

AMENDMENTS TO LB 71

Introduced by Agriculture.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 28-1008, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 28-1008 For purposes of sections 28-1008 to 28-1017 and
6 28-1019 and section 7 of this act:

7 (1) Abandon means to leave any animal in one's care,
8 whether as owner or custodian, for any length of time without
9 making effective provision for its food, water, or other care as is
10 reasonably necessary for the animal's health;

11 (2) Animal means any vertebrate member of the animal
12 kingdom. The term does not include an uncaptured wild creature;

13 (3) Bovine means a cow, an ox, or a bison;

14 (4) Cruelly mistreat means to knowingly and intentionally
15 kill, maim, disfigure, torture, beat, mutilate, burn, scald, or
16 otherwise inflict harm upon any animal;

17 (5) Cruelly neglect means to fail to provide any animal
18 in one's care, whether as owner or custodian, with food, water, or
19 other care as is reasonably necessary for the animal's health;

20 (6) Equine means a horse, pony, donkey, mule, hinny, or
21 llama;

22 (7) Humane killing means the destruction of an animal by
23 a method which causes the animal a minimum of pain and suffering;

1 (8) Law enforcement officer means any member of the
2 Nebraska State Patrol, any county or deputy sheriff, any member
3 of the police force of any city or village, or any other public
4 official authorized by a city or village to enforce state or
5 local animal control laws, rules, regulations, or ordinances.
6 Law enforcement officer also includes any inspector under the
7 Commercial Dog and Cat Operator Inspection Act to the extent that
8 such inspector may exercise the authority of a law enforcement
9 officer under section 28-1012 while in the course of performing
10 inspection activities under the Commercial Dog and Cat Operator
11 Inspection Act;

12 (9) Mutilation means intentionally causing permanent
13 injury, disfigurement, degradation of function, incapacitation, or
14 imperfection to an animal. Mutilation does not include conduct
15 performed by a veterinarian licensed to practice veterinary
16 medicine and surgery in this state or conduct that conforms to
17 accepted veterinary practices;

18 (10) Police animal means a horse or dog owned or
19 controlled by the State of Nebraska for the purpose of assisting a
20 Nebraska state trooper in the performance of his or her official
21 enforcement duties;

22 (11) Repeated beating means intentional successive
23 strikes to an animal by a person resulting in serious bodily injury
24 or death to the animal;

25 (12) Serious injury or illness includes any injury or
26 illness to any animal which creates a substantial risk of death
27 or which causes broken bones, prolonged impairment of health, or

1 prolonged loss or impairment of the function of any bodily organ;
2 and

3 (13) Torture means intentionally subjecting an animal
4 to extreme pain, suffering, or agony. Torture does not include
5 conduct performed by a veterinarian licensed to practice veterinary
6 medicine and surgery in this state or conduct that conforms to
7 accepted veterinary practices.

8 Sec. 2. Section 28-1013, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 28-1013 Sections 28-1008 to 28-1017 and 28-1019 shall not
11 apply to:

12 (1) Care or treatment of an animal or other conduct by a
13 veterinarian or veterinary technician licensed under the ~~Nebraska~~
14 ~~Veterinary Practice Act until December 1, 2008,~~ and the ~~Veterinary~~
15 ~~Medicine and Surgery Practice Act on and after December 1, 2008,~~
16 that occurs within the scope of his or her employment, that occurs
17 while acting in his or her professional capacity, or that conforms
18 to commonly accepted veterinary practices;

19 (2) Commonly accepted care or treatment of a police
20 animal by a law enforcement officer in the normal course of his or
21 her duties;

22 (3) Research activity carried on by any research facility
23 currently meeting the standards of the federal Animal Welfare Act,
24 7 U.S.C. 2131 et seq., as such act existed on January 1, 2003;

25 (4) Commonly accepted practices of hunting, fishing, or
26 trapping;

27 (5) Commonly accepted practices occurring in conjunction

1 with sanctioned rodeos, animal racing, or pulling contests;

2 (6) Humane killing of an animal by the owner or by his or
3 her agent or a veterinarian upon the owner's request;

4 (7) Commonly accepted practices of animal husbandry with
5 respect to farm animals and commercial livestock operations,
6 including their transport from one location to another and
7 nonnegligent actions taken by personnel or agents of the Nebraska
8 Department of Agriculture or the United States Department of
9 Agriculture in the performance of duties prescribed by law;

10 (8) Use of reasonable force against an animal, other than
11 a police animal, which is working, including killing, capture, or
12 restraint, if the animal is outside the owned or rented property
13 of its owner or custodian and is injuring or posing an immediate
14 threat to any person or other animal;

15 (9) Killing of house or garden pests;

16 (10) Commonly followed practices occurring in conjunction
17 with the slaughter of animals for food or byproducts; and

18 (11) Commonly accepted animal training practices.

