

AMENDMENTS TO LB 423

(Amendments to E & R amendments, ER40)

Introduced by Schilz

1 1. Insert the following new sections:

2 Section 1. Section 2-3812, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 2-3812 There is hereby created the Nebraska Agricultural
5 Products Marketing Cash Fund. The fund shall consist of
6 administrative costs collected under subsection (4) of section
7 54-742 and money appropriated by the Legislature which is received
8 as gifts or grants or collected as fees or charges from any source,
9 including federal, state, public, and private. The fund shall be
10 utilized for the purpose of carrying out the Nebraska Agricultural
11 Products Marketing Act and for purposes of subsection (4) of
12 section 54-742. Any money in such fund available for investment
13 shall be invested by the state investment officer pursuant to
14 the Nebraska Capital Expansion Act and the Nebraska State Funds
15 Investment Act.

16 Sec. 3. Section 38-3330, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 38-3330 (1) Unless required by any state or local law for
19 contagious or infectious disease reporting or other public health
20 and safety purpose, no veterinarian licensed under the Veterinary
21 Medicine and Surgery Practice Act shall be required to disclose any
22 information concerning the veterinarian's care of an animal except

1 under a written authorization or other waiver by the veterinarian's
2 client or pursuant to a court order or a subpoena. A veterinarian
3 who releases information under a written authorization or other
4 waiver by the client or pursuant to a court order or a subpoena is
5 not liable to the client or any other person.

6 (2) The privilege provided by this section is waived to
7 the extent that the veterinarian's client or the owner of the
8 animal places the veterinarian's care and treatment of the animal
9 or the nature and extent of injuries to the animal at issue in any
10 civil or criminal proceeding.

11 (3) The privilege provided by this section is waived to
12 the extent and for purposes of notifying any owner or manager
13 of cattle that have a significant risk for exposure to bovine
14 trichomoniasis. A veterinarian who releases information about the
15 risk for exposure to bovine trichomoniasis is not liable to the
16 client or any other person.

17 (4) For purposes of this section, veterinarian includes
18 the employees or agents of the licensed veterinarian while acting
19 for or on behalf of such veterinarian.

20 Sec. 4. Section 54-742, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 54-742 (1) It is the duty of any person who discovers,
23 suspects, or has reason to believe that any animal belonging
24 to him or her or which he or she has in his or her possession
25 or custody or which, belonging to another, may come under his
26 or her observation is affected with any dangerous, infectious,
27 contagious, or otherwise transmissible disease which affects

1 livestock to immediately report such fact, belief, or suspicion to
2 the department or to any agent, employee, or appointee thereof.

3 (2) The department shall work together with livestock
4 health committees, livestock groups, diagnostic laboratories,
5 practicing veterinarians, producers, and others who may be
6 affected, to adopt and promulgate rules and regulations to
7 effectuate a workable livestock disease reporting system according
8 to the provisions of this section. The rules and regulations
9 shall establish who shall report diseases, what diseases shall be
10 reported, how such diseases shall be reported, to whom diseases
11 shall be reported, the method by which diseases shall be reported,
12 and the frequency of reports required. For disease reporting
13 purposes, the department shall categorize livestock diseases
14 according to relative economic or health risk factors and may
15 provide different reporting measures for the various categories.

16 (3) Any person who reasonably suspects that any beef
17 or dairy breeding bull belonging to him or her or which he or
18 she has in his or her possession or custody is infected with
19 bovine trichomoniasis shall not sell or transport such animal,
20 except for consignment directly to a federally recognized slaughter
21 establishment, unless such person causes such animal to be tested
22 for bovine trichomoniasis. Any person who owns or has possession
23 or custody of a beef or dairy breeding bull, or who has a
24 beef or dairy breeding bull belonging to another under his or
25 her observation, for which a laboratory confirmed diagnosis of
26 bovine trichomoniasis has been made, shall report such diagnosis
27 to the department within five business days after receipt of

1 the laboratory confirmation. Any such breeding bull for which a
2 laboratory confirmation of bovine trichomoniasis has been made
3 shall not be sold or transported except for consignment directly to
4 a federally recognized slaughter establishment.

5 (4) (a) An owner or manager of any beef or dairy
6 breeding bull for which a laboratory confirmed diagnosis of bovine
7 trichomoniasis has been made shall notify each adjacent landowner
8 or land manager of the diagnosis if such land is capable of
9 maintaining livestock susceptible to bovine trichomoniasis. Such
10 notification shall be made to each landowner or land manager within
11 fourteen days after the diagnosis even if cattle are not currently
12 maintained on the owner's or manager's land.

13 (b) The owner or manager of the cattle shall submit to
14 the department a form or affidavit attesting to the fact that the
15 notification required under this subsection has occurred. The form
16 or affidavit shall be submitted to the department within fourteen
17 days after the diagnosis and shall include the names of adjacent
18 landowners or land managers who were notified and their contact
19 information.

20 (c) If an owner or manager does not, within such
21 fourteen-day period, submit the form or affidavit indicating
22 that adjacent landowners or land managers have been notified
23 as required under this subsection, the department shall notify each
24 adjacent landowner or land manager of the diagnosis. The department
25 shall assess the administrative costs of the department to notify
26 the adjacent landowners or land managers against the owner or
27 manager that failed to comply with this subsection. The department

1 shall determine the definition of adjacent based on the disease
2 characteristics and modes of transmission. The department shall
3 remit any administrative costs collected under this subsection
4 to the State Treasurer for credit to the Nebraska Agricultural
5 Products Marketing Cash Fund.

6 2. Renumber the remaining sections and correct the
7 repealer and internal references accordingly.