

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 158**

Introduced by Kremer, 34

Read first time January 10, 2003

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to adopt the Scrapie Control  
2 and Eradication Act; to create a fund; to provide an  
3 operative date; and to provide penalties.  
4 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 61 of this act shall be known  
2 and may be cited as the Scrapie Control and Eradication Act.

3           Sec. 2. It is the intent of the Legislature to have a  
4 scrapie control and eradication program. The goal of the program  
5 is to eliminate scrapie from the animals of the state through a  
6 process of eradication and surveillance. The program shall be  
7 designed to eradicate scrapie from all flocks where scrapie is  
8 found and to use surveillance to achieve and maintain scrapie-free  
9 conditions in the state. The department in cooperation with APHIS  
10 will enforce the program subject to the availability of funds  
11 appropriated by the Congress of the United States or the  
12 Legislature.

13           Sec. 3. For purposes of the Scrapie Control and  
14 Eradication Act, unless the context otherwise requires, the  
15 definitions found in sections 4 to 41 of this act shall be used.

16           Sec. 4. Accredited veterinarian means a veterinarian  
17 approved by the administrator of APHIS and the State Veterinarian  
18 in accordance with 9 C.F.R. 161 to perform functions required by  
19 cooperative state-federal animal disease control and eradication  
20 programs.

21           Sec. 5. Administrator means the administrator of APHIS  
22 or any employee of the United States Department of Agriculture to  
23 whom the administrator has delegated authority to act for the  
24 administrator.

25           Sec. 6. Animal means any sheep or goat.

26           Sec. 7. APHIS means the United States Department of  
27 Agriculture, Animal and Plant Health Inspection Service.

28           Sec. 8. APHIS representative means an individual

1 employed by APHIS in animal health activities who is authorized by  
2 the administrator to perform the functions and duties involved in  
3 the scrapie control and eradication program.

4           Sec. 9.       Approved laboratory means a diagnostic  
5 laboratory approved by APHIS to conduct tests for scrapie or  
6 genotypes on one or more tissues.

7           Sec. 10.     Certificate of veterinary inspection means an  
8 official document approved by the department or United States  
9 Department of Agriculture issued by a licensed accredited  
10 veterinarian at the point of origin of movement of animals.

11          Sec. 11.     Commingle means to group animals together  
12 having physical contact with each other, including contact through  
13 a fence, but not limited contact. Commingling includes sharing the  
14 same section in a transportation unit where physical contact may  
15 occur.

16          Sec. 12.     Consistent state means a state listed in 9  
17 C.F.R. 79.1 that the administrator has determined is conducting an  
18 active scrapie control and eradication program.

19          Sec. 13.     Department means the Department of Agriculture  
20 or its authorized designee.

21          Sec. 14.     Designated scrapie epidemiologist means a state  
22 or federal veterinarian designated by the state, in conjunction  
23 with APHIS, to make decisions about the use and interpretation of  
24 diagnostic tests and field investigation data and the management of  
25 scrapie-affected flocks.

26          Sec. 15.     Exposed animal means:

27               (1) Any animal that has been in the same flock at the  
28 same time as a scrapie-positive female animal, excluding limited

1 contacts;

2 (2) Any animal born in a flock after a scrapie-positive  
3 animal was born into that flock or lambed in that flock, if born  
4 before that flock completes the requirements of a flock plan;

5 (3) Any animal that was commingled with a  
6 scrapie-positive female animal during or up to thirty days after  
7 she lambed, kidded, or aborted, or while a visible vaginal  
8 discharge was present or that was commingled with any other  
9 scrapie-positive female animal for twenty-four hours or more,  
10 including during activities such as shows and sales or while in  
11 marketing channels; or

12 (4) Any animal in a noncompliant flock.

13 Sec. 16. Exposed flock means any flock in which a  
14 scrapie-positive animal was born or lambed or any flock that  
15 currently contains a female high-risk, exposed, or suspect animal,  
16 or that once contained a female high-risk or suspect animal that  
17 lambed in the flock and from which tissues were not submitted for  
18 official testing and found negative. A flock that has completed a  
19 post-exposure management and monitoring plan following the exposure  
20 will no longer be an exposed flock.