19 Sec. 3. Section 28-1014, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 28-1014 Any city, village, or county may adopt and
22 promulgate rules, regulations, and ordinances which are not
23 inconsistent with the provisions of sections 28-1008 to 28-1017 and
24 28-1019 and section 7 of this act for the protection of the public,
25 public health, and animals within its jurisdiction.

26 Sec. 4. Section 28-1015, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 28-1015 When an animal is owned by a minor child, the
2 parent of such minor child with whom the child resides or legal
3 guardian with whom the child resides shall be subject to the
4 penalties provided under sections 28-1008 to 28-1017 and 28-1019
5 and section 7 of this act if the animal is abandoned or cruelly
6 neglected.

7 Sec. 5. Section 28-1016, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 28-1016 Nothing in sections 28-1008 to 28-1017 and
10 28-1019 and section 7 of this act shall be construed as amending
11 or changing the authority of the Game and Parks Commission as
12 established in the Game Law or to prohibit any conduct authorized
13 or permitted by such law.

14 Sec. 6. Section 28-1017, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 28-1017 (1) For purposes of this section:

17 (a) Reasonably suspects means a basis for reporting
18 knowledge or a set of facts that would lead a person of ordinary
19 care and prudence to believe and conscientiously entertain a strong
20 suspicion that criminal activity is at hand or that a crime has
21 been committed; and

22 (b) Employee means any employee of ~~an~~ agency relating
23 ~~to~~ a governmental agency dealing with child or adult protective
24 services, animal control, or animal abuse.

25 (2) Any employee, while acting in his or her professional
26 capacity or within the scope of his or her employment, who
27 observes or is involved in an incident which leads the employee

1 to reasonably suspect that an animal has been abandoned, cruelly
2 neglected, or cruelly mistreated shall report such to the entity or
3 entities that investigate such reports in that jurisdiction.

4 (3) The report of an employee shall be made within two
5 working days of acquiring the information concerning the animal by
6 facsimile transmission of a written report presented in the form
7 described in subsection (6) of this section or by telephone. When
8 an immediate response is necessary to protect the health and safety
9 of the animal or others, the report of an employee shall be made by
10 telephone as soon as possible.

11 (4) Nothing in this section shall be construed to impose
12 a duty to investigate observed or reasonably suspected animal
13 abandonment, cruel neglect, or cruel mistreatment. Any person
14 making a report under this section is immune from liability except
15 for false statements of fact made with malicious intent.

16 (5) ~~Reports~~ A report made by an employee pursuant to this
17 section shall include:

18 (a) The reporter's name and title, business address, and
19 telephone number;

20 (b) The name, if known, of the animal owner or custodian,
21 whether a business or individual;

22 (c) A description of the animal or animals involved,
23 person or persons involved, and location of the animal or animals
24 and the premises; and

25 (d) The date, time, and a description of the observation
26 or incident which led the reporter to reasonably suspect animal
27 abandonment, cruel neglect, or cruel mistreatment and any other

1 information the reporter believes may be relevant.

2 (6) ~~Reports~~ A report made by an employee pursuant to this
3 section may be made on preprinted forms prepared by the entity
4 or entities that investigate reports of animal abandonment, cruel
5 neglect, or cruel mistreatment in that jurisdiction. The form shall
6 include space for the information required under subsection (5) of
7 this section.

8 (7) When two or more employees jointly have observed or
9 reasonably suspected animal abandonment, cruel neglect, or cruel
10 mistreatment and there is agreement between or among them, a report
11 may be made by one person by mutual agreement. Any such reporter
12 who has knowledge that the person designated to report has failed
13 to do so shall thereafter make the report.

14 (8) Any employee failing to report under this section
15 shall be guilty of an infraction.

16 Sec. 7. (1) Any animal health care professional, while
17 acting in his or her professional capacity or within the scope of
18 his or her employment, who observes or is involved in an incident
19 which leads the animal health care professional to reasonably
20 suspect that an animal has been abandoned, cruelly neglected, or
21 cruelly mistreated, may report such treatment to an entity that
22 investigates such reports in the appropriate jurisdiction.

23 (2) Nothing in this section shall be construed to impose
24 a duty to investigate observed or reasonably suspected abandonment,
25 cruel neglect, or cruel mistreatment of an animal. Any person
26 making a report under this section is immune from liability except
27 for false statements of fact made with malicious intent.

1 (3) For purposes of this section, an animal health care
2 professional means a licensed veterinarian as defined in section
3 38-3310 or a licensed veterinary technician as defined in section
4 38-3311.

5 Sec. 8. Original sections 28-1008, 28-1013, 28-1014,
6 28-1015, 28-1016, and 28-1017, Reissue Revised Statutes of
7 Nebraska, are repealed.