

LEGISLATIVE BILL 1361

Approved by the Governor March 21, 1972

Introduced by Walter H. Epke, 24th District

AN ACT to amend sections 54-1703, 54-1704, and 54-1705, Revised Statutes Supplement, 1969, relating to the licensing and bonding of livestock dealers; to redefine terms; to include cattle within the definition of livestock; to require bonding of livestock dealers; to expand the duties and responsibilities of the State Veterinarian with respect to the granting and revocation of licenses; to clarify provisions; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 54-1703, Revised Statutes Supplement, 1969, be amended to read as follows:

54-1703. As used in sections 54-1701 to 54-1711, unless the context otherwise requires:

(1) Department shall mean the Department of Agriculture;

(2) Director shall mean the Director of Agriculture;

(3) State Veterinarian shall mean the person officially appointed to this position by the director;

(4) Livestock shall mean cattle, goats, sheep, and swine; ~~or any other animals of the caprine, ovine, or porcine species;~~

(5) Livestock dealer shall mean any person, partnership, association, or corporation who is engaged in the business of buying, or selling, ~~and soliciting~~ livestock for the purpose of resale ~~including those who buy or solicit from a concentration point~~ within this state either for his own account or as the employee or agent of the seller or purchaser, except an agent or representative employee who buys, and sells ~~or solicits~~ exclusively for the account of a licensed dealer. Livestock dealer shall also include those who buy or sell from a concentration point. Livestock dealer shall not include a ~~licensed livestock auction market, a federally inspected public stockyard, or a dealer operating exclusively thereon, or a person or persons~~

engaged in a farm or ranch operation who purchases livestock for utilization of same as an integral part of the livestock and livestock product production of his farm or ranch operation, or purebred sales held by the breed registry associations, or the purchase or sale of livestock primarily used for research, experimentation, exhibition, entertainment purposes, including sales by the Future Farmers of America or 4-H groups; ~~7-or-in-the pursuit-of-a-hobby;~~ and

(6) Concentration point shall mean any place of business where livestock is assembled for resale.

Sec. 2. That section 54-1704, Revised Statutes Supplement, 1969, be amended to read as follows:

54-1704. No person as defined in sections 54-1701 to 54-1711 as a livestock dealer shall:

~~(1) engage Engage~~ in the business of buying, selling, or otherwise dealing in livestock in this state without ~~first-obtaining a valid and effective license so to-do,-in-accordance-with-the-provisions-hereinafter-set forth;-nor-shall-any-person-continue--in--such--business after-a-license-has-expired,-or--has--been--suspended--or revoked issued by the Director of Agriculture under the provisions of this section.~~ All applications for a livestock dealer license or renewal of such license shall be made on forms prescribed for that purpose by the State Veterinarian, ~~and-shall--be--accompanied--by--a--fee--of twenty-five-dollars.--Renewal-application-and--fee--shall be-submitted-to-the-department-on-or-before-October-1--of each-year.~~ The department may by regulation prescribe the information to be contained in such application. The application shall be filed annually with the department on or before October 1 of each year with the applicable fee of twenty-five dollars. The license fees collected as provided by sections 54-1701 to 54-1711 ~~shall--be--an occupation-tax;~~ shall be deposited in the state treasury, and by the State Treasurer placed in the Livestock Auction Market Fund. All money so collected shall be appropriated to the uses of the Department of Agriculture for the purpose of administering the provisions of sections 54-1701 to 54-1711; :

(2) (a) Engage in the business of buying, selling, or otherwise dealing in livestock in this state without filing with the department, in connection with his application for a license, a fully executed duplicate of a valid and effective bond: (i) If he is registered and bonded under the provisions of the Packers and Stockyards Act of 1921 (7 U.S.C. section 181 et seq.) he shall file a statement in the form prescribed by the

department evidencing that he is maintaining a valid and effective bond or its equivalent under such act; or (ii) If he is not registered and bonded under the provisions of the Packers and Stockyards Act, he shall furnish in connection with his application for a license a fully executed duplicate of a valid and effective bond in the amount of five thousand dollars or such larger amount as may be specified by regulations promulgated by the department. (b) The bond shall contain the following conditions: (i) That the principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by such principal for his own account or for the accounts of others and such principal shall safely keep and properly disburse all funds, if any, which come into his hands for the purpose of paying for livestock purchased for the accounts of others; (ii) that any person damaged by failure of the principal to comply with the condition clause of the bond may maintain suit to recover on the bond; and (iii) that at least thirty days' notice in writing shall be given to the department by the party terminating the bond; or

(3) Continue in the business of a dealer after his license or bond has expired, or has been suspended or revoked.

Sec. 3. That section 54-1705, Revised Statutes Supplement, 1969, be amended to read as follows:

54-1705. The State Veterinarian shall have the power to:

(1) Enter premises and buildings occupied by a licensee at any reasonable time to examine books and records maintained by the licensee;

(2) Require, by general or special order, livestock dealers to file with the State Veterinarian, in such forms as he may prescribe, regular or special reports or answers, in writing to specific questions, for the purpose of furnishing information concerning livestock movement and animal disease control. Such reports may be required to be made under oath and filed within a reasonable time; and

(3) Defer the granting of a license as required by sections 54-1701 to 54-1711 or suspend or revoke any such license already issued if licensee has violated the laws or regulations of this state pertaining to disease control and eradication or has knowingly committed or participated in the violation of an order or quarantine or other disciplinary order issued by the department; Provided, that before any license is suspended or revoked

under this section, the licensee or applicant shall be furnished with a copy of the charges made against him and upon request of the licensee a hearing shall be had before the director or his designate; and

(4) Defer the granting of a license as required by sections 54-1701 to 54-1711 or suspend or revoke any such license already issued if the licensee has failed to pay the person or persons entitled thereto the purchase price of all livestock purchased for his own account or for the accounts of others; Provided, that before any license is suspended or revoked under this section, the licensee or applicant shall be furnished with a copy of the charges made against him and upon request of the licensee a hearing shall be had before the director or his designate.

Sec. 4. That original sections 54-1703, 54-1704, and 54-1705, Revised Statutes Supplement, 1969, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.