21 Sec. 17. Flock means a group of sheep or goats or a  
22 mixture of both species, residing on the same premises, and all  
23 animals under common ownership or supervision on two or more  
24 premises with animal interchange between the premises. Changes in  
25 ownership of part or all of a flock do not change the identity of  
26 the flock or the regulatory requirements applicable to the flock.  
27 Animals maintained temporarily on a premises for activities such as  
28 shows and sales or while in marketing channels are not a flock.

1 More than one flock may be maintained on a single premises if:

2 (a) The flocks are enrolled as separate flocks in the  
3 scrapie flock certification program; or

4 (b) The department or APHIS representative determines,  
5 based upon examination of flock records, that:

6 (i) There is no interchange of animals between the  
7 flocks;

8 (ii) The flocks never commingle and are kept at least  
9 thirty feet apart at all times or are separated by a solid wall  
10 through, over, or under which fluids cannot pass and through which  
11 contact cannot occur;

12 (iii) The flocks have separate flock records and  
13 identification;

14 (iv) The flocks have separate lambing facilities,  
15 including buildings and pastures, and a pasture or building used  
16 for lambing by one flock is not used by the other flock at any  
17 time; and

18 (v) The flocks do not share equipment without cleaning  
19 and disinfection in accordance with 9 C.F.R. 54.7(e). Additional  
20 guidance on acceptable means of cleaning and disinfection is also  
21 available in the federal scrapie flock certification program  
22 standards and the federal Scrapie Eradication Uniform Methods and  
23 Rules.

24 Sec. 18. Flock plan means a written flock management  
25 agreement signed by the owner of a flock, the accredited  
26 veterinarian if one is employed by the owner, and a department or  
27 APHIS representative, in which each participant agrees to undertake  
28 actions specified in the flock plan to control the spread of

1 scrapie from and eradicate scrapie in an infected flock or source  
2 flock or to reduce the risk of the occurrence of scrapie in a flock  
3 that contains a high-risk or an exposed animal. As part of a flock  
4 plan, the flock owner shall provide the facilities and personnel  
5 needed to carry out the requirements of the flock plan. The flock  
6 plan shall include the requirements in 9 C.F.R. 54.8.

7           Sec. 19. Flock of origin means the flock in which an  
8 animal most recently resided in which it either was born, gave  
9 birth, or was used for breeding purposes. The determination that  
10 an animal originated in a flock may be based either on the physical  
11 presence of the animal in the flock, the presence of official  
12 identification on the animal traceable to the flock, the presence  
13 of other identification on the animal that is listed on the bill of  
14 sale, or other evidence to be determined by the designated scrapie  
15 epidemiologist.

16           Sec. 20. Goats that reside with sheep means goats that  
17 are kept on the same premises where sheep are found, regardless of  
18 separate fencing, penning, or housing, unless designated as a  
19 separate flock by the designated scrapie epidemiologist.

20           Sec. 21. High-risk animal means a sexually intact animal  
21 that is:

22           (1) The progeny of a scrapie-positive dam;

23           (2) Born in the same flock during the same lambing season  
24 as progeny of a scrapie-positive dam, unless the progeny of the  
25 scrapie-positive dam are from separate contemporary lambing groups;

26           (3) Born in the same flock during the same lambing season  
27 that a scrapie-positive animal was born or during any subsequent  
28 lambing season, if born before that flock completes requirements of

1 a flock plan; or

2 (4) An exposed female sheep determined to be genetically  
3 susceptible or of unknown genotype.

4 Male sheep that have been tested and classified as  
5 resistant using an official genotype test are excluded from the  
6 definition of high-risk animal.

