

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 344

Introduced by Agriculture Committee: Halloran, 33, Chairperson; Brandt, 32; Blood, 3; Hansen, B., 16; Lathrop, 12; Moser, 22; Slama, 1.

Read first time January 16, 2019

Committee: Agriculture

1 A BILL FOR AN ACT relating to agriculture; to amend sections 37-478,
2 37-479, 37-505, 37-524, 37-1402, 54-706.12, 54-778, 54-797, 54-2293,
3 54-2304, 54-2314, 54-2757, and 81-202, Reissue Revised Statutes of
4 Nebraska, and sections 2-3812, 54-626, 54-645, 54-7,105.01,
5 54-7,107, 54-7,108, 54-1158, and 54-1371, Revised Statutes
6 Cumulative Supplement, 2018; to adopt the Animal Health and Disease
7 Control Act; to eliminate and provide general powers and duties of
8 and for the Department of Agriculture; to eliminate the Nebraska
9 Poultry Disease Control Act, the Bovine Tuberculosis Act, the
10 Anthrax Control Act, the Animal Importation Act, the Nebraska Swine
11 Brucellosis Act, the Nebraska Bovine Brucellosis Act, the
12 Pseudorabies Control and Eradication Act, the Scrapie Control and
13 Eradication Act, and the Bureau of Animal Industry; to terminate the
14 Bovine Tuberculosis Cash Fund, the Anthrax Control Act Cash Fund,
15 the Brucellosis Control Cash Fund, the Pseudorabies Control Cash
16 Fund, and the Scrapie Control Cash Fund and make fund transfers to
17 and create the Animal Health and Disease Control Cash Fund; to
18 provide for criminal and administrative penalties; to harmonize
19 provisions; to provide a duty for the Revisor of Statutes; to repeal
20 the original sections; and to outright repeal sections 2-3001,
21 2-3002, 2-3003, 2-3004, 2-3005, 2-3006, 2-3007, 2-3008, 54-701,
22 54-701.01, 54-701.02, 54-702, 54-702.01, 54-706.01, 54-706.02,

1 54-706.03, 54-706.04, 54-706.05, 54-706.06, 54-706.07, 54-706.08,
2 54-706.09, 54-706.10, 54-706.11, 54-706.13, 54-706.14, 54-706.15,
3 54-706.16, 54-706.17, 54-743, 54-744, 54-744.01, 54-745, 54-746,
4 54-747, 54-764, 54-765, 54-766, 54-767, 54-768, 54-769, 54-770,
5 54-771, 54-772, 54-773, 54-774, 54-775, 54-776, 54-777, 54-779,
6 54-780, 54-781, 54-785, 54-786, 54-787, 54-788, 54-790, 54-791,
7 54-792, 54-793, 54-794, 54-795, 54-796, 54-1348, 54-1349, 54-1350,
8 54-1351, 54-1352, 54-1353, 54-1354, 54-1355, 54-1356, 54-1357,
9 54-1358, 54-1359, 54-1360, 54-1361, 54-1362, 54-1363, 54-1364,
10 54-1365, 54-1366, 54-1367, 54-1368, 54-1369, 54-1370, 54-1372,
11 54-1373, 54-1374, 54-1375, 54-1376, 54-1377, 54-1378, 54-1379,
12 54-1380, 54-1381, 54-1383, 54-1384, 54-2235, 54-2236, 54-2237,
13 54-2238, 54-2239, 54-2240, 54-2241, 54-2242, 54-2243, 54-2244,
14 54-2245, 54-2246, 54-2247, 54-2248, 54-2249, 54-2250, 54-2251,
15 54-2252, 54-2253, 54-2254, 54-2255, 54-2256, 54-2257, 54-2258,
16 54-2259, 54-2260, 54-2262, 54-2262.01, 54-2263, 54-2264, 54-2265,
17 54-2266, 54-2267, 54-2268, 54-2269, 54-2270, 54-2271, 54-2276,
18 54-2277, 54-2278, 54-2279, 54-2280, 54-2281, 54-2283, 54-2286,
19 54-2287, 54-2288, 54-2289, 54-2290, 54-2291, 54-2292, 54-2294,
20 54-2295, 54-2296, 54-2297, 54-2298, 54-2299, 54-22,100, 54-2701,
21 54-2702, 54-2703, 54-2704, 54-2705, 54-2706, 54-2707, 54-2708,
22 54-2709, 54-2710, 54-2711, 54-2712, 54-2713, 54-2714, 54-2715,
23 54-2716, 54-2717, 54-2718, 54-2719, 54-2720, 54-2721, 54-2722,
24 54-2723, 54-2724, 54-2725, 54-2726, 54-2727, 54-2728, 54-2729,
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27 54-2744, 54-2745, 54-2746, 54-2747, 54-2748, 54-2749, 54-2750,
28 54-2751, 54-2752, 54-2753, 54-2754, 54-2755, 54-2756, 54-2758,
29 54-2759, 54-2760, 54-2761, 81-202.01, and 81-202.02, Reissue Revised
30 Statutes of Nebraska, and sections 54-701.03, 54-703, 54-704,
31 54-705, 54-742, 54-750, 54-751, 54-752, 54-753, 54-784.01, 54-789,

- 1 54-7,110, and 54-1382, Revised Statutes Cumulative Supplement, 2018.
- 2 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 67 of this act shall be known and may be
2 cited as the Animal Health and Disease Control Act.

3 Sec. 2. For purposes of sections 54-753.01 to 54-753.05 and 54-797
4 to 54-7,103 and the Animal Health and Disease Control Act, unless the
5 context otherwise requires, the definitions found in sections 3 to 40 of
6 this act shall be used. In addition, the definitions found in federal
7 rules, regulations, and program standards as adopted by reference in the
8 act shall be used unless such definitions are inconsistent with the act.

9 Sec. 3. Accredited veterinarian means a veterinarian duly licensed
10 by the State of Nebraska and approved by the administrator of the Animal
11 and Plant Health Inspection Service of the United States Department of
12 Agriculture in accordance with 9 C.F.R. part 161.

13 Sec. 4. Affected animal, herd, or flock means an animal, herd, or
14 flock which contains an animal infected with or exposed to a dangerous
15 disease.

16 Sec. 5. Affected premises means premises upon which is or was
17 located an affected animal, herd, or flock or suspected affected animal,
18 herd, or flock.

19 Sec. 6. Animal means all vertebrate members of the animal kingdom
20 except humans or wild animals at large.

21 Sec. 7. Approved laboratory means an animal disease diagnostic
22 laboratory accredited by the American Association of Veterinary
23 Laboratory Diagnosticians to conduct animal disease testing.

24 Sec. 8. Certificate of veterinary inspection means a legible
25 document, paper, or electronic submission, issued by an accredited
26 veterinarian at the point of origin of an animal movement which meets
27 federal and state requirements for interstate or intrastate movement of
28 animals. Beginning on the effective date of this act, United States
29 Department of Agriculture Form 7001 is prohibited from use as a
30 certificate of veterinary inspection.

31 Sec. 9. Dangerous disease means an infectious, contagious, or

1 otherwise transmissible disease of and among livestock and such disease
2 which is transmissible from other animals to livestock which has the
3 potential for rapid spread, serious economic impact, or serious threat to
4 livestock health, and is of major importance in the trade of livestock
5 and livestock products. Dangerous disease includes infestation with or
6 exposure to parasites, manifestation of illness caused by a toxin, toxic
7 substance contamination, biological agent, prion, or any other material
8 or factors which the department has determined to have the potential for
9 rapid spread regardless of state or national borders.

10 Sec. 10. Department means the Department of Agriculture or any
11 contracted or designated agent of the department.

12 Sec. 11. Direct to slaughter means delivered directly, as such term
13 is defined under 9 C.F.R. part 86.1, to a federally recognized slaughter
14 establishment, as such establishment is defined under 9 C.F.R. part 78.1.

15 Sec. 12. Director means the Director of Agriculture or his or her
16 designee.

17 Sec. 13. Domesticated cervine animal means any elk, deer, or other
18 member of the family cervidae legally obtained from a facility which has
19 a license, permit, or registration authorizing domesticated cervine
20 animals which has been issued by the state in which such facility is
21 located and such animal is raised in a confined area.

22 Sec. 14. Embargo means a temporary movement restriction, in the
23 form of an order issued by the State Veterinarian, restricting the
24 movement of any affected animal, herd, or flock or suspected affected
25 animal, herd, or flock into, through, or within the State of Nebraska.

26 Sec. 15. Exposed means an animal, herd, flock, or premises which
27 has come into contact with an animal infected with a disease agent which
28 affects livestock or which had a reasonable opportunity to come in
29 contact with an infective disease agent which affects livestock.

30 Sec. 16. Foreign animal or transboundary disease means a disease
31 not endemic to the United States or which has been eradicated in the

1 United States, and which is of significant economic, trade, and food
2 security importance and may easily and rapidly spread from border to
3 border and reach epidemic proportions.

4 Sec. 17. Herd or flock means any group of livestock maintained on
5 common ground for any purpose or two or more groups of livestock under
6 common ownership or supervision which are geographically separated but
7 which have an interchange of livestock or equipment utilized by two or
8 more groups of livestock under common ownership or supervision without
9 regard to health status.

10 Sec. 18. Herd or flock management plan means a written disease
11 management plan that is designed by the herd owner or owners or their
12 representatives in conjunction with the State Veterinarian or federal
13 area veterinarian in charge to eradicate a dangerous disease from an
14 affected herd or flock and reducing human exposure to the disease. Such
15 plan may require additional disease management practices deemed necessary
16 by the State Veterinarian to eradicate such disease.

17 Sec. 19. Infected animal, herd, or flock means an animal that has
18 tested positive to an official test.

19 Sec. 20. Livestock means cattle, swine, sheep, horses, mules,
20 donkeys, goats, domesticated cervine animals, ratite birds, poultry,
21 llamas, and alpacas.

22 Sec. 21. Negative animal, herd, or flock means any animal, herd, or
23 flock which has been tested and found negative to an official test.

24 Sec. 22. Official identification means the device or method
25 approved by USDA/APHIS/VS or the department for applying an official
26 identification number to an animal of a specific species, or associating
27 an official identification number with an animal or group of animals of a
28 specific species, or otherwise officially identifying an animal or group
29 of animals.

30 Sec. 23. Official test means a diagnostic test that is approved by
31 USDA/APHIS/VS or the department for determining the presence or absence

1 of a program disease approved for a species or designated animal. The
2 test shall be conducted by (1) a laboratory accredited by the American
3 Association of Veterinary Laboratory Diagnosticians, (2) approved by
4 USDA/APHIS/VS or the department, or (3) performed by an accredited
5 veterinarian approved to conduct the test. Animals so tested shall be
6 identified by means of an official identification eartag when required by
7 USDA/APHIS/VS or the department.

8 Sec. 24. Permit for entry or permit means a pre-movement
9 authorization for entry into the State of Nebraska obtained from the
10 department. Such permit shall state the conditions under which the animal
11 movement may be made and the location where the animal or animals are
12 going and includes a permit authorization number which is required to be
13 recorded on the certificate of veterinary inspection.

14 Sec. 25. Person means any individual, governmental entity,
15 corporation, society, firm, association, partnership, limited liability
16 company, joint stock company, association, or any other corporate body or
17 legal entity.

18 Sec. 26. Positive animal, herd, or flock means any animal, herd, or
19 flock which has been tested and found positive to an official test.

20 Sec. 27. Poultry means domesticated birds that serve as a source of
21 eggs or meat and includes, but is not limited to, chickens, turkeys,
22 ducks, and geese.

23 Sec. 28. Premises means land, buildings, vehicles, equipment, pens,
24 holding facilities, and grounds upon which an animal, herd, or flock is
25 or was, housed, kept, located, grazed, or transported.

26 Sec. 29. Program disease means a dangerous disease for which
27 specific state or federal legislation exists for disease control or
28 eradication, or is classified as a program disease by the department or
29 USDA/APHIS/VS.

