

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1002

Introduced by Wallman, 30.

Read first time January 21, 2014

Committee: Agriculture

A BILL

- 1 FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection
- 2 Act; to amend section 54-633, Reissue Revised Statutes of
- 3 Nebraska; to change provisions relating to enforcement
- 4 powers; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-633, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 54-633 (1) In order to ensure compliance with the
4 Commercial Dog and Cat Operator Inspection Act, the department ~~may~~
5 shall apply for a restraining order, temporary or permanent
6 injunction, or mandatory injunction against any person violating or
7 threatening to violate the act, the rules and regulations, or any
8 order of the director issued pursuant thereto. The district court of
9 the county where the violation is occurring or is about to occur
10 shall have jurisdiction to grant relief upon good cause shown. Relief
11 may be granted notwithstanding the existence of any other remedy at
12 law and shall be granted without bond.

13 The county attorney of the county in which such
14 violations are occurring or about to occur shall, when notified of
15 such violation or threatened violation, cause appropriate proceedings
16 under this section to be instituted and pursued without delay.

17 (2) If alleged violations of the Commercial Dog and Cat
18 Operator Inspection Act, the rules and regulations, or an order of
19 the director or an offense against animals observed by an inspector
20 in the course of performing an inspection under the act poses a
21 significant threat to the health or safety of the dogs or cats
22 harbored or owned by an applicant or licensee, the department ~~may~~
23 shall direct an inspector to impound the dogs or cats pursuant to
24 sections 28-1011 and 28-1012 or ~~may~~ shall request any other law
25 enforcement officer as defined in section 28-1008 to impound the dogs

1 or cats pursuant to sections 28-1011 and 28-1012. The department
2 shall cooperate and coordinate with law enforcement agencies,
3 political subdivisions, animal shelters, humane societies, and other
4 appropriate entities, public or private, to provide for the care,
5 shelter, and disposition of animals impounded by the department
6 pursuant to this section.

7 (3) The department may impose an administrative fine of
8 not more than five thousand dollars for any violation of the act or
9 the rules and regulations adopted and promulgated under the act. Each
10 violation of the act or such rules and regulations shall constitute a
11 separate offense for purposes of this subsection.

12 Sec. 2. Original section 54-633, Reissue Revised Statutes
13 of Nebraska, is repealed.