7 Sec. 22. Infected flock means any flock in which the  
8 designated scrapie epidemiologist has determined that a  
9 scrapie-positive female animal has resided unless an  
10 epidemiological investigation conducted by the designated scrapie  
11 epidemiologist shows that the animal did not lamb or abort in the  
12 flock. A flock will no longer be considered an infected flock  
13 after it has completed the requirements of a flock plan.

14 Sec. 23. Interstate commerce means trade, traffic,  
15 transportation, or other commerce between a place in a state and  
16 any place outside that state, or between points within a state but  
17 through any place outside that state.

18 Sec. 24. Limited contact means incidental contacts  
19 between animals from different flocks off the flock's premises such  
20 as at fairs, shows, exhibitions, and sales; between ewes being  
21 inseminated, flushed, or implanted; or between rams at ram test or  
22 collection stations. Embryo transfer and artificial insemination  
23 equipment and surgical tools shall be sterilized before each use  
24 for these contacts to be considered limited contacts. Limited  
25 contacts do not include any contact, incidental or otherwise, with  
26 animals in the same flock or with an animal during or up to thirty  
27 days after a female animal lambled, kidded, or aborted or when there  
28 is any visible vaginal discharge. Limited contacts do not include

1 any activity where uninhibited contact occurs, such as sharing an  
2 enclosure, sharing a section of a transport vehicle, or residing in  
3 other flocks for breeding or other purposes, except as allowed by  
4 the scrapie flock certification program standards.

5           Sec. 25. Live-animal screening test means any test for  
6 the diagnosis of scrapie in a live animal that is approved by the  
7 administrator as usually reliable but not definitive for diagnosing  
8 scrapie and that is conducted in a laboratory approved by the  
9 administrator.

10           Sec. 26. Noncompliant flock means:

11           (1) Any source or infected flock whose owner declines to  
12 enter into a flock plan or post-exposure management and monitoring  
13 plan within thirty days after being so designated, or whose owner  
14 is not in compliance with either plan;

15           (2) Any exposed flock whose owner fails to make animals  
16 available for testing within sixty days after notification, or as  
17 mutually agreed, or whose owner fails to submit required postmortem  
18 samples;

19           (3) Any flock whose owner or manager has misrepresented,  
20 or who employs a person who has misrepresented, the scrapie status  
21 of an animal or any other information on a certificate, permit,  
22 owner statement, or other official document within the past five  
23 years;

24           (4) Any flock whose owner or manager has moved, or who  
25 employs a person who has moved, an animal in violation of the  
26 Scrapie Control and Eradication Act within the past five years; or

27           (5) Any flock which fails to follow the requirements of a  
28 flock plan or a post exposure management and monitoring plan.

1           Sec. 27. Official genotype test means any test to  
2 determine the genotype of a live or dead animal that is conducted  
3 at an approved laboratory or at the National Veterinary Services  
4 Laboratories when the animal is officially identified and the  
5 samples used for the test are collected and shipped to the  
6 laboratory by either an accredited veterinarian or a state or APHIS  
7 representative.

8           Sec. 28. Official identification means identification  
9 approved by the department and APHIS for use in the scrapie control  
10 and eradication program in Nebraska.

11           Sec. 29. Official test means any test for the diagnosis  
12 of scrapie in a live or dead animal that is approved by the  
13 administrator for that use and conducted at an approved laboratory  
14 or at the National Veterinary Services Laboratory.

15           Sec. 30. Owner means a person, partnership, company,  
16 corporation, or any other legal entity which has legal or rightful  
17 title to animals, whether or not the animals are subject to a  
18 mortgage.

19           Sec. 31. Permit means an official document issued by an  
20 APHIS or department representative or an authorized accredited  
21 veterinarian that allows the interstate movement of animals under  
22 quarantine, such as exposed, noncompliant, infected, or source  
23 flock animals, whether the animals are high-risk, exposed,  
24 scrapie-positive, or scrapie-suspect. A seal may be required by  
25 the department or area veterinarian-in-charge.