30 Sec. 30. Program standards means the supplemental guidelines
31 adopted and approved by USDA/APHIS/VS for further clarification of

1 established procedures for the regulation, control, eradication, and
2 enforcement of livestock program diseases including the following USDA/
3 APHIS/VS program standards in effect on January 1, 2019: Chronic Wasting
4 Disease Program Standards for Cervids, 2014; Pseudorabies Eradication:
5 State-Federal-Industry Program Standards, 2003; and National Poultry
6 Improvement Plan Program Standards, January 2017. Program standards also
7 includes the Uniform Program Standards for the Voluntary Bovine Johne's
8 Disease Control Program, 2010.

9 Sec. 31. Quarantine means a restriction imposed on animal movement
10 issued by the department or an animal or group, herd, or flock of animals
11 due to (1) infection with, or exposure to, a disease agent which affects
12 livestock; (2) use of premises, including equipment, facilities,
13 buildings, vehicles, and enclosures which are used or have been used by
14 an affected animal, herd, or flock infected with, or suspected of being
15 infected with, a disease agent which affects livestock; (3) a violation
16 of state or federal requirements governing official identification; (4) a
17 violation of state or federal interstate movement requirements; (5)
18 inaccurate, fraudulent, or absent certificate of veterinary inspection
19 for interstate movement into Nebraska; or (6) failure to obtain required
20 diagnostic testing of any animal the State Veterinarian requires to be
21 tested prior to entry into Nebraska.

22 Sec. 32. Ratite bird means any ostrich, emu, rhea, kiwi, or
23 cassowary.

24 Sec. 33. Responder or suspect means any animal which exhibits a
25 response to an official test, and such animal is classified as a
26 responder or suspect by the testing veterinarian or laboratory.

27 Sec. 34. Sale means a sale, lease, loan, trade, barter, or gift.

28 Sec. 35. Surveillance means activities for detection of disease
29 through the collection and testing of livestock blood, tissue, hair, body
30 fluids, discharges, excrements, or other samples done in a herd or
31 randomly selected livestock to determine the presence or incidence of

1 disease in this state or any area of this state and may include the
2 observation or physical examination of an animal.

3 Sec. 36. State Veterinarian means the veterinarian appointed
4 pursuant to section 81-202 or his or her designee, subordinate to the
5 director.

6 Sec. 37. Trace or tracing means the epidemiological investigative
7 process of determining the origin and movements of animals, animal
8 products, and possible vectors that may be involved in the spread or
9 transmissibility of a disease agent.

10 Sec. 38. Uniform methods and rules means the minimum standard
11 guidelines approved by USDA/APHIS/VS for the detection, control,
12 prevention, and eradication of program diseases. The minimum standards
13 may also include procedures for disinfection and clean-up of premises,
14 vehicles, and equipment and may set requirements for the development of
15 herd or flock management plans.

16 Sec. 39. USDA/APHIS/VS means the United States Department of
17 Agriculture, Animal and Plant Health Protection Service, Veterinary
18 Services.

19 Sec. 40. Veterinarian means an individual who is a graduate of an
20 accredited college of veterinary medicine.

21 Sec. 41. The Legislature finds and declares it is the public policy
22 of this state that animal health and disease control are essential to the
23 livestock industry and the health of the economy of Nebraska. The purpose
24 of the Animal Health and Disease Control Act shall be to protect the
25 health of animals in Nebraska by regulating or prohibiting certain
26 activities relating to the health and movement of animals within,
27 transported through, or into the state. The act is a control which is
28 essential to the prevention of transference within, through, or into this
29 state of any dangerous, infectious, contagious, or otherwise
30 transmissible disease among animals. The methods provided in the act are
31 in accordance with the public policy set forth in this section.

1 Sec. 42. (1) The department is vested with the power and charged
2 with the duty of protecting the health of livestock in Nebraska and
3 determining and employing the most efficient and practical means for the
4 prevention, suppression, control, and eradication of dangerous diseases
5 among livestock and transmissible from other animals to livestock. The
6 department may:

7 (a) Place in quarantine any county or part of any county, any
8 private premises, or any private or public stockyard;

9 (b) Quarantine any affected animal, herd, or flock or suspected
10 animal, herd, or flock;

11 (c) Euthanize, when deemed appropriate by the director, any infected
12 animal, herd, or flock;

13 (d) Regulate or prohibit the arrival into, departure from, or
14 movement within the state of any affected animal, herd, or flock infected
15 with a dangerous disease or exposed to or suspected of having been
16 exposed to such disease cause, infection, or contagion;

17 (e) Quarantine any animal imported into Nebraska in violation of
18 importation rules or regulations until such animal is in compliance with
19 importation requirements;

20 (f) Require an animal to be inspected, tested, treated, quarantined,
21 subjected to an epidemiological investigation, monitored, subjected to
22 surveillance, or vaccinated at owner expense; and

23 (g) At the cost of the owner or custodian, detain any animal found
24 in violation of any department rule or regulation or any statutory
25 prohibition.

26 (2) The department, pursuant to its quarantine authority, may impose
27 controlled movement or other restrictions on affected animals, herds, or
28 flocks the uses to which such animals may be put, and on products
29 produced from, by, or with such animals in order to minimize the risk of
30 spread of a dangerous disease. Such controlled movement or other
31 restrictions may include the establishment of compartments or zones for

1 purposes of disease containment to allow for the continuation of
2 intrastate, interstate, or international trade of animals or animal
3 products outside such compartments or zones. Any quarantine imposed in
4 accordance with the Animal Health and Disease Control Act or any rules or
5 regulations adopted and promulgated under the act shall remain in effect
6 until released by the department.

7 (3) To further the best interests of Nebraska's livestock industry
8 and to grow Nebraska agriculture, the department may:

9 (a) Contract with any person who meets the requirements of the
10 department to operate a controlled feedlot for purposes of feeding an
11 animal going direct to slaughter;

12 (b) Approve a written commuter herd agreement, as defined under 9
13 C.F.R. part 86, as such regulation existed on January 1, 2019, to allow a
14 herd of cattle or bison to move interstate during the course of normal
15 livestock management operations without change of ownership and directly
16 between two premises, as provided in the agreement;

17 (c) Approve a written swine production health plan, as defined under
18 9 C.F.R. subpart 71.1, to allow multiple sites of production, connected
19 by ownership or contractual relationships, to move interstate while
20 remaining under the control of a single owner or a group of contractually
21 connected owners; and

22 (d) When deemed appropriate by the department, allow for exceptions
23 to importation or disease testing requirements in the form of compliance
24 agreements for closed livestock movement networks entering Nebraska.

25 (4) Any affected animal, herd, flock or affected premises affected
26 by exposure to, or infection from a foreign animal disease, transboundary
27 disease, or a dangerous disease, may immediately be quarantined at the
28 expense of the owner or custodian of such affected animal, herd, flock or
29 affected premises. A confirmation of such disease shall only be made by
30 an approved laboratory. Any affected animal, herd, flock or affected
31 premises under quarantine for such disease may be relocated as directed

1 by the State Veterinarian to avoid or lessen exposure to pathogenic
2 agents. Quarantine restrictions imposed by the State Veterinarian, as
3 applied to the movement and disposition of an affected animal, herd, or
4 flock may vary according to risk of exposure to pathogenic agents.

5 (5) When determined by the department that there is an imminent
6 threat within the state of a foreign animal disease, transboundary
7 disease, program disease, an emerging disease incident, or other
8 dangerous disease affecting livestock that has the potential for very
9 serious and rapid spread, is of serious socioeconomic and public health
10 consequence, or is of major importance in the national or international
11 trade of animals and animal products, the department or its authorized
12 representative may immediately issue controlled movement or quarantine
13 orders, including movement directly to slaughter for livestock believed
14 to pose an imminent threat to Nebraska's livestock industry.

15 (6) It shall be unlawful for any person to remove an animal which
16 has been placed under quarantine until such quarantine is released by the
17 State Veterinarian. The department shall be notified whenever additional
18 animals are placed within a quarantined premises or area, and such
19 quarantine may be amended accordingly by the department. Births and death
20 loss shall be included on inventory documentation pursuant to the
21 quarantine.

22 (7) The department may issue greater restrictions should potential
23 disease outbreak conditions warrant. Such restrictions may be in the form
24 of importation orders or embargoes for disease threats outside Nebraska,
25 and in the form of in-state quarantine or other movement restrictions for
26 disease outbreak conditions within the State of Nebraska.

27 Sec. 43. (1) The owner or custodian of an affected animal, herd,
28 flock or affected premises affected by a foreign animal or transboundary
29 disease, or with any other dangerous disease shall, if requested by the
30 department and in conjunction with the State Veterinarian, develop a
31 written affected animal, herd, or flock management plan as required by

1 the department. Such plan may include protocols for (a) collection of
2 diagnostic samples, (b) vaccination, (c) treatment, (d) diagnostic
3 testing of an affected animal, herd, or flock, (e) cleaning and
4 disinfection of affected premises, (f) movement of an affected animal,
5 herd, or flock, and (g) carcass disposal. An owner or custodian of an
6 affected animal, herd, flock or affected premises who fails to develop a
7 required plan or who fails to follow such plan is guilty of a Class I
8 misdemeanor.

9 (2) An owner or custodian of an animal, herd, or flock ordered to be
10 tested, vaccinated, treated, or ordered to submit a diagnostic sample as
11 deemed necessary by the State Veterinarian shall confine such animal,
12 herd, or flock in a suitable place as determined by the State
13 Veterinarian, and the owner or custodian of such animal, herd, or flock
14 shall furnish the necessary assistance and facilities for restraining the
15 animal, herd, or flock as required by the State Veterinarian.

16 Sec. 44. The sale and use of vaccine for any program disease shall
17 be in accordance with the following procedures:

18 (1) The department may restrict the sale and use of vaccine for any
19 program disease;

20 (2) The sale and use of vaccines which are licensed and approved by
21 the USDA/APHIS/VS shall be used for the vaccination of livestock and such
22 vaccines shall be distributed and administered by a Nebraska licensed
23 veterinarian;

24 (3) Records of vaccine sales and purchases shall be retained by the
25 prescribing or administering accredited veterinarian for a period of five
26 years. Such records shall be available for examination by the department
27 during normal business hours, and a report of the sales and purchases of
28 vaccines shall be submitted to the department upon request;

29 (4) An exposed animal, herd, or flock may be vaccinated as deemed
30 appropriate by the State Veterinarian;

31 (5) An infected animal, herd, or flock shall only be vaccinated by

1 or under approval by an accredited veterinarian;

2 (6) Owners or custodians of nonaffected anthrax animals, herds, or
3 flocks may purchase anthrax vaccine from an accredited veterinarian for
4 purposes of treating such animals;

5 (7) No person other than an accredited veterinarian shall inject or
6 apply tuberculin into or on any animal; and

7 (8) No person, including an accredited veterinarian, shall inject or
8 apply tuberculin into or on any animal for the purpose of desensitizing
9 an animal to tuberculosis, for the purpose of fraudulently concealing the
10 presence of bovine tuberculosis in such animal, or for the purpose of
11 preventing future reactions to tuberculin.

12 Sec. 45. (1) Any affected premises may be required to be cleaned,
13 disinfected, disposed of, or any combination thereof to prevent
14 transmission and spread of dangerous disease from one premises to
15 another, or from one group of animals to another, when deemed necessary
16 by the department.

17 (2) Any owner or custodian of affected premises on which a positive
18 animal, herd, or flock has tested positive or as a responder or suspect
19 for any dangerous disease among livestock, and such disease is
20 transmissible from other animals to livestock, may be required to clean
21 and disinfect such premises, follow an animal, herd, or flock management
22 plan, or otherwise take such action as the department deems necessary.
23 Such action shall be, at the cost of the owner or custodian of the
24 premises, required to be cleaned, disinfected, or disposed.

25 (3) The department shall have the right to enter the affected
26 premises in the performance of its duties as provided under section 55 of
27 this act.

28 Sec. 46. The department may develop, adopt, and implement programs
29 and procedures for establishing and maintaining accredited, certified,
30 validated, or designated disease-free or pest-free status, or disease-
31 monitored or pest-monitored status for animals, herds, or flocks.

1 Sec. 47. The department may, to the extent practical, follow
2 guidelines implemented by the USDA/APHIS/VS to ensure continuity of
3 business is maintained during a foreign animal or transboundary disease
4 outbreak. Such guidelines may include secure food supply plans.

