



Ninety-Ninth Legislature - Second Session - 2006
Revised Committee Statement
LB 855

Hearing Date: January 17, 2006
Committee On: Agriculture

Introducer(s): (Kremer)
Title: Regulate exotic animal auctions and swap meets

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
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Vote Results:

8	Yes	Burling, Chambers, Cunningham, Erdman, Fischer, Preister, Kremer, Wehrbein
0	No	
0	Present, not voting	
0	Absent	

Proponents:

Rick Leonard
Mark Brohman
William Peters
Michael Kelsey
Dr. Daniel Hughes
Chris Shubert
Greg Ibach

Representing:

Introducer
Nebraska Game & Parks Commission
Nebraska Buffalo Association
Nebraska Cattlemen
Nebraska Department of Agriculture
Nebraska Department of Agriculture
Nebraska Department of Agriculture

Opponents:

James Petersen

Representing:

J-K Alternative Livestock Market

Neutral:

Representing:

Summary of purpose and/or changes:

LB 855 creates duties for organizers of exotic animal auctions and swap meets as defined for purposes of disease tracing. The primary substantive provisions of LB 855 are found in sections 1 – 4 of the bill and in the defined terms added to 54-701.03 by section 6. LB 855 would make the following specific changes to current law:

- States legislative intent recognizing the need to more closely monitor exotic animal markets and stating purposes of bill to meet that goal
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- Amends 54-701.03 [Section 6] by adding three new defined terms for purposes of referenced sections:
 - Exotic animals: defined to mean animals not commonly sold through livestock auction markets. The term is further defined to include a non-exclusive list of familiar non-livestock breeds of certain species and birds and poultry, and to exclude cats and dogs and livestock breeds.
 - Exotic animal auction or swap meet: defined as an event or location other than a livestock auction market where exotic animal transactions occur
 - Exotic animal auction or swap meet organizer: defined as any person who arranges for third party private sales or trades, organizes or coordinates exotic animal auctions or swap meets, leases areas for exotic animal auctions or swap meets or otherwise coordinates similar arrangements to facilitate such events
- Assigns new duties applicable to exotic animal auction or swap meet organizers:
 - Section 2 of the bill creates a duty to notify the Department of the location, date, and time of an exotic animal auction and to provide the name and contact information of the event organizer at least 30 days prior to the event
 - Section 3 of the bill creates a duty to maintain certain records of transactions that occur at auctions or swap meets and to allow the Department's reasonable access such records including access for enforcement of sections 1-4 of the bill or any regulations promulgated under authority of the bill.
 - Section 4 prohibits listed livestock from being sold at an exotic animal auction or swap meet. (Sale of such animals would define the event as a livestock auction market and subject the event to regulation under the Livestock Auction Market Act)
- New duties assigned by sections 1 – 4 of the bill are incorporated within the Department of Agriculture's general powers sections (Chapter 54-article 7) by sections 6 – 13 and thus made subject to the Department's existing general enforcement authorities by those sections.
- Section 5 of the bill expressly states that compliance with notification and recordkeeping provisions does not relieve organizers of exotic animal markets of requirements under §37-477 to §37-477 of the Game Law pertaining to sale of captive wildlife.

Explanation of amendments, if any:

The committee amendments would make the following changes:

- Exclude bison from the types of animals defined as exotic animals for purposes of the bill and adds bison to the list of animals that may not be sold through exotic animal auctions or swap meets.
- Revises the definition of exotic animal auction or swap meet to allow the Department of Agriculture to further define by regulation events or locations that are within the definition and therefore subject to the provisions of 1 – 4 of the Act. As introduced, the defined term is potentially broader than the types of events or locations intended.
- Revises penalties under §§54-750, 54-751, and 54-753 which provide penalty provisions that apply to violations of 54-701 to 54-753 and would also apply to sections 1-4 of the bill if enacted. The amendment increases the penalty for subsequent violations of these sections from a class II to a Class I misdemeanor.