26           Sec. 32. Post-exposure management and monitoring plan  
27 means a written agreement signed by the owner of a flock, any  
28 accredited veterinarian employed by the owner, and a department or

1 APHIS representative, in which each participant agrees to undertake  
2 actions specified in the agreement to monitor for the occurrence of  
3 scrapie in the flock for at least five years after the last  
4 high-risk or scrapie-positive animal is removed from the flock or  
5 after the last exposure of the flock to a scrapie-positive animal,  
6 unless otherwise specified by a state or APHIS representative. As  
7 part of a post-exposure management and monitoring plan, the flock  
8 owner shall provide the facilities and personnel needed to carry  
9 out the requirements of the plan. The plan shall include the  
10 requirements in 9 C.F.R. 54.8.

11           Sec. 33. Premises means the ground, area, buildings, and  
12 equipment occupied by one or more flocks of animals.

13           Sec. 34. Quarantine means an imposed restriction by the  
14 department prohibiting movement of animals to any location without  
15 specific written permits and prohibition of use by the department  
16 of the premises, vehicles, and equipment used for such animals or  
17 flocks.

18           Sec. 35. Scrapie means a nonfebrile, transmissible,  
19 insidious, degenerative disease affecting the central nervous  
20 system of sheep and goats.

21           Sec. 36. Scrapie control and eradication program means  
22 the cooperative state-federal-industry program administered by  
23 APHIS and consistent states to control and eradicate scrapie.

24           Sec. 37. Scrapie flock certification program means a  
25 voluntary state-federal-industry cooperative program established  
26 and maintained to reduce the occurrence and spread of scrapie,  
27 identify flocks that have been free of evidence of scrapie over  
28 specified time periods, and contribute to the eventual eradication

1 of scrapie.

2           Sec. 38. Scrapie-positive animal means an animal for  
3 which a diagnosis of scrapie has been made by an approved  
4 laboratory through one of the following:

5           (1) Histopathological examination of central nervous  
6 system tissues from the animal for characteristic microscopic  
7 lesions of scrapie;

8           (2) The use of proteinase-resistant protein analysis  
9 methods including, but not limited to, immunohistochemistry or  
10 western blotting on central nervous system or peripheral tissue  
11 samples from a live or a dead animal for which a given method has  
12 been approved by the administrator for use on that tissue;

13           (3) Bioassay;

14           (4) Scrapie associated fibrils detected by electron  
15 microscopy; or

16           (5) Any other test method approved by the administrator  
17 in accordance with 9 C.F.R. 54.10.

18           Sec. 39. Source flock means a flock in which a  
19 department or APHIS representative has determined that at least one  
20 animal was born that was diagnosed as a scrapie-positive animal at  
21 an age of seventy-two months or less. The determination that an  
22 animal was born in a source flock shall be in accordance with the  
23 guidelines in 9 C.F.R. parts 54 and 79. A flock will no longer be  
24 a source flock after the requirements of a flock plan have been  
25 completed.

26           Sec. 40. Suspect animal means:

27           (1) A sheep or goat that exhibits any of the following  
28 possible signs of scrapie and that has been determined to be

1 suspicious for scrapie by an accredited veterinarian or a state or  
2 APHIS representative. Possible signs include: Weight loss despite  
3 retention of appetite; behavioral abnormalities; itching; wool  
4 pulling; biting at legs or sides; lip smacking; motor abnormalities  
5 such as incoordination, high stepping gait of forelimbs, bunny hop  
6 movement of rear legs, or swaying of back end; increased  
7 sensitivity to noise and sudden movement; or tremor, star gazing,  
8 head pressing, recumbency, or other signs of neurological disease  
9 or chronic wasting;

10 (2) A sheep or goat that has tested positive for scrapie  
11 or for the proteinase-resistant protein associated with scrapie on  
12 a live-animal screening test or any other official test, unless the  
13 animal is designated a scrapie-positive animal; and

14 (3) A sheep or goat that has tested inconclusive or  
15 suggestive on an official test for scrapie.