5 Sec. 48. Any person subject to the Animal Health and Disease
6 Control Act or any rule or regulation adopted and promulgated under the
7 act shall for five years keep records or reports pertaining to
8 vaccination of animals, herds, or flocks, official diagnostic test
9 results, and movement of affected animals, herds, or flocks infected
10 with, exposed to, or suspected of being infected with or exposed to a
11 dangerous disease. Such person shall keep any other records or make any
12 other reports the department deems necessary to enforce the act.

13 Sec. 49. (1) The department may cooperate with the United States
14 Secretary of Agriculture in carrying out applicable federal laws and the
15 regulations issued by the United States Secretary of Agriculture under
16 such federal laws. The department may enter into contracts with any
17 person to implement any or all of the provisions of the Animal Health and
18 Disease Control Act.

19 (2) In administering the Animal Health and Disease Control Act and
20 conducting program activities authorized by the act, the department
21 shall, as far as reasonably practical as determined by the State
22 Veterinarian, conform its animal disease control and eradication program
23 activities to federal rules, regulations, guidelines, and uniform methods
24 and rules and program standards for the suppression, control, and
25 eradication of animal diseases which have control and eradication
26 programs in effect as of January 1, 2019, so long as such federal rules,
27 regulations, guidelines, and program standards are not inconsistent with
28 Nebraska law. Such rules, regulations, guidelines, and uniform methods
29 and rules and program standards may include, but not be limited to, the
30 following program diseases: Cattle brucellosis, swine brucellosis, bovine
31 tuberculosis, cervid tuberculosis, pseudorabies, scrapie, chronic wasting

1 disease, equine infectious anemia, contagious equine metritis, dourine,
2 piroplasmiasis, and poultry diseases regulated under the National Poultry
3 Improvement Plan which include S. pullorum, S. gallinarum, S. enterica
4 var. enteritidis, Mycoplasma gallisepticum, M. synoviae, and M.
5 meleagridis, and avian influenza H5 or H7 subtype.

6 (3) In accordance with federal rules and regulations, the department
7 shall develop state animal health plans for program diseases and identify
8 sources or at-risk populations in which targeted surveillance may be
9 required, or the department may follow already established United States
10 Department of Agriculture control and eradication programs.

11 Sec. 50. The Legislature hereby adopts by reference 9 C.F.R. parts
12 54, 55, 56, 71, 75, 77, 78, 79, 81, 85, 86, 93.400, 93.417, 93.418,
13 93.420, 93.424 to 93.427, 93.429, 145, 146, 147, 160, 161, and 162, as
14 such regulations existed on January 1, 2019.

15 Sec. 51. (1) Any information that a person provides to the
16 department for purposes of premises registration or for voluntary
17 participation in or compliance with a uniform system of animal
18 identification shall not be a public record subject to sections 84-712 to
19 84-712.09. The department and its employees or agents shall not disclose
20 such information to any other person or agency, except when such
21 disclosure:

22 (a) Is authorized by the person who provides the information; or

23 (b) Is necessary for purposes of disease surveillance or to carry
24 out epidemiological investigations related to incidences of animal
25 disease.

26 (2) The department may disclose information as authorized by this
27 section subject to any confidentiality requirements that the department
28 determines are appropriate under the circumstances.

29 (3) Any person who violates this section shall be subject to
30 prosecution and penalty for official misconduct pursuant to section
31 28-924.

1 (4) Nothing in this section shall be construed to prohibit the
2 department from discussing, reporting, or otherwise disclosing the
3 progress or results of disease surveillance activities or epidemiological
4 investigations related to incidences of animal disease.

5 Sec. 52. (1) Except as otherwise provided in the Animal Health and
6 Disease Control Act or any rule or regulations adopted and promulgated
7 under the act, all animals brought into this state shall be accompanied
8 by a certificate of veterinary inspection. The certificate of veterinary
9 inspection shall state on its face the destination of the animal and
10 shall meet the requirements for issuance, approval, content, and filing
11 prescribed by the department through its rules and regulations. The
12 following animals are not required to be accompanied by a certificate of
13 veterinary inspection:

14 (a) Animals brought directly to a federally recognized slaughter
15 establishment;

16 (b) Cattle, swine, horses, sheep, and goats brought from the farm or
17 ranch of origin directly to an establishment approved under 9 C.F.R.
18 parts 71, 75, 78, 79, or 85;

19 (c) Poultry under eight weeks of age accompanied by a VS Form 9-3,
20 Report of Sales of Hatching Eggs, Chicks, and Poults, and classified
21 prior to movement into Nebraska as pullorum and typhoid clean or
22 equivalent status pursuant to 9 C.F.R. part 145, the National Poultry
23 Improvement Plan; and

24 (d) Animals moving directly to a veterinary clinic for diagnosis,
25 treatment, or health examination.

26 (2) The department may require that a prior entry permit be obtained
27 for animals if the department deems such a permit necessary for the
28 protection of the health of domestic animals in the state. If the
29 department determines that a prior entry permit is required, the person
30 importing or transporting the animals into the state shall obtain such
31 permit from the department.

1 (3) The department may issue greater restrictions should disease
2 conditions warrant, and such restrictions may be in the form of
3 importation orders or embargoes and may be issued as new disease concerns
4 arise.

5 (4) Any person who imports livestock or causes livestock to be
6 imported into the State of Nebraska in violation of an embargo or
7 importation order issued by the State Veterinarian shall be guilty of a
8 Class IV felony.

9 (5) Any animal entering the state without the required certificate
10 of veterinary inspection may be held in quarantine at the owner's expense
11 for observation, tests, vaccination, treatment, and reinspection, or
12 until otherwise released by the State Veterinarian.

13 (6) It shall be unlawful for any person to bring, cause to be
14 brought, or aid in bringing into this state any animal which is not
15 accompanied by a certificate of veterinary inspection as required by the
16 Animal Health and Disease Control Act.

17 (7) It shall be unlawful for any person to cause any animal to be
18 diverted from the destination stated on the certificate of veterinary
19 inspection as required by the Animal Health and Disease Control Act or
20 any rules or regulations adopted and promulgated under the act except by
21 written permit of the State Veterinarian.

22 (8) Any animal which does not qualify for entry into Nebraska
23 pursuant to department rules and regulations may, at the discretion of
24 the department, be returned to the state or country of origin, ordered to
25 go directly to slaughter or to a feeding facility and then to slaughter,
26 or placed under quarantine in isolation at the expense of the owner or
27 custodian of the animal until such animal is in compliance with
28 department rules and regulations.

29 Sec. 53. In carrying out its powers and duties, the department
30 shall evaluate its activities to determine their relevance in protecting
31 the health of livestock and in accordance with available resources. When

1 department funds and personnel are available and such activities are
2 determined by the department to be relevant, feasible, and consistent
3 with the purpose of Chapter 54, the department may:

4 (1) Develop a statewide livestock emergency response system capable
5 of coordinating and executing a rapid response to the incursion or
6 potential incursion of a dangerous livestock disease episode which poses
7 a threat to the health of the state's livestock and could cause a serious
8 economic impact on the state, international trade, or both;

9 (2) Conduct surveillance to monitor program disease control and
10 eradication programs;

11 (3) Conduct surveillance to detect and monitor nonprogram diseases
12 which are or have the potential of causing a serious health threat to
13 livestock. The department shall determine and employ the most efficient
14 and practical means to conduct surveillance for livestock diseases in
15 livestock herds, at slaughter establishments, at livestock concentration
16 points, and at other places where livestock are assembled. When the
17 diseases are nonprogram diseases, surveillance shall be done in
18 concurrence with the owner of the premises where the surveillance is to
19 be conducted, except that if the State Veterinarian determines in
20 consultation and agreement with the respective livestock health committee
21 described in subdivision (4) of this section that the diseases may pose a
22 serious threat to the livestock industry, the State Veterinarian may
23 order surveillance to be conducted at any place where livestock are
24 assembled. When the diseases are foreign animal or transboundary
25 diseases, surveillance shall be conducted in consultation with USDA/
26 APHIS/VS. If an agreement between the State Veterinarian and the
27 respective livestock health committee cannot be reached, the final
28 decision shall be made by the director;

29 (4) Encourage involvement from livestock producers by forming
30 livestock health committees to provide ways for producers to assist the
31 department in developing policy regarding livestock disease issues.

1 Membership of such committees shall be selected by the respective
2 livestock groups. Additional appointments may be made by the director.
3 The purpose of the committees is to advise and recommend to the
4 department when a disease or diseases should be monitored by surveillance
5 and what diseases should be considered for proposed legislation for a
6 disease control eradication program;

7 (5) Provide voluntary livestock certification programs as provided
8 in sections 54-797 to 54-7,103;

9 (6) Assist public health agencies, diagnostic laboratories, and
10 researchers in conducting epidemiological studies of diseases known to
11 be, or suspected of being, transmitted from livestock to humans;

12 (7) Cooperate and contract with persons, public or private, and
13 enter into agreements with other state or federal agencies to allow
14 personnel from such agencies to work in Nebraska and to allow department
15 personnel to work in other states or with federal agencies under a
16 cooperative work program;

17 (8) Encourage the use of private accredited veterinarians whenever
18 feasible in carrying out the Animal Health and Disease Control Act and
19 the Exotic Animal Auction or Exchange Venue Act; and

20 (9) Purchase test animals for use of the department in connection
21 with the treatment, suppression, and eradication of any livestock
22 disease.

23 Sec. 54. (1) Livestock imported into Nebraska shall comply with
24 federal animal disease traceability requirements for official
25 identification of animals as set forth in 9 C.F.R. part 86 unless
26 inconsistent with the Animal Health and Disease Control Act, any
27 department rules or regulations, or an importation order or embargo
28 issued by the department.

29 (2) An official identification device or method may be applied by an
30 animal's owner, his or her representative, an accredited veterinarian, or
31 an approved tagging site. Except at the time of slaughter, an official

1 identification device or method shall not be altered or removed at any
2 other location upon the death of the animal, or as otherwise approved in
3 writing by the State Veterinarian or a USDA/APHIS/VS area veterinarian in
4 charge when an official identification device or method needs to be
5 replaced. Official identification is required for all officially tested
6 animals, suspects and responders, and animals moving interstate unless
7 otherwise exempted by the department.

8 (3) It shall be unlawful for any person to bring, cause to be
9 brought, or aid in bringing into this state any animal which has not been
10 officially identified in accordance with this section, the interstate
11 animal disease traceability requirements under 9 C.F.R. part 86, or under
12 any rules or regulations of the department.

13 Sec. 55. (1) The department shall enforce the Animal Health and
14 Disease Control Act and the Exotic Animal Auction or Exchange Venue Act
15 and any rule or regulation adopted and promulgated pursuant to such acts.
16 For purposes of carrying out its duties under the acts, the department
17 and any officer, agent, employee, or appointee of the department shall
18 have the right to enter upon the premises, without being subject to any
19 action for trespass or reasonable damages, of any person who has, or is
20 suspected of having, any animal thereon, including any premises where the
21 carcass or carcasses of dead livestock may be found or where a facility
22 for the disposal or storage of dead livestock is located, for the purpose
23 of making any and all inspections, examinations, tests, and treatments of
24 such animal, to inspect livestock carcass disposal practices, and to
25 declare, carry out, and enforce any and all quarantines. It shall be
26 unlawful for any person to interfere in any way with or obstruct an
27 officer, agent, employee, or appointee of the department from entering
28 upon such premises for the purposes stated in the acts or in any rules or
29 regulations adopted and promulgated under the acts or to interfere in any
30 way with the department in the performance of its duties.

31 (2) If the department is denied access to animals or premises for

1 purposes of carrying out its duties under the Animal Health and Disease
2 Control Act, or if a person fails to comply with an order of the
3 director, the director may apply to a court of competent jurisdiction for
4 a search warrant directing such person to submit the animals or premises
5 as described in the search warrant to inspection, collection of
6 diagnostic samples, tests, treatments, surveillance, or examination. To
7 show that access was denied, the director shall file with the court an
8 affidavit or declaration containing a description of all attempts to
9 notify and locate the owner, owner's agent, or custodian of the premises
10 or animals and secure consent. The court may issue a search warrant
11 authorizing access to any animal or premises in a reasonable manner, to
12 administer diagnostic tests, conduct inspections, prescribe treatments,
13 and conduct surveillance or examinations of any animal or premises,
14 including the collection of diagnostic samples and examination and
15 copying of records.

