

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 407**

Introduced by Dierks, 40.

Read first time January 16, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Veterinary Medicine and Surgery Practice  
2 Act; to amend section 38-3301, Reissue Revised Statutes  
3 of Nebraska; to provide civil penalties for engaging in  
4 the practice of veterinary medicine and surgery without  
5 authorization; and to repeal the original section.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 38-3301, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           38-3301 Sections 38-3301 to 38-3330 and section 2 of this  
4 act shall be known and may be cited as the Veterinary Medicine and  
5 Surgery Practice Act.

6           Sec. 2. (1) In lieu of the administrative penalty in  
7 section 38-1,116 and in addition to the remedies authorized in  
8 section 38-140 or 38-1,124, a person who engages in the practice of  
9 veterinary medicine and surgery without being licensed or otherwise  
10 authorized to do so under the Veterinary Medicine and Surgery  
11 Practice Act shall be assessed a civil penalty of not less than  
12 one thousand dollars nor more than five thousand dollars for the  
13 first offense and not less than five thousand dollars nor more than  
14 ten thousand dollars for the second or subsequent offense. If a  
15 violation continues after notification, this constitutes a separate  
16 offense.

17           (2) The civil penalties shall be assessed in a civil  
18 action brought for such purpose by the Attorney General in the  
19 district court of the county in which the violation occurred.

20           (3) Any civil penalty assessed and unpaid under this  
21 section shall constitute a debt to the State of Nebraska which  
22 may be collected in the manner of a lien foreclosure or sued for  
23 and recovered in any proper form of action in the name of the  
24 State of Nebraska in the district court of the county in which the  
25 violator resides or owns property. The department may also collect

1 in such action attorney's fees and costs incurred in the collection  
2 of the civil penalty. The department shall, within thirty days  
3 after receipt, transmit any collected civil penalty to the State  
4 Treasurer to be disposed of in accordance with Article VII, section  
5 5, of the Constitution of Nebraska.

6           Sec. 3. Original section 38-3301, Reissue Revised  
7 Statutes of Nebraska, is repealed.