16 Sec. 41. Trace means all actions required to identify  
17 the flock of origin or destination of an animal.

18 Sec. 42. The Scrapie Control and Eradication Act shall  
19 be administered and enforced by the Bureau of Animal Industry of  
20 the department. In administering the act, the department shall  
21 cooperate and may contract with persons or appropriate local,  
22 state, or national organizations, public or private, for the  
23 performance of activities required or authorized pursuant to the  
24 act.

25 Sec. 43. The department shall cooperate with APHIS by  
26 recommending where and how federal funds and state personnel and  
27 materials are allocated for the scrapie control and eradication  
28 program.

1           Sec. 44. Any flock or animal determined by the  
2 department to be infected and any flock or animal for which the  
3 owner refuses to comply with the Scrapie Control and Eradication  
4 Act or any rules and regulations adopted and promulgated thereto  
5 shall be put under quarantine by the department, at the expense of  
6 the owner, and a flock plan shall be filed.

7           Sec. 45. Any flock or animal determined to be exposed or  
8 to be a source flock by the department and any flock or animal for  
9 which the owner refuses to comply with the Scrapie Control and  
10 Eradication Act or any rules and regulations adopted and  
11 promulgated thereto may be put under quarantine by the department,  
12 at the expense of the owner, and a flock plan shall be filed.

13           Sec. 46. Each owner or authorized representative of the  
14 owner of a flock under quarantine shall file a flock plan with the  
15 department within a maximum of thirty days after the date of  
16 issuance of the quarantine. The flock plan shall include followup  
17 inspections. Each owner or authorized representative shall follow  
18 as standards for the flock plan those indicated by the APHIS  
19 scrapie control and eradication program and those indicated by the  
20 post-exposure management and monitoring plan.

21           Sec. 47. It is the duty of any person who discovers,  
22 suspects, or has reason to believe that any sheep or goat belonging  
23 to him or her or which he or she has in his or her possession or  
24 custody or which, belonging to another, may come under his or her  
25 observation, is affected with signs consistent with scrapie to  
26 immediately report such fact, belief, or suspicion to the  
27 department or to any agent, employee, or appointee thereof.

28           Sec. 48. The department may adopt and promulgate rules

1 and regulations to aid in implementing the Scrapie Control and  
2 Eradication Act. The rules and regulations may include, but are  
3 not limited to:

4 (1) The scrapie flock certification program including  
5 testing provisions governing: (a) When, where, how, by whom, and  
6 how often testing is to be done; (b) what flocks are to be  
7 subjected to testing; (c) how and by whom results of testing are to  
8 be recorded; (d) by whom and to whom the results of the testing are  
9 to be reported; and (e) how, by whom, and for what purposes such  
10 results will be utilized;

11 (2) The scrapie control and eradication program,  
12 including provisions governing: (a) When, where, how, by whom, and  
13 how often testing is to be done; (b) what flocks are to be  
14 subjected to testing; (c) requirements of flock cleanup plans,  
15 including forms, execution, contents, duration, amendments, and  
16 enforcement; (d) how and by whom results of testing are to be  
17 recorded; (e) by whom and to whom the results of the testing are to  
18 be reported; (f) how, by whom, and for what purposes such results  
19 will be utilized; and (g) assignment of and requirements for titles  
20 for status of sheep or goat flocks and the suspension, expiration,  
21 and cancellation of such titles;

22 (3) Surveillance in flocks and at slaughter  
23 establishments and concentration points, including provisions  
24 governing: (a) When, where, how, by whom, and how often testing is  
25 to be done; (b) what sheep or goats and flocks are to be subjected  
26 to testing; (c) how and by whom results of testing are to be  
27 recorded and reported; and (d) the use of the results of testing by  
28 the department.