16 (3) The department may adopt and promulgate rules and regulations to
17 enforce and effectuate the general purpose and provisions of the Animal
18 Health and Disease Control Act and the Exotic Animal Auction or Exchange
19 Venue Act. Such rules and regulations may include, but are not limited
20 to:

21 (a) Procedures and requirements for the prevention, suppression,
22 control, and eradication of program diseases, including (i) collection
23 and submission of specimen samples, (ii) diagnosis and confirmation of a
24 dangerous disease, (iii) protocols for conducting diagnostic testing of
25 animals, including the manner, method, and system of testing livestock or
26 any affected animal, (iv) protocols for the vaccination of animals, (v)
27 protocols for euthanasia and carcass disposal, (vi) sale and use of
28 vaccines, including the methodology of interpreting test results, and
29 (vii) cleaning and disinfecting of affected premises;

30 (b) Movement of animals into, through, or within Nebraska;

31 (c) Surveillance of animals for purposes of (i) detecting disease in

1 program species, (ii) estimating prevalence and incidence of animal
2 disease affecting livestock, (iii) measuring progress toward regulator
3 goals, and (iv) providing metrics to evaluate compliance with program
4 standards;

5 (d) Establishing the amount of any administrative fine pursuant to
6 section 65 of this act;

7 (e) Recordkeeping requirements; and

8 (f) Any other provisions the department deems necessary for carrying
9 out its duties under the act.

10 (4) The department, in consultation with the Department of
11 Environmental Quality and the Department of Health and Human Services,
12 may adopt and promulgate rules and regulations reflecting best management
13 practices for the disposal of carcasses of dead livestock.

14 Sec. 56. Any veterinary inspector or agent of the USDA/APHIS/VS who
15 has been officially assigned by the United States Department of
16 Agriculture for service in Nebraska may be officially authorized by the
17 department to perform and exercise such powers and duties as may be
18 prescribed by the department, and when so authorized shall have and
19 exercise all rights and powers under the Animal Health and Disease
20 Control Act and the Exotic Animal Auction or Exchange Venue Act as agents
21 of the department.

22 Sec. 57. (1) For purposes of this section, law enforcement officer
23 has the same meaning as in section 54-902. Special investigator means a
24 special investigator appointed as a deputy state sheriff and employed by
25 the department for state law enforcement purposes pursuant to section
26 81-201.

27 (2) The department or any officer, special investigator, agent,
28 employee, or appointee thereof may request any law enforcement officer to
29 execute the orders of the department, and such law enforcement officer
30 shall have authority to execute the orders of the department.

31 (3) Any special investigator, or any law enforcement officer whose

1 assistance is requested pursuant to subsection (2) of this section, may
2 arrest any person found violating the Animal Health and Disease Control
3 Act, the Exotic Animal Auction or Exchange Venue Act, or any rule or
4 regulation adopted and promulgated under such acts, and such officer or
5 special investigator shall immediately notify the county attorney of such
6 arrest. The county attorney shall prosecute the arrested person according
7 to law.

8 Sec. 58. (1) It is the duty of any person who discovers, suspects,
9 or has reason to believe that any animal belonging to him or her, or
10 which he or she has in his or her possession or custody, or which
11 belonging to another person may come under his or her observation, is an
12 affected animal to immediately report such fact, belief, or suspicion to
13 the department or its agent, employee, or appointee.

14 (2) The department shall work together with livestock health
15 committees, livestock groups, diagnostic laboratories, practicing
16 veterinarians, producers, and other interested persons to adopt and
17 promulgate rules and regulations to effectuate a workable livestock
18 disease reporting system. The rules and regulations shall establish who
19 shall report diseases, what diseases shall be reported, how such diseases
20 shall be reported, to whom diseases shall be reported, the method by
21 which diseases shall be reported, and the frequency of reports required.
22 For disease reporting purposes, the department shall categorize livestock
23 diseases according to relative economic or health risk factors and may
24 provide different reporting measures for the various categories.

25 (3) Any person who reasonably suspects that any beef or dairy
26 breeding bull belonging to him or her, or which he or she has in his or
27 her possession or custody, is infected with bovine trichomoniasis shall
28 not sell or transport such animal except for consignment directly to a
29 federally recognized slaughter establishment unless such person causes
30 such animal to be tested for bovine trichomoniasis. Any person who owns
31 or has possession or custody of a beef or dairy breeding bull, or who has

1 a beef or dairy breeding bull belonging to another under his or her
2 observation, for which an approved laboratory confirmed diagnosis of
3 bovine trichomoniasis has been made shall report such diagnosis to the
4 department within five business days after receipt of the laboratory
5 confirmation. Any such breeding bull for which a laboratory confirmation
6 of bovine trichomoniasis has been made shall not be sold or transported
7 except for consignment directly to a federally recognized slaughter
8 establishment. The department may issue an order for such trichomoniasis
9 positive bull to go direct to slaughter if the owner or custodian of such
10 animal does not comply as set forth in this section.

11 (4) An owner or manager of any beef or dairy breeding bull for which
12 an approved laboratory confirmed diagnosis of bovine trichomoniasis has
13 been made shall notify each adjacent landowner or land manager of the
14 diagnosis if such land is capable of maintaining livestock susceptible to
15 bovine trichomoniasis. Such notification shall be made to each landowner
16 or land manager within fourteen days after the diagnosis even if cattle
17 are not currently maintained on the owner's or manager's land. The
18 landowner or land manager of the cattle shall submit to the department a
19 form or affidavit attesting to the fact that the notification required
20 under this subsection has occurred. The form or affidavit shall be
21 submitted to the department within fourteen days after the diagnosis and
22 shall include the names of adjacent landowners or land managers who were
23 notified and their contact information. If a landowner or land manager
24 does not within such fourteen-day period submit the form or affidavit
25 indicating that adjacent landowners or land managers have been notified
26 as required under this subsection, the department shall notify each
27 adjacent landowner or land manager of the diagnosis. The department shall
28 assess the administrative costs of the department to notify the adjacent
29 landowners or land managers against the owner or manager that failed to
30 comply with this subsection. The department shall determine the scope of
31 adjacent land based on the disease characteristics and modes of

1 transmission. The department shall remit any administrative costs
2 collected under this subsection to the State Treasurer for credit to the
3 Nebraska Agricultural Products Marketing Cash Fund.

4 Sec. 59. It shall be the duty of the owner or the custodian of any
5 animal euthanized by order of the department to dispose of the carcass in
6 the manner prescribed by the department, and whenever the owner or
7 custodian of any such animal so euthanized is unknown or absent from the
8 premises where such carcass may be, the carcass shall be disposed of in
9 like manner at the expense of the county in which the carcass is located.

10 Sec. 60. (1) Except as otherwise provided in this section and
11 section 54-776, it is the duty of the owner or custodian of any dead
12 animal within thirty-six hours after receiving knowledge of the death of
13 such animal to cause such animal to be:

14 (a) Buried at least four feet below the surface of the ground,
15 except that an anthrax infected animal shall be buried at least six feet
16 below the surface of the ground, or completely incinerated or composted
17 on the premises where such animal dies or on an adjacent property under
18 the ownership and control of the owner or custodian. Any vehicle used by
19 the owner or custodian to transport such dead animal shall be constructed
20 in such a manner that the contents are covered and will not fall, leak,
21 or spill from the vehicle. Violation of this subdivision is a traffic
22 infraction as defined in section 60-672; or

23 (b) Transported by a licensed rendering establishment, transported
24 with written permission of the department to a rendering establishment
25 licensed under the Nebraska Meat and Poultry Inspection Law, transported
26 to a compost site approved by the State Veterinarian, or transported to a
27 facility with a permit to operate as a landfill under the Integrated
28 Solid Waste Management Act. The operator of a landfill is not required by
29 this subdivision to accept dead animals.

30 (2) The department shall regulate the composting of livestock
31 carcasses and may adopt and promulgate rules and regulations governing

1 the composting. Any person incorporating livestock carcasses into a
2 composting facility shall follow the operating procedures established by
3 the department in consultation with the Department of Environmental
4 Quality and the University of Nebraska Institute of Agriculture and
5 Natural Resources, or as recommended by the State Veterinarian. An animal
6 carcass or carcass part may be transported by the owner or the owner's
7 agent to a veterinary clinic or an approved laboratory for purposes of
8 performing diagnostic procedures.

9 (3) In addition to the methods described in subsections (1) and (2)
10 of this section, animal carcasses or carcass parts may be disposed of by
11 a veterinary clinic or an approved laboratory by alkaline hydrolysis
12 tissue digestion. For purposes of this subsection, alkaline hydrolysis
13 tissue digestion means a process that utilizes an alkaline agent and heat
14 to catalyze the decomposition and reduction of biological tissues. This
15 section shall not exempt the products of alkaline hydrolysis tissue
16 digestion from any applicable law, rule, or regulation governing disposal
17 of wastes.

18 (4) Carcasses disposed of in compliance with this section are exempt
19 from the requirements for disposal of solid waste under the Integrated
20 Solid Waste Management Act. The State Veterinarian may, when deemed
21 necessary, approve a method of carcass disposal consistent with the
22 purposes of this section.

23 (5) It is the intent of the Legislature that the department may
24 permit at least one research or demonstration facility for innovative
25 livestock disposal methods which shall be located upon the premises of an
26 animal feeding operation as defined in section 54-2417. A facility
27 registered under this section is exempt from the requirements for
28 disposal of solid waste under the Integrated Solid Waste Management Act.

29 (6) It is hereby made the duty of the sheriff of each county to
30 cause to be buried or otherwise disposed the carcasses of any animal
31 remaining unburied or otherwise disposed of after notice that any such

1 carcass has not been disposed of in violation of this section. The
2 sheriff may enter upon any premises where any such carcass is located for
3 the purpose of carrying out this section and may cause such carcass to be
4 buried or disposed of on such premises, but no such carcass shall be
5 buried or disposed of within a distance of five hundred feet of any
6 dwelling house or barn. The board of county commissioners or supervisors
7 shall allow such sums for the services as it may deem reasonable, and
8 such sums shall be paid to the persons rendering the services upon
9 vouchers as other claims against the county are paid. The owner of such
10 animal shall be liable to the county for the expense of such burial, to
11 be recovered in a civil action, unless the owner pays such expenses
12 within thirty days after notice and demand therefor.

13 (7) Except as otherwise provided in this section, no person shall
14 ship, trail, drive, or otherwise move, permit to be moved, or permit to
15 be driven from one county in the state to any other county in the state,
16 from one part of a county to another, or to any other state any animal
17 which is affected or suspected of being affected with any dangerous
18 disease without first having obtained a permit from the department. An
19 animal may be transported by the owner or the owner's agent to and from a
20 veterinary clinic or approved laboratory for purposes of performing
21 diagnostic procedures, examinations, treatments, or tests without
22 obtaining such permit.

23 Sec. 61. Whenever any animal has been determined to be affected
24 with any dangerous disease other than a disease for which specific
25 legislation exists and has been ordered euthanized, the owner or
26 custodian thereof shall be notified of such finding and order. Within
27 forty-eight hours after such notice, such owner or custodian may file a
28 protest with the department stating under oath that to the best of his or
29 her knowledge and belief such animal is free from such dangerous disease,
30 and an accredited veterinarian representing the owner or custodian of the
31 animal may meet with the director to present evidence that the animal is

1 free of disease. The director shall make the final determination after
2 reviewing all the evidence. The expense of the examination shall be paid
3 by the person making the protest, and both the department and the person
4 making such protest shall be bound by the result of such examination.

5 Sec. 62. (1) It shall be unlawful for any person to knowingly
6 harbor, sell, or otherwise dispose of any affected animal or any part
7 thereof except as provided by the Animal Health and Disease Control Act
8 and the rules and regulations adopted and promulgated by the department
9 under the act.

