or other member of the family cervidae legally obtained from a
2 facility which has a license, permit, or registration authorizing
3 domesticated cervine animals which has been issued by the state
4 where the facility is located and such animal is raised in a
5 confined area;

6 (8) Exotic animal means any animal which is not commonly
7 sold through licensed livestock auction markets pursuant to the
8 Livestock Auction Market Act. Such animals shall include, but
9 not be limited to, miniature cattle, miniature horses, miniature
10 donkeys, Barbary sheep, Dall's sheep, alpacas, llamas, pot-bellied
11 pigs, and small mammals, with the exception of cats of the Felis
12 domesticus species and dogs of the Canis familiaris species. The
13 term also includes birds and poultry. The term does not include
14 beef and dairy cattle, calves, swine, bison, sheep sold for wool
15 or food, ~~goats sold for dairy, feed, or fiber,~~ and domesticated
16 cervine animals, or breeds of goats utilized for dairy, food, or
17 fiber that the department determines have readily available venues
18 of trade at licensed auction markets. The department shall identify
19 the breeds of goats that are not exotic animals within ninety days
20 after the effective date of this act and shall update the list
21 annually;

22 (9) Exotic animal auction or swap meet means any event
23 or location as defined in rules and regulations of the department,
24 other than a livestock auction market as defined in section
25 54-1158, where (a) an exotic animal is purchased, sold, traded,

1 bartered, given away, or otherwise transferred, (b) an offer to
2 purchase an exotic animal is made, or (c) an exotic animal is
3 offered to be sold, traded, bartered, given away, or otherwise
4 transferred;

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

14 (11) Exposed means being part of a herd which contains or
15 has contained an animal infected with a disease agent which affects
16 livestock or having had a reasonable opportunity to come in contact
17 with an infective disease agent which affects livestock;

18 (12) Herd means any group of livestock maintained on
19 common ground for any purpose or two or more groups of livestock
20 under common ownership or supervision geographically separated but
21 which have an interchange of livestock without regard to health
22 status;

23 (13) Livestock means cattle, swine, sheep, horses, mules,
24 goats, domesticated cervine animals, ratite birds, and poultry;

25 (14) Poultry means domesticated birds that serve as a

1 source of eggs or meat and includes, but is not limited to,
2 chickens, turkeys, ducks, and geese;

3 (15) Program disease means a livestock disease for which
4 specific legislation exists for disease control or eradication;

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

12 (17) Ratite bird means any ostrich, emu, rhea, kiwi, or
13 cassowary;

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

16 (19) Surveillance means the collection and testing of
17 livestock blood, tissue, hair, body fluids, discharges, excrements,
18 or other samples done in a herd or randomly selected livestock to
19 determine the presence or incidence of disease in the state or area
20 of the state; and

21 (20) Veterinarian means an individual who is a graduate
22 of an accredited college of veterinary medicine.

23 Sec. 2. Section 54-7,108, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 54-7,108 ~~No beef or dairy cattle, calves, swine, bison,~~

1 ~~or sheep sold for wool or feed, goats sold for dairy, feed, or~~
2 ~~fiber, or domesticated cervine animals~~ Only exotic animals shall
3 be purchased, sold, bartered, traded, given away, or otherwise
4 transferred at an exotic animal auction or swap meet. An exotic
5 animal auction or swap meet organizer shall contact the Bureau of
6 Animal Industry if a particular animal cannot be readily identified
7 as an animal that is prohibited from being purchased, sold,
8 bartered, traded, given away, or otherwise transferred at an exotic
9 animal auction or swap meet under this section.

10 Sec. 3. Original sections 54-701.03 and 54-7,108, Revised
11 Statutes Cumulative Supplement, 2006, are repealed.