1           (4) The issuance and release of quarantines and the  
2 requirements regarding the handling, movement, and disposition of  
3 animals under quarantine;

4           (5) The cleaning and disinfecting of affected premises,  
5 including provisions governing: (a) The materials to be used; (b)  
6 the procedures to be used; and (c) when such procedures are to be  
7 performed;

8           (6) The testing of animals to detect scrapie, including  
9 provisions governing: (a) Which tests are to be deemed official  
10 tests; (b) by whom the testing is to be administered; (c) how the  
11 testing is to be conducted; (d) the reaction tolerances to be  
12 recognized; and (e) the classification of results as to negative,  
13 suspect, or positive. These rules and regulations shall be  
14 consistent with the best available scientific information relative  
15 to the control and eradication of scrapie;

16           (7) The identification of premises and animals subject to  
17 the act, including provisions governing: (a) Exposed and infected  
18 animals; (b) source flocks; (c) animals to be tested; (d) type of  
19 identification; and (e) animals requiring identification as  
20 required for compliance with 9 C.F.R. parts 54 and 79;

21           (8) The administration of the scrapie control and  
22 eradication program subject to the availability of funds;

23           (9) The assessment and collection of costs for services  
24 provided and expenses, not to exceed actual costs, incurred under  
25 the act;

26           (10) The preparation, maintenance, handling, filing, and  
27 disposition of records and reports by persons subject to the act  
28 concerning the testing or movement of animals;

1           (11) Program activities and cleanup testing under the act  
2 on which state funds, if appropriated and available, shall be used  
3 by the department and limitations on use of such state funds for  
4 testing and other activities under the act;

5           (12) Prohibitions and movement conditions of animals in  
6 interstate and intrastate movement;

7           (13) Requirements for change of ownership to include (a)  
8 testing, (b) identification, and (c) records;

9           (14) Activities required for flocks deemed by officials  
10 to be included in an APHIS indemnification process, as provided in  
11 9 C.F.R. part 54, including eligibility, application, owner  
12 certification statements, amount of indemnity payments, procedure  
13 for destruction of animals, and flock plans and post-exposure  
14 management and monitoring plans; and

15           (15) Any other areas deemed necessary by the department  
16 to effectively control and eradicate scrapie.

17           Sec. 49. The department shall select and appoint, in  
18 conjunction with APHIS, a designated scrapie epidemiologist.

19           Sec. 50. (1) To insure compliance with the Scrapie  
20 Control and Eradication Act, the department may apply for a  
21 temporary restraining order, a temporary or permanent injunction,  
22 or a mandatory injunction against any person violating or  
23 threatening to violate the act or the rules and regulations adopted  
24 and promulgated under the act. The district court of the county  
25 where the violation is occurring or is about to occur shall have  
26 jurisdiction to grant such relief upon good cause shown. Relief  
27 may be granted notwithstanding the existence of any other remedy at  
28 law and shall be granted without bond.

1           (2) The Attorney General or the county attorney of the  
2 county in which violations of the act or the rules and regulations  
3 are occurring or are about to occur shall, when notified of such  
4 violation or threatened violation, cause appropriate proceedings  
5 under subsection (1) of this section to be instituted and pursued  
6 without delay and shall prosecute such violations under section 61  
7 of this act without delay.

8           Sec. 51. In administering the Scrapie Control and  
9 Eradication Act, the agents and employees of the department shall  
10 have access to any premises where animals may be for purposes of  
11 the scrapie control and eradication program or when the department  
12 has reasonable cause to believe that infected or exposed animals  
13 are present on the premises.

14           Sec. 52. (1) Any person subject to the Scrapie Control  
15 and Eradication Act shall keep records and reports on file for five  
16 years pertaining to testing and identification and the movement of  
17 animals infected with or exposed to, or suspected of being infected  
18 with or exposed to, scrapie. Such person shall keep on file any  
19 other records and make any reports the department deems necessary  
20 to enforce the act.

21           (2) Any person subject to the act shall, at all  
22 reasonable times, provide access to all records and reports to the  
23 department and its representatives for the purpose of examining and  
24 copying such records and reports necessary to enforce the act.