10 (2) Except by permit issued by the department, it shall be unlawful
11 for any person to bring, cause to be brought, or aid in bringing into
12 this state any animal which he or she knows to be infected with, exposed
13 to, or suspected of being exposed to any dangerous disease, or which he
14 or she knows has originated in a quarantined area, herd, or flock.

15 (3) It shall be unlawful for any person to violate movement or
16 disease control requirements established by a commuter herd agreement;
17 swine production health plan; compliance agreement; or controlled feedlot
18 agreement.

19 Sec. 63. It shall be unlawful for any person to violate the Animal
20 Health and Disease Control Act and the Exotic Animal Auction or Exchange
21 Venue Act and any rule or regulation adopted and promulgated by the
22 department pursuant to such acts and any person in violation of this
23 section shall be guilty of a Class II misdemeanor for the first offense
24 and a Class I misdemeanor for any subsequent offense.

25 Sec. 64. (1) The department shall continually conduct program
26 disease control and eradication programs. Under such programs the
27 department shall quarantine, when deemed appropriate, and require program
28 disease testing of eligible animals that are known to have been exposed
29 to animals infected with or exposed to a program disease and animals
30 reasonably suspected of having been so infected or exposed. Under such
31 programs the department shall require the program disease testing of

1 eligible animals imported into this state in violation of program
2 disease-related importation requirements. Costs associated with program
3 disease control and eradication requirements, including testing costs,
4 are the responsibility of the owner or custodian of the animals. With
5 respect to tests conducted at markets, concentration points, or slaughter
6 establishments, the responsibility shall be borne by the owner of the
7 establishment.

8 (2) The department may assess and collect payment for services
9 provided and expenses incurred pursuant to its responsibilities under the
10 Animal Health and Disease Control Act and any rules and regulations
11 adopted and promulgated under the act. Whenever any person fails to carry
12 out responsibilities under the act the department may perform such
13 functions. Upon completion of any required disease control activities,
14 the department shall determine its actual administrative costs incurred
15 in handling the affected animal, herd, flock, or affected premises and
16 conducting necessary and related activities and notify the affected
17 animal, herd, flock or affected premises owner or custodian in writing.
18 Such owner or custodian shall reimburse the department its actual
19 administrative costs within fifteen days following the date of the
20 notice. Any person failing to reimburse the department shall be assessed
21 a late fee of up to twenty-five percent of the amount due for each thirty
22 days of delinquent nonpayment to reimburse the department for its
23 administrative costs of collecting the amount overdue. All such payments
24 assessed and collected pursuant to this section shall be remitted to the
25 State Treasurer for credit to the Animal Health and Disease Control Cash
26 Fund, except that all money collected by the department pursuant to
27 section 65 of this act shall be remitted to the State Treasurer for
28 distribution in accordance with Article VII, section 5, of the
29 Constitution of Nebraska.

30 (3) The department may provide money from the Animal Health and
31 Disease Control Cash Fund to or on behalf of herd owners for certain

1 activities or any portion thereof in connection with the implementation
2 of the Animal Health and Disease Control Act if funds for any activities
3 or any portion have been appropriated. The department may develop
4 statewide priorities for the expenditure of state funds available for
5 animal disease control and eradication program activities. If funds are
6 not available, the owner of such animal shall continue the program at his
7 or her own expense. A portion of such state funds may be used by the
8 department to pay a portion of the cost of testing done by or for
9 accredited veterinarians if such work is approved by the department.

10 (4) In administering program activities pursuant to this section,
11 the department shall not pay for (a) testing done for a change of
12 ownership at private treaty or at concentration points, (b) costs of
13 gathering, confining, and restraining animals subjected to testing or
14 costs of providing necessary facilities and assistance, (c) costs of
15 testing to qualify or maintain herd accreditation, certification,
16 validation, and monitored status, or (d) indemnity for any animal
17 destroyed as a result of being affected with a program or other dangerous
18 disease.

19 (5) The department is not liable for actual or incidental costs
20 incurred by any person due to departmental actions in enforcing this
21 chapter, including any action for trespass or damages.

22 Sec. 65. (1) Whenever the director has reason to believe that any
23 person has violated the Animal Health and Disease Control Act, the Exotic
24 Animal Auction or Exchange Venue Act, or any rule or regulation adopted
25 and promulgated under such acts or any order of the director, the
26 director may issue a notice of hearing as provided in this section
27 requiring the person to appear before the director to show cause why an
28 order should not be entered requiring such person to cease and desist
29 from the violation charged, or to determine whether an administrative
30 fine should be imposed or levied against the person pursuant to this
31 section. Proceedings initiated pursuant to this section shall not

1 preclude the department from pursuing other administrative, civil, or
2 criminal sanctions according to law.

3 (2) Any notice or order issued pursuant to the Animal Health and
4 Disease Control Act or the Exotic Animal Auction or Exchange Venue Act
5 shall be properly served when it is personally served on the alleged
6 violator or when it is sent by certified or registered mail, return
7 receipt requested, to the last-known address of the alleged violator. A
8 notice issued to comply with the Animal Health and Disease Control Act or
9 the Exotic Animal Auction or Exchange Venue Act or the rules and
10 regulations adopted and promulgated pursuant to the act shall set forth
11 the acts or omissions with which the alleged violator is charged.

12 (3) A notice of the right to a hearing shall set forth the time and
13 place of the hearing and shall include notice that such right to a
14 hearing may be waived by the alleged violator. A notice of the alleged
15 violator's right to a hearing shall include notice to the violator that
16 such violator may be subject to sanctions as provided in this section.

17 (4) The hearing shall be conducted by the director at the time and
18 place he or she designates. The director shall make findings of fact and
19 conclusions of law based on the complete hearing record and issue an
20 order. If the violator waives the right to a hearing, or fails to appear,
21 the director shall make a final finding based upon the available
22 information and issue an order.

23 (5) Any person aggrieved by the findings and conclusions of the
24 director has ten days after the entry of the director's order to request
25 a new hearing if such person can show that a mistake of fact has been
26 made which affected the director's determination. Any order of the
27 director becomes final upon the expiration of ten days after its entry if
28 no request for a new hearing is made.

29 (6) When a person, including a nonresident of this state, engages in
30 conduct prohibited or made actionable by the Animal Health and Disease
31 Control Act, the Exotic Animal Auction or Exchange Venue Act, and any

1 rule or regulation adopted and promulgated under such acts or any order
2 of the director, the engaging in the conduct shall constitute sufficient
3 contact with this state for the exercise of personal jurisdiction over
4 such person in any action which arises under this section.

5 (7) The department may assess an administrative fine of up to five
6 thousand dollars for any violation of the Animal Health and Disease
7 Control Act, the Exotic Animal Auction or Exchange Venue Act, or any rule
8 or regulation adopted and promulgated under such acts. For violations
9 involving a load of animals, each animal constitutes a separate
10 violation. Whenever a violation has occurred, the following shall be
11 considered when determining the amount of any administrative fine or the
12 issuance of a cease and desist order:

13 (a) The culpability and good faith of such person and any past
14 violations;

15 (b) The seriousness of the violation, including the amount of any
16 actual or potential risk to the health of Nebraska's livestock or
17 livestock industry; and

18 (c) The extent to which the person derived financial gain as a
19 result of committing or permitting the violation, including a
20 determination of the size of the violator's business and the impact of
21 the administrative fine on such business.

22 (8) The department may apply for a temporary restraining order, a
23 temporary or permanent injunction, or a mandatory injunction against any
24 person violating or threatening to violate the Animal Health and Disease
25 Control Act, the Exotic Animal Auction or Exchange Venue Act, or any
26 rules and regulations adopted and promulgated under either act. It shall
27 be the duty of the Attorney General or the county attorney of the county
28 in which the violation of either act or the rules and regulations has
29 occurred or is about to occur, when notified by the director of such
30 violation, to pursue appropriate proceedings without delay pursuant to
31 this section.

1 (9) Any person aggrieved by any order entered by the director or any
2 other action taken by the department may appeal the order or action, and
3 the appeal shall be in accordance with the Administrative Procedure Act.

4 (10) Nothing in this section shall be construed to require the
5 director to report all acts for prosecution if in the opinion of the
6 director the public interest will best be served through other
7 administrative or civil procedures.

8 (11) All money collected by the department pursuant to this section
9 shall be remitted to the State Treasurer for distribution in accordance
10 with Article VII, section 5, of the Constitution of Nebraska.

11 Sec. 66. (1) Any administrative fine levied pursuant to section 65
12 of this act which remains unpaid for more than sixty days shall
13 constitute a debt to the State of Nebraska which may be collected in the
14 manner of a lien foreclosure or sued for and recovered in a proper form
15 of action in the name of the state in the district court of the county in
16 which the violator resides or owns property.

17 (2) If any person upon whom an administrative fine has been levied
18 pursuant to section 65 of this act is not a resident of this state, is a
19 foreign corporation not permitted to do business in this state, or is
20 absent from this state at the time the offense is committed, the county
21 attorney for the county in which the violation occurs shall sue that
22 person for collection of the fine provided for the offense. In addition,
23 the county attorney shall seek to attach that person's property in this
24 state and, after final judgment, have the attached property sold under
25 execution for the purpose of paying the fine and costs of suit. A suit
26 under this subsection shall be brought in the name of the State of
27 Nebraska and the court may not require a cost or attachment bond.

28 Sec. 67. The Animal Health and Disease Control Act Cash Fund is
29 created. The fund shall consist of money appropriated or transferred by
30 the Legislature and gifts, grants, costs, or charges from any source,
31 including federal, state, public, and private sources. The fund shall be

1 used to carry out the Animal Health and Disease Control Act. Any money in
2 the fund available for investment shall be invested by the state
3 investment officer pursuant to the Nebraska Capital Expansion Act and the
4 Nebraska State Funds Investment Act.

5 Sec. 68. Section 2-3812, Revised Statutes Cumulative Supplement,
6 2018, is amended to read:

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

18 Sec. 69. Section 37-478, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 37-478 (1) To conduct an auction in this state of captive wild
21 birds, captive wild mammals, or captive wildlife as specified in
22 subsection (1) of section 37-477, a person shall apply to the commission
23 on a form prescribed by the commission for a captive wildlife auction
24 permit. An applicant for a permit shall specify the dates of the auction
25 and shall apply for a permit for each auction to be held in the state.
26 The application for the permit shall include the applicant's social
27 security number. The fee for such permit shall be not more than sixty-
28 five dollars, as established by the commission pursuant to section
29 37-327. The commission shall adopt and promulgate rules and regulations
30 specifying application requirements and procedures, reporting and
31 inspection requirements, and other requirements related to auction

1 activities.

2 (2) A permitholder shall not (a) take wild birds, wild mammals, or
3 other wildlife from the wild in Nebraska or (b) purchase wild birds, wild
4 mammals, or other wildlife from any person other than the commission or a
5 person authorized to propagate and dispose of wild birds, wild mammals,
6 or other wildlife. A permit under this section is not required for an
7 auction of domesticated cervine animals as defined in section 13 of this
8 act 54-701.03.

9 Sec. 70. Section 37-479, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 37-479 (1) To purchase, possess, propagate, or sell captive wild
12 birds, captive wild mammals, or captive wildlife as specified in
13 subsection (1) of section 37-477 or to sell parts thereof, except as
14 provided in section 37-505, a person shall apply to the commission on a
15 form prescribed by the commission for a captive wildlife permit. The
16 commission shall adopt and promulgate rules and regulations specifying
17 application requirements and procedures. The permit shall expire on
18 December 31. The application for the permit shall include the applicant's
19 social security number. The annual fee for such permit shall be not more
20 than thirty dollars, as established by the commission pursuant to section
21 37-327. A holder of a captive wildlife permit shall report to the
22 commission by January 15 for the preceding calendar year on forms
23 provided by the commission. The commission shall adopt and promulgate
24 rules and regulations specifying the requirements for the reports.

25 (2) A permitholder shall not (a) take wild birds, wild mammals, or
26 wildlife from the wild in Nebraska or (b) purchase wild birds, wild
27 mammals, or wildlife from any person other than the commission or a
28 person authorized to propagate and dispose of wild birds, wild mammals,
29 or wildlife. A permit under this section is not required for possession
30 or production of domesticated cervine animals as defined in section 13 of
31 this act 54-701.03.

