

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1142

Introduced by Wayne, 13.

Read first time January 11, 2024

Committee: Agriculture

- 1 A BILL FOR AN ACT relating to animals; to amend section 71-4408, Reissue
- 2 Revised Statutes of Nebraska; to require and restrict certain
- 3 actions of any animal control facility, animal rescue, animal
- 4 shelter, or rabies control authority; to harmonize provisions; and
- 5 to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) For purposes of this section, animal control entity
2 means any:

3 (a) Animal control facility as defined in section 54-626;

4 (b) Animal rescue as defined in section 54-626;

5 (c) Animal shelter as defined in section 54-626; and

6 (d) Rabies control authority as defined in section 71-4401.

7 (2) Any animal control entity that captures or receives any animal
8 shall within seventy-two hours of capturing or receiving such animal:

9 (a) Make a reasonable attempt to identify the owner of such animal;

10 (b) If the animal control entity determines the identity of the
11 owner of such animal, attempt to contact such owner via each of the
12 following methods:

13 (i) Regular United States mail, if such owner's mailing address is
14 known;

15 (ii) Telephone, if such owner's telephone number is known; and

16 (iii) Electronic mail, if such owner's email address is known; and

17 (c) If the animal control entity cannot determine the identity of
18 the owner of such animal or determines the identity of the owner but
19 fails to contact the owner, post a photograph of such animal on the
20 website of the animal control entity.

21 (3) No animal control entity shall put up for adoption, sell, or
22 dispose of any animal until after a photograph has been posted on the
23 website of such animal control entity for at least ten days.

24 Sec. 2. Section 71-4408, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 71-4408 (1) The rabies control authority may authorize an animal
27 pound or pounds or may enter into a cooperative agreement with a licensed
28 veterinarian for the establishment and operation of a pound.

29 (2) Any dog or hybrid of the family Canidae found outside the
30 owner's premises whose owner does not possess a valid certificate of
31 rabies vaccination and valid rabies vaccination tag for such dog or

1 hybrid of the family Canidae shall be impounded. The rabies control
2 authority may require the impoundment of domestic or hybrid animals other
3 than dogs or hybrids of the family Canidae. All impounded domestic or
4 hybrid animals shall be given proper care, treatment, and maintenance.
5 Each impounded domestic or hybrid animal shall be kept and maintained at
6 the pound for a period of not less than ten days ~~seventy-two hours~~ unless
7 reclaimed earlier by the owner.

8 (3) Notice of impoundment of all animals, including any significant
9 marks of identification, shall be posted at the pound as public
10 notification of impoundment. Any unvaccinated domestic or hybrid animal
11 may be reclaimed by its owner during the period of impoundment by payment
12 of prescribed pound fees and by complying with the rabies vaccination
13 requirement of sections 71-4401 to 71-4412 within seventy-two hours of
14 release. Any vaccinated domestic or hybrid animal impounded because its
15 owner has not presented a valid certificate of rabies vaccination and a
16 valid rabies vaccination tag for such domestic or hybrid animal may be
17 reclaimed by its owner by furnishing proof of rabies vaccination and
18 payment of all impoundment fees prior to release.

19 (4) At the expiration of impoundment, a domestic or hybrid animal
20 may be claimed by payment of established pound fees and by compliance
21 with the rabies vaccination requirement of sections 71-4401 to 71-4412
22 within seventy-two hours of release. After complying with section 1 of
23 this act, if ~~If~~ the domestic or hybrid animal is unclaimed ~~at the end of~~
24 ~~five days~~, the authorities may dispose of the domestic or hybrid animal
25 in accordance with applicable laws or rules and regulations.

26 Sec. 3. Original section 71-4408, Reissue Revised Statutes of
27 Nebraska, is repealed.