25           Sec. 53. When testing or identification is to be  
26 performed pursuant to the Scrapie Control and Eradication Act, the  
27 owner of the animals shall be responsible for gathering, confining,  
28 and restraining the animals for testing and for providing the

1 necessary facilities and assistance.

2           Sec. 54.     (1) It is unlawful for a buyer to purchase  
3 animals for feeding, breeding, or both from a seller who has not  
4 complied with the Scrapie Control and Eradication Act and the rules  
5 and regulations adopted and promulgated thereto or to import such  
6 animals into the state if the seller has not complied with the  
7 Scrapie Control and Eradication Act or Animal Importation Act and  
8 the rules and regulations adopted and promulgated pursuant to such  
9 acts.

10           (2) It is unlawful for a seller to sell or import animals  
11 if the seller is not in compliance with such acts and rules and  
12 regulations.

13           Sec. 55.     Whenever animals are required or designated  
14 pursuant to the Scrapie Control and Eradication Act or the rules  
15 and regulations adopted and promulgated thereto to move to a  
16 particular destination, it is unlawful to divert the animals from  
17 such destination without having first obtained permission from the  
18 department.

19           Sec. 56.     The department may assess and collect costs for  
20 services provided and expenses incurred pursuant to its  
21 responsibilities under the Scrapie Control and Eradication Act and  
22 the rules and regulations adopted and promulgated thereto. All  
23 costs assessed and collected pursuant to this section shall be  
24 remitted to the State Treasurer for credit to the Scrapie Control  
25 Cash Fund, which is hereby created.

26           Sec. 57.     The Scrapie Control Cash Fund shall consist of  
27 money appropriated by the Legislature and gifts, grants, costs, or  
28 charges from any source, including federal, state, public, and

1 private sources. The fund shall be utilized for the purpose of  
2 carrying out the Scrapie Control and Eradication Act. Any money in  
3 the fund available for investment shall be invested by the state  
4 investment officer pursuant to the Nebraska Capital Expansion Act  
5 and the Nebraska State Funds Investment Act.

6 Sec. 58. (1) If funds are appropriated, the department  
7 may provide state funds for certain activities or any portion  
8 thereof in connection with the implementation of the Scrapie  
9 Control and Eradication Act to or on behalf of flock owners if  
10 funds for any activities or any portion thereof have been  
11 appropriated and are available. If funds are appropriated, the  
12 department shall develop statewide priorities for the expenditure  
13 of state funds available for scrapie control and eradication  
14 program activities.

15 (2) Part of such state funds may be used by the  
16 department to pay a portion of the cost of testing done by or for  
17 accredited veterinarians if such work is approved by the  
18 department. All of such testing shall be performed by or under the  
19 direct supervision of the accredited veterinarian, except that  
20 nothing in this subsection shall restrict an employee of the state  
21 or federal government in the performance of such employee's duties  
22 under the act or federal law.

23 (3) In administering the act and program activities  
24 pursuant thereto, the department shall not pay for (a) testing done  
25 for change of ownership at private treaty or at concentration  
26 points, (b) costs of gathering, confining, and restraining animals  
27 subjected to testing or costs of providing necessary facilities and  
28 assistance, and (c) the cost of testing to qualify or maintain

1 flock certification.

2           Sec. 59.     In administering the Scrapie Control and  
3 Eradication Act and conducting scrapie control and eradication  
4 program activities authorized by the act, the department shall, as  
5 far as reasonably practical, conform its program activities to the  
6 federal program requirements as provided in 9 C.F.R. parts 54 and  
7 79.

8           Sec. 60.     The department is not liable for actual or  
9 incidental costs incurred by any person due to departmental actions  
10 in enforcing the Scrapie Control and Eradication Act.

11           Sec. 61.     Any person who violates the Scrapie Control and  
12 Eradication Act or any rules and regulations adopted and  
13 promulgated thereto is guilty of a Class IV misdemeanor for the  
14 first offense and a Class II misdemeanor for each subsequent  
15 offense.

16           Sec. 62.     This act becomes operative on January 1, 2004.