1 (3) It shall be unlawful to lure or entice wildlife into a
2 domesticated cervine animal facility for the purpose of containing such
3 wildlife. Any person violating this subsection shall be guilty of a Class
4 II misdemeanor and upon conviction shall be fined at least one thousand
5 dollars.

6 Sec. 71. Section 37-505, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 37-505 (1) It shall be unlawful to buy, sell, or barter the meat or
9 flesh of game animals or game birds whether such animals or birds were
10 killed or taken within or outside this state. Except as otherwise
11 provided in this section, it shall be unlawful to buy, sell, or barter
12 other parts of game animals or game birds.

13 (2) It shall be lawful to buy, sell, or barter only the following
14 parts of legally taken antelope, deer, elk, rabbits, squirrels, and
15 upland game birds: The hides, hair, hooves, bones, antlers, and horns of
16 antelope, deer, or elk, the skins, tails, or feet of rabbits and
17 squirrels, and the feathers or skins of upland game birds.

18 (3) It shall be lawful to pick up, possess, buy, sell, or barter
19 antlers or horns which have been dropped or shed by antelope, deer, or
20 elk. It shall be unlawful to pick up, possess, buy, sell, or barter
21 mountain sheep or any part of a mountain sheep except (a) as permitted by
22 law or rule or regulation of the commission and (b) for possession of
23 mountain sheep or any part of a mountain sheep lawfully obtained in this
24 state or another state or country.

25 (4) The commission may provide by rules and regulations for
26 allowing, restricting, or prohibiting the acquisition, possession,
27 purchase, sale, or barter of discarded parts, including, but not limited
28 to, horns and antlers, or parts of dead game animals and upland game
29 birds which have died from natural causes or causes which were not
30 associated with any known illegal acts, which parts are discovered by
31 individuals.

1 (5) Any domesticated cervine animal as defined in section 13 of this
2 act 54-701.03 or any part of such an animal may be bought, sold, or
3 bartered if the animal or parts are appropriately marked for proof of
4 ownership according to rules and regulations adopted and promulgated by
5 the Department of Agriculture.

6 (6) It shall be unlawful to buy, sell, or barter any sport fish
7 protected by the Game Law at any time whether the fish was killed or
8 taken within or outside this state, except that game fish lawfully
9 shipped in from outside this state by residents of this state or fish
10 lawfully acquired from a person having an aquaculture permit or, in the
11 case of bullheads, pursuant to section 37-545 may be sold in this state.
12 The burden of proof shall be upon any such buyer, seller, or possessor to
13 show by competent and satisfactory evidence that any game fish in his or
14 her possession or sold by him or her was lawfully shipped in from outside
15 this state or was lawfully acquired from one of such sources.

16 (7) Any person violating this section shall be guilty of a Class III
17 misdemeanor and shall be fined at least fifty dollars.

18 Sec. 72. Section 37-524, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 37-524 (1) It shall be unlawful for any person, partnership, limited
21 liability company, association, or corporation to import into the state
22 or possess aquatic invasive species, the animal known as the San Juan
23 rabbit, or any other species of wild vertebrate animal, including
24 domesticated cervine animals as defined in section 13 of this act
25 54-701.03, declared by the commission following public hearing and
26 consultation with the Department of Agriculture to constitute a serious
27 threat to economic or ecologic conditions, except that the commission may
28 authorize by specific written permit the acquisition and possession of
29 such species for educational or scientific purposes. It shall also be
30 unlawful to release to the wild any nonnative bird or nonnative mammal
31 without written authorization from the commission. Any person,

1 partnership, limited liability company, association, or corporation
2 violating the provisions of this subsection shall be guilty of a Class IV
3 misdemeanor.

4 (2) Following public hearing and consultation with the Department of
5 Agriculture, the commission may, by rule and regulation, regulate or
6 limit the importation and possession of any aquatic invasive species or
7 wild vertebrate animal, including a domesticated cervine animal as
8 defined in section 13 of this act ~~54-701-03~~, which is found to constitute
9 a serious threat to economic or ecologic conditions.

10 Sec. 73. Section 37-1402, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 37-1402 For purposes of sections 37-1401 to 37-1406, invasive
13 species means aquatic or terrestrial organisms not native to the region
14 that cause economic or biological harm and are capable of spreading to
15 new areas, and invasive species does not include livestock as defined in
16 sections 20 of this act ~~54-1368~~ and 54-1902, honey bees, domestic pets,
17 intentionally planted agronomic crops, or nonnative organisms that do not
18 cause economic or biological harm.

19 Sec. 74. Section 54-626, Revised Statutes Cumulative Supplement,
20 2018, is amended to read:

21 54-626 For purposes of the Commercial Dog and Cat Operator
22 Inspection Act:

23 (1) Animal control facility means a facility operated by or under
24 contract with the state or any political subdivision of the state for the
25 purpose of impounding or harboring seized, stray, homeless, abandoned, or
26 unwanted animals;

27 (2) Animal rescue means a person or group of persons who hold
28 themselves out as an animal rescue, accept or solicit for dogs or cats
29 with the intention of finding permanent adoptive homes or providing
30 lifelong care for such dogs or cats, or who use foster homes as the
31 primary means of housing dogs or cats;

1 (3) Animal shelter means a facility used to house or contain dogs or
2 cats and owned, operated, or maintained by an incorporated humane
3 society, an animal welfare society, a society for the prevention of
4 cruelty to animals, or another nonprofit organization devoted to the
5 welfare, protection, and humane treatment of such animals;

6 (4) Boarding kennel means a facility which is primarily used to
7 house or contain dogs or cats owned by persons other than the operator of
8 such facility. The primary function of a boarding kennel is to
9 temporarily harbor dogs or cats when the owner of the dogs or cats is
10 unable to do so or to provide training, grooming, or other nonveterinary
11 service for consideration before returning the dogs or cats to the owner.
12 A facility which provides such training, grooming, or other nonveterinary
13 service is not a boarding kennel for the purposes of the act unless dogs
14 or cats owned by persons other than the operator of such facility are
15 housed at such facility overnight. Veterinary clinics, animal control
16 facilities, animal rescues, and nonprofit animal shelters are not
17 boarding kennels for the purposes of the act;

18 (5) Breeding dog means any sexually intact male or female dog six
19 months of age or older owned or harbored by a commercial dog breeder;

20 (6) Cat means any animal which is wholly or in part of the species
21 *Felis domesticus*;

22 (7) Commercial cat breeder means a person engaged in the business of
23 breeding cats:

24 (a) Who sells, exchanges, leases, or in any way transfers or offers
25 to sell, exchange, lease, or transfer thirty-one or more cats in a
26 twelve-month period beginning on April 1 of each year;

27 (b) Who owns or harbors four or more cats, intended for breeding, in
28 a twelve-month period beginning on April 1 of each year;

29 (c) Whose cats produce a total of four or more litters within a
30 twelve-month period beginning on April 1 of each year; or

31 (d) Who knowingly sells, exchanges, or leases cats for later retail

1 sale or brokered trading;

2 (8) Commercial dog breeder means a person engaged in the business of
3 breeding dogs:

4 (a) Who sells, exchanges, leases, or in any way transfers or offers
5 to sell, exchange, lease, or transfer thirty-one or more dogs in a
6 twelve-month period beginning on April 1 of each year;

7 (b) Who owns or harbors four or more dogs, intended for breeding, in
8 a twelve-month period beginning on April 1 of each year;

9 (c) Whose dogs produce a total of four or more litters within a
10 twelve-month period beginning on April 1 of each year; or

11 (d) Who knowingly sells, exchanges, or leases dogs for later retail
12 sale or brokered trading;

13 (9) Dealer means any person who is not a commercial dog or cat
14 breeder or a pet shop but is engaged in the business of buying for resale
15 or selling or exchanging dogs or cats as a principal or agent or who
16 claims to be so engaged. A person who purchases, sells, exchanges, or
17 leases thirty or fewer dogs or cats in a twelve-month period is not a
18 dealer;

19 (10) Department means the ~~Bureau of Animal Industry of the~~
20 Department of Agriculture with the State Veterinarian in charge,
21 subordinate only to the director;

22 (11) Director means the Director of Agriculture or his or her
23 designated employee;

24 (12) Dog means any animal which is wholly or in part of the species
25 *Canis familiaris*;

26 (13) Foster home means any person who provides temporary housing for
27 twenty or fewer dogs or cats that are six months of age or older in any
28 twelve-month period and is affiliated with a person operating as an
29 animal rescue that uses foster homes as its primary housing of dogs or
30 cats. To be considered a foster home, a person shall not participate in
31 the acquisition of the dogs or cats for which temporary care is provided.

1 Any foster home which houses more than twenty dogs or cats that are six
2 months of age or older in any twelve-month period or who participates in
3 the acquisition of dogs or cats shall be licensed as an animal rescue;

4 (14) Harbor means:

5 (a) Providing shelter or housing for a dog or cat regulated under
6 the act; or

7 (b) Maintaining the care, supervision, or control of a dog or cat
8 regulated under the act;

9 (15) Housing facility means any room, building, or areas used to
10 contain a primary enclosure;

11 (16) Inspector means any person who is employed by the department
12 and who is authorized to perform inspections pursuant to the act;

13 (17) Licensee means a person who has qualified for and received a
14 license from the department pursuant to the act;

15 (18) Normal business hours means daily between 7 a.m. and 7 p.m.
16 unless an applicant, a licensee, or any other person the department has
17 reasonable cause to believe is required by the act to be licensed
18 provides in writing to the department a description of his or her own
19 normal business hours which reasonably allows the department to make
20 inspections;

21 (19) Operator means a person performing the activities of an animal
22 control facility, an animal rescue, an animal shelter, a boarding kennel,
23 a commercial cat breeder, a commercial dog breeder, a dealer, or a pet
24 shop;

25 (20) Pet animal means an animal kept as a household pet for the
26 purpose of companionship, which includes, but is not limited to, dogs,
27 cats, birds, fish, rabbits, rodents, amphibians, and reptiles;

28 (21) Pet shop means a retail establishment which sells pet animals
29 and related supplies;

30 (22) Premises means all public or private buildings, vehicles,
31 equipment, containers, kennels, pens, and cages used by an operator and

1 the public or private ground upon which an operator's facility is located
2 if such buildings, vehicles, equipment, containers, kennels, pens, cages,
3 or ground are used by the owner or operator in the usual course of
4 business;

5 (23) Primary enclosure means any structure used to immediately
6 restrict a dog or cat to a limited amount of space, such as a room, pen,
7 cage, or compartment;

8 (24) Secretary of Agriculture means the Secretary of Agriculture of
9 the United States Department of Agriculture;

10 (25) Significant threat to the health or safety of dogs or cats
11 means:

12 (a) Not providing shelter or protection from extreme weather
13 resulting in life-threatening conditions predisposing to hyperthermia or
14 hypothermia in dogs or cats that are not acclimated to the temperature;

15 (b) Acute injuries involving potentially life-threatening medical
16 emergencies in which the owner refuses to seek immediate veterinary care;

17 (c) Not providing food or water resulting in conditions of potential
18 starvation or severe dehydration;

19 (d) Egregious human abuse such as trauma from beating, torturing,
20 mutilating, burning, or scalding; or

21 (e) Failing to maintain sanitation resulting in egregious situations
22 where a dog or cat cannot avoid walking, lying, or standing in feces;

23 (26) Stop-movement order means a directive preventing the movement
24 of any dog or cat onto or from the premises; and

25 (27) Unaltered means any male or female dog or cat which has not
26 been neutered or spayed or otherwise rendered incapable of reproduction.

27 Sec. 75. Section 54-645, Revised Statutes Cumulative Supplement,
28 2018, is amended to read:

29 54-645 For purposes of the Dog and Cat Purchase Protection Act:

30 (1) Casual breeder means any person, other than a commercial dog or
31 cat breeder as such terms are defined in section 54-626, who offers for

1 sale, sells, trades, or receives consideration for one or more pet
2 animals from a litter produced by a female dog or cat owned by such
3 casual breeder;

4 (2) Clinical symptom means indication of an illness or dysfunction
5 that is apparent to a veterinarian based on the veterinarian's
6 observation, examination, or testing of an animal or on a review of the
7 animal's medical records;

8 (3) Health certificate means the official small animal certificate
9 of veterinary inspection of the ~~Bureau of Animal Industry of the~~
10 Department of Agriculture;

11 (4) Pet animal means a dog, wholly or in part of the species *Canis*
12 *familiaris*, or a cat, wholly or in part of the species *Felis domesticus*,
13 that is under fifteen months of age;

14 (5) Purchaser means the final owner of a pet animal purchased from a
15 seller. Purchaser does not include a person who purchases a pet animal
16 for resale;

17 (6) Seller means a casual breeder or any commercial establishment,
18 including a commercial dog or cat breeder, dealer, or pet shop as such
19 terms are defined in section 54-626, that engages in a business of
20 selling pet animals to a purchaser. A seller does not include an animal
21 control facility, animal rescue, or animal shelter as defined in section
22 54-626 or any animal adoption activity that an animal control facility,
23 animal rescue, or animal shelter conducts offsite at any pet store or
24 other commercial establishment; and

25 (7)(a) Serious health problem means a congenital or hereditary
26 defect or contagious disease that causes severe illness or death of the
27 pet animal.

28 (b) Serious health problem does not include (i) parvovirus if the
29 diagnosis of parvovirus is made after the seven-business-day requirement
30 in subsection (1) of section 54-647 or (ii) any other contagious disease
31 that causes severe illness or death after ten calendar days after

1 delivery of the pet animal to the purchaser.

2 Sec. 76. Section 54-706.12, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 54-706.12 The Bovine Tuberculosis Cash Fund is created. The fund
5 shall consist of money appropriated by the Legislature and gifts, grants,
6 costs, or charges from any source, including federal, state, public, and
7 private sources. The fund shall be used to carry out the Bovine
8 Tuberculosis Act. Any money in the fund available for investment shall be
9 invested by the state investment officer pursuant to the Nebraska Capital
10 Expansion Act and the Nebraska State Funds Investment Act. The fund
11 terminates on the effective date of this act and the State Treasurer
12 shall transfer any money in the fund on or before such date to the Animal
13 Health and Disease Control Cash Fund.

14 Sec. 77. Section 54-778, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 54-778 (1) The owner or custodian of an affected herd or affected
17 premises shall be responsible to pay for costs related to: (a) The
18 quarantine, testing, or vaccination of an affected herd; (b) the
19 disinfection or cleaning of the premises of an affected herd; and (c) any
20 other costs associated with the control of anthrax in such herd.

21 (2) The department may assess and collect payment for services
22 provided and expenses incurred pursuant to its responsibilities under the
23 Anthrax Control Act.

24 (3) Any person failing to carry out the responsibilities set out in
25 the act and any rules and regulations adopted and promulgated thereunder
26 shall be guilty of a Class I misdemeanor. Whenever any person fails to
27 carry out such responsibilities under the act, the department may perform
28 such functions. Upon completion of any required anthrax control
29 activities, the department shall determine its actual costs incurred in
30 handling the affected herd and affected premises and conducting the
31 testing and notify the herd owner or custodian in writing. The herd owner

1 or custodian shall reimburse the department its actual costs within
2 fifteen days following the date of the notice. Any person failing to
3 reimburse the department shall be assessed a late fee of up to twenty-
4 five percent of the amount due for each thirty days of nonpayment to
5 reimburse the department for its costs of collecting the amount due.

6 (4) Any costs and fees assessed and collected pursuant to this
7 section shall be remitted to the State Treasurer for credit to the
8 Anthrax Control Act Cash Fund.

9 (5) The Anthrax Control Act Cash Fund is created. The fund shall
10 consist of money appropriated by the Legislature and gifts, grants,
11 costs, or charges from any source, including federal, state, public, and
12 private sources. The fund shall be used to carry out the Anthrax Control
13 Act. Any money in the fund available for investment shall be invested by
14 the state investment officer pursuant to the Nebraska Capital Expansion
15 Act and the Nebraska State Funds Investment Act. The fund terminates on
16 the effective date of this act and the State Treasurer shall transfer any
17 money in the fund on or before such date to the Animal Health and Disease
18 Control Cash Fund.

19 Sec. 78. Section 54-797, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 54-797 The Department of Agriculture shall provide voluntary
22 livestock certification programs when requested by a livestock health
23 committee and others when deemed by the department to be beneficial and
24 appropriate for the livestock industry. The department shall work
25 together with the appropriate livestock producers or groups and the
26 Department of Veterinary and Biomedical Sciences of the University of
27 Nebraska to establish procedures for the certification of participating
28 herds. The Department of Agriculture may maintain, ~~through the Bureau of~~
29 ~~Animal Industry,~~ a livestock certification registry for each livestock
30 certification program that provides information regarding the voluntary
31 certification program and may include the names of participating

1 livestock producers who have a herd or flock enrolled in the voluntary
2 livestock certification program.

3 Sec. 79. Section 54-7,105.01, Revised Statutes Cumulative
4 Supplement, 2018, is amended to read:

5 54-7,105.01 For purposes of the Exotic Animal Auction or Exchange
6 Venue Act:

7 (1) Accredited veterinarian has the same meaning as in section 3 of
8 this act ~~54-701.03~~;

9 (2) Animal has the same meaning as in section 6 of this act
10 ~~54-701.03~~;

11 (3) Animal welfare organization has the same meaning as in section
12 54-2503;

13 (4) Certificate of veterinary inspection means a legible document
14 approved by the department, either paper copy or electronic, issued by an
15 accredited veterinarian at the point of origin of an animal movement
16 which records the (a) name and address of both consignor and consignee,
17 (b) purpose of animal's movement, (c) destination in the state which
18 includes the street address or enhanced-911 address of the premises, (d)
19 age, breed, sex, and number of animals in the shipment, (e) description
20 of the animals, (f) individual identification, when required, and (g)
21 health examination date of the animals. The certificate of veterinary
22 inspection is an acknowledgment by the accredited veterinarian of the
23 apparent absence of any infectious, dangerous, contagious, or otherwise
24 transmissible disease of any animal sold or offered for sale, purchased,
25 bartered, or other change of ownership at an exotic animal auction or
26 exchange venue;

27 (5) Change of ownership means the transfer within the State of
28 Nebraska of possession or control of an animal allowed to be transferred
29 through consignment, sale, purchase, barter, lease, exchange, trade,
30 gift, or any other transfer of possession or control at an exotic animal
31 auction or exchange venue;

1 (6) Dangerous disease has the same meaning as in section 9 of this
2 act 54-701.03;

3 (7) Department means the Department of Agriculture of the State of
4 Nebraska;

5 (8) Domesticated cervine animal has the same meaning as in section
6 13 of this act 54-701.03;

7 (9) Exotic animal means any animal which is not commonly sold
8 through licensed livestock auction markets pursuant to the Livestock
9 Auction Market Act. Such animals shall include, but not be limited to,
10 miniature cattle (bovine), miniature horses, miniature donkeys, sheep
11 (ovine), goats (caprine), alpacas (camelid), llamas (camelid), pot-
12 bellied pigs (porcine), and small mammals, with the exception of cats of
13 the Felis domesticus species and dogs of the Canis familiaris species.
14 The term also includes birds and poultry. The term does not include beef
15 and dairy cattle, calves, swine, bison, or domesticated cervine animals;

16 (10) Exotic animal auction or exchange venue means any event or
17 location, other than a livestock auction market as defined in section
18 54-1158 or events by an animal welfare organization or at an animal
19 welfare organization location, where (a) an exotic animal is consigned,
20 purchased, sold, traded, bartered, given away, or otherwise transferred,
21 (b) an offer to purchase an exotic animal is made, (c) an exotic animal
22 is offered to be consigned, sold, traded, bartered, given away, or
23 otherwise transferred, or (d) any other event or location where there is
24 a change of ownership of an exotic animal;

25 (11) Exotic animal auction or exchange venue organizer means a
26 person in charge of organizing an exotic animal auction or exchange venue
27 event, and may include any person who: (a) Arranges events for third
28 parties to have private sales or trades of exotic animals; (b) organizes
29 or coordinates exotic animal auctions or exchange venues; (c) leases out
30 areas for exotic animal auctions or exchange venues; (d) provides or
31 coordinates other similar arrangements involving exotic animals at retail

1 establishments such as feed and supply stores, farm implement stores, and
2 farm and ranch stores, which allow such sales in or on the premises; or
3 (e) takes exotic animals for consignment on behalf of third parties;

4 (12) Officially identified means the application of an official
5 identification device or method approved by the United States Department
6 of Agriculture, Animal and Plant Health Inspection Service, Veterinary
7 Services; and

8 (13) Poultry has the same meaning as in section 27 of this act
9 ~~54-701.03~~.

10 Sec. 80. Section 54-7,107, Revised Statutes Cumulative Supplement,
11 2018, is amended to read:

12 54-7,107 (1) An exotic animal auction or exchange venue organizer
13 shall maintain records for each exotic animal auction or exchange venue
14 such organizer arranges, organizes, leases areas for, consigns, or
15 otherwise coordinates at least five years after the date of the exotic
16 animal auction or exchange venue. The records shall include:

17 (a) The name, address, and telephone number of the exotic animal
18 auction or exchange venue organizer;

19 (b) The name and address of all persons who purchased, sold, traded,
20 bartered, gave away, or otherwise transferred an exotic animal at the
21 exotic animal auction or exchange venue;

22 (c) The number of and species or type of each exotic animal
23 purchased, sold, traded, bartered, given away, or otherwise transferred
24 at the exotic animal auction or exchange venue;

25 (d) The date of purchase, sale, trade, barter, or other transfer of
26 an exotic animal at the exotic animal auction or exchange venue; and

27 (e) When required by the Animal Health and Disease Control
28 ~~Importation~~ Act or the Exotic Animal Auction or Exchange Venue Act, a
29 copy of the completed certificate of veterinary inspection for each
30 exotic animal purchased, sold, traded, bartered, given away, or otherwise
31 transferred at the exotic animal auction or exchange venue.

1 (2) An exotic animal auction or exchange venue organizer shall,
2 during all reasonable times, permit authorized employees and agents of
3 the department to have access to and to copy any or all records relating
4 to his or her exotic animal auction or exchange venue business.

5 (3) When necessary for the enforcement of the Exotic Animal Auction
6 or Exchange Venue Act or any rules and regulations adopted and
7 promulgated pursuant to such act, the authorized employees and agents of
8 the department may access the records required by this section.

9 Sec. 81. Section 54-7,108, Revised Statutes Cumulative Supplement,
10 2018, is amended to read:

11 54-7,108 (1) No beef or dairy cattle, calves, swine, bison, or
12 domesticated cervine animals shall be, or offered to be, consigned,
13 purchased, sold, bartered, traded, given away, or otherwise transferred
14 at an exotic animal auction or exchange venue.

15 (2) An exotic animal auction or exchange venue organizer shall
16 contact the department if a particular animal cannot be readily
17 identified as an animal that is prohibited from being consigned,
18 purchased, sold, bartered, traded, given away, or otherwise transferred
19 at an exotic animal auction or exchange venue under this section.

20 (3) No bovine, camelid, caprine, ovine, or porcine animal shall be,
21 or be offered to be, consigned, purchased, sold, bartered, traded, given
22 away, or otherwise transferred at an exotic animal auction or exchange
23 venue unless, prior to a change of ownership or other transfer of the
24 animal, a completed certificate of veterinary inspection for such animal
25 is presented to the exotic animal auction or exchange venue organizer.
26 Such certificate of veterinary inspection shall be signed by an
27 accredited veterinarian on the date of or no more than thirty days prior
28 to the date the exotic animal auction or exchange venue is held.

29 (4) An exotic animal auction or exchange venue organizer shall
30 contract with an accredited veterinarian to be present during the exotic
31 animal auction or exchange venue for visually inspecting such exotic

1 animals and to issue necessary certificates of veterinary inspection for
2 change of ownership when required by the Animal Health and Disease
3 Control ~~Importation~~ Act or the Exotic Animal Auction or Exchange Venue
4 Act.

5 (5) All dairy goats imported into Nebraska shall have an official
6 tuberculin test prior to import into Nebraska. All sheep and goats shall
7 have official identification as required under the Animal Health and
8 Disease Control ~~Scrapie Control and Eradication~~ Act.

9 (6) A copy of the certificate of veterinary inspection shall be
10 submitted to the department by the exotic animal auction or exchange
11 venue organizer within seven days from the date the exotic animal auction
12 or exchange venue was held.

13 (7) Any bovine, camelid, caprine, ovine, or porcine animal which is
14 not prohibited from transfer at an exotic animal auction or exchange
15 venue shall be officially identified prior to change of ownership.

16 Sec. 82. Section 54-1158, Revised Statutes Cumulative Supplement,
17 2018, is amended to read:

18 54-1158 As used in the Livestock Auction Market Act, unless the
19 context otherwise requires:

20 (1) Accredited veterinarian has the same meaning as in section 3 of
21 this act ~~54-701.03~~;

22 (2) Department means the Department of Agriculture;

23 (3) Designated veterinarian means an accredited veterinarian who has
24 been designated and authorized by the State Veterinarian to make
25 inspections of livestock at livestock auction markets as may be required
26 by law or regulation whether such livestock is moved in interstate or
27 intrastate commerce;

28 (4) Director means the Director of Agriculture;

29 (5) Livestock means cattle, calves, swine, sheep, and goats;

30 (6) Livestock auction market means any place, establishment, or
31 facility commonly known as a livestock auction market, sales ring, or the

1 like, conducted or operated for compensation as an auction market for
2 livestock, consisting of pens or other enclosures, and their
3 appurtenances, in which livestock are received, held, sold, or kept for
4 sale or shipment;

5 (7) Livestock auction market operator means any person engaged in
6 the business of conducting or operating a livestock auction market,
7 whether personally or through agents or employees;

8 (8) Market license means the license for a livestock auction market
9 authorized to be issued under the act;

10 (9) Person means any individual, firm, association, partnership,
11 limited liability company, or corporation; and

12 (10) State Veterinarian means the veterinarian appointed pursuant to
13 section 81-202, in charge of the Bureau of Animal Industry within the
14 ~~department~~ or his or her designee, subordinate to the director.

15 Sec. 83. Section 54-1371, Revised Statutes Cumulative Supplement,
16 2018, is amended to read:

17 54-1371 (1) Whenever brucellosis testing is performed under the
18 Animal Health and Disease Control Act section 54-1369 with respect to a
19 ~~sale at private treaty or under section 54-1370~~, the owner of the animals
20 shall be responsible for gathering, confining, and restraining the
21 animals to be tested and shall provide the necessary facilities and
22 assistance. With respect to tests conducted at markets, concentration
23 points, or slaughter establishments, the responsibility shall be borne by
24 the owner of the establishment.

25 (2) Any person failing to carry out the responsibilities set out
26 under subsection (1) of this section shall be guilty of a Class IV
27 misdemeanor.

28 (3) Whenever any person fails to carry out the responsibilities set
29 out under subsection (1) of this section, the department shall perform
30 such functions. Upon completion of the testing, the department shall
31 determine its actual costs incurred in handling the livestock and

1 conducting the testing and notify the responsible person in writing. The
2 responsible person shall reimburse the department its actual costs within
3 fifteen days following the date of the notice. Any person failing to
4 reimburse the department as required shall be assessed an administrative
5 fee of up to twenty-five percent of the amount due for each thirty days
6 of delinquency. The purpose of the additional administrative fee is to
7 cover the administrative costs associated with collecting the actual
8 costs incurred and any administrative fees.

9 (4) All money received by the department under subsection (3) of
10 this section shall be remitted to the State Treasurer for credit to the
11 Brucellosis Control Cash Fund, which fund is hereby created. Expenditures
12 from the fund may be made to conduct brucellosis testing under the
13 Nebraska Bovine Brucellosis Act. Any money in the fund available for
14 investment shall be invested by the state investment officer pursuant to
15 the Nebraska Capital Expansion Act and the Nebraska State Funds
16 Investment Act. The fund terminates on the effective date of this act and
17 the State Treasurer shall transfer any money in the fund on or before
18 such date to the Animal Health and Disease Control Cash Fund.

19 Sec. 84. Section 54-2293, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 54-2293 The Pseudorabies Control Cash Fund shall consist of money
22 appropriated by the Legislature and gifts, grants, costs, or charges from
23 any source, including federal, state, public, and private sources. The
24 fund shall be utilized for the purpose of carrying out the Pseudorabies
25 Control and Eradication Act. Any money in the fund available for
26 investment shall be invested by the state investment officer pursuant to
27 the Nebraska Capital Expansion Act and the Nebraska State Funds
28 Investment Act. The fund terminates on the effective date of this act and
29 the State Treasurer shall transfer any money in the fund on or before
30 such date to the Animal Health and Disease Control Cash Fund.

31 Sec. 85. Section 54-2304, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 54-2304 For purposes of the Domesticated Cervine Animal Act, unless
3 the context otherwise requires:

4 (1) Commission means the Game and Parks Commission or its authorized
5 agent;

6 (2) Department means the Department of Agriculture or its authorized
7 agent;

8 (3) Director means the Director of Agriculture or his or her
9 designee;

10 (4) Domesticated cervine animal has the same meaning as in section
11 13 of this act 54-701.03; and

12 (5) Person means any individual, firm, group of individuals,
13 partnership, limited liability company, corporation, unincorporated
14 association, cooperative, or other entity, public or private.

15 Sec. 86. Section 54-2314, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 54-2314 (1) In order to prevent, suppress, control, and eradicate
18 dangerous transmissible diseases among the domesticated cervine animals
19 of this state, the department may place in quarantine any county, or part
20 of any county, any private premises, or any private or public stockyards
21 and may quarantine any domesticated cervine animal infected with such
22 disease or which has been or is suspected of having been exposed to such
23 disease. Such animals shall remain under quarantine until released by the
24 department. An infected animal may be destroyed as provided in the Animal
25 Health and Disease Control Act ~~by section 54-747.~~

26 (2) The department may regulate or prohibit the arrival into,
27 departure from, and movement within the state of any domesticated cervine
28 animal infected with a dangerous transmissible disease or exposed or
29 suspected of having been exposed to such disease.

30 Sec. 87. Section 54-2757, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 54-2757 The Scrapie Control Cash Fund is created. The fund shall
2 consist of money appropriated by the Legislature and gifts, grants,
3 costs, or charges from any source, including federal, state, public, and
4 private sources. The fund shall be utilized for the purpose of carrying
5 out the Scrapie Control and Eradication Act. Any money in the fund
6 available for investment shall be invested by the state investment
7 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
8 State Funds Investment Act. The fund terminates on the effective date of
9 this act and the State Treasurer shall transfer any money in the fund on
10 or before such date to the Animal Health and Disease Control Cash Fund.

11 Sec. 88. Section 81-202, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 81-202 Within the Department of Agriculture there shall be the
14 position of a Bureau of Animal Industry, with the State Veterinarian
15 appointed by and in charge, subordinate only to the Director of
16 Agriculture. The powers and duties of the department provided by law for
17 the protection of the health of livestock as defined in section 20 of
18 this act 54-701.03 shall be exercised and discharged through the
19 department Bureau of Animal Industry under the direction of the State
20 Veterinarian. The State Veterinarian shall hold office at the will of the
21 director. The State Veterinarian shall receive such salary as fixed by
22 the director and approved by the Governor. The State Veterinarian shall
23 have authority to employ assistants and fix their compensation, subject
24 to the approval of the director. The State Veterinarian shall be a
25 graduate of an approved College of Veterinary Medicine, shall be licensed
26 and accredited as a veterinarian and shall have demonstrated
27 administrative ability.

28 Sec. 89. The Revisor of Statutes shall assign sections 1 to 67 of
29 this act to a new article in Chapter 54.

30 Sec. 90. Original sections 37-478, 37-479, 37-505, 37-524, 37-1402,
31 54-706.12, 54-778, 54-797, 54-2293, 54-2304, 54-2314, 54-2757, and

1 81-202, Reissue Revised Statutes of Nebraska, and sections 2-3812,
2 54-626, 54-645, 54-7,105.01, 54-7,107, 54-7,108, 54-1158, and 54-1371,
3 Revised Statutes Cumulative Supplement, 2018, are repealed.

4 Sec. 91. The following sections are outright repealed: Sections
5 2-3001, 2-3002, 2-3003, 2-3004, 2-3005, 2-3006, 2-3007, 2-3008, 54-701,
6 54-701.01, 54-701.02, 54-702, 54-702.01, 54-706.01, 54-706.02, 54-706.03,
7 54-706.04, 54-706.05, 54-706.06, 54-706.07, 54-706.08, 54-706.09,
8 54-706.10, 54-706.11, 54-706.13, 54-706.14, 54-706.15, 54-706.16,
9 54-706.17, 54-743, 54-744, 54-744.01, 54-745, 54-746, 54-747, 54-764,
10 54-765, 54-766, 54-767, 54-768, 54-769, 54-770, 54-771, 54-772, 54-773,
11 54-774, 54-775, 54-776, 54-777, 54-779, 54-780, 54-781, 54-785, 54-786,
12 54-787, 54-788, 54-790, 54-791, 54-792, 54-793, 54-794, 54-795, 54-796,
13 54-1348, 54-1349, 54-1350, 54-1351, 54-1352, 54-1353, 54-1354, 54-1355,
14 54-1356, 54-1357, 54-1358, 54-1359, 54-1360, 54-1361, 54-1362, 54-1363,
15 54-1364, 54-1365, 54-1366, 54-1367, 54-1368, 54-1369, 54-1370, 54-1372,
16 54-1373, 54-1374, 54-1375, 54-1376, 54-1377, 54-1378, 54-1379, 54-1380,
17 54-1381, 54-1383, 54-1384, 54-2235, 54-2236, 54-2237, 54-2238, 54-2239,
18 54-2240, 54-2241, 54-2242, 54-2243, 54-2244, 54-2245, 54-2246, 54-2247,
19 54-2248, 54-2249, 54-2250, 54-2251, 54-2252, 54-2253, 54-2254, 54-2255,
20 54-2256, 54-2257, 54-2258, 54-2259, 54-2260, 54-2262, 54-2262.01,
21 54-2263, 54-2264, 54-2265, 54-2266, 54-2267, 54-2268, 54-2269, 54-2270,
22 54-2271, 54-2276, 54-2277, 54-2278, 54-2279, 54-2280, 54-2281, 54-2283,
23 54-2286, 54-2287, 54-2288, 54-2289, 54-2290, 54-2291, 54-2292, 54-2294,
24 54-2295, 54-2296, 54-2297, 54-2298, 54-2299, 54-22,100, 54-2701, 54-2702,
25 54-2703, 54-2704, 54-2705, 54-2706, 54-2707, 54-2708, 54-2709, 54-2710,
26 54-2711, 54-2712, 54-2713, 54-2714, 54-2715, 54-2716, 54-2717, 54-2718,
27 54-2719, 54-2720, 54-2721, 54-2722, 54-2723, 54-2724, 54-2725, 54-2726,
28 54-2727, 54-2728, 54-2729, 54-2730, 54-2731, 54-2732, 54-2733, 54-2734,
29 54-2735, 54-2736, 54-2737, 54-2738, 54-2739, 54-2740, 54-2741, 54-2742,
30 54-2743, 54-2744, 54-2745, 54-2746, 54-2747, 54-2748, 54-2749, 54-2750,
31 54-2751, 54-2752, 54-2753, 54-2754, 54-2755, 54-2756, 54-2758, 54-2759,

1 54-2760, 54-2761, 81-202.01, and 81-202.02, Reissue Revised Statutes of
2 Nebraska, and sections 54-701.03, 54-703, 54-704, 54-705, 54-742, 54-750,
3 54-751, 54-752, 54-753, 54-784.01, 54-789, 54-7,110, and 54-1382, Revised
4 Statutes Cumulative Supplement, 2018.