

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 882**

FINAL READING

Introduced by Rogert, 16; Dubas, 34.

Read first time January 11, 2010

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend section 54-744,  
2 Revised Statutes Supplement, 2009; to change provisions  
3 relating to disposal of dead animals; to provide a  
4 penalty; to provide an operative date; and to repeal the  
5 original section.

6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 54-744, Revised Statutes Supplement,  
2 2009, is amended to read:

3           54-744 (1) Except as set out in subsections (2) and  
4 (3) of this section and section 54-776, it is the duty of the  
5 owner or custodian of any dead animal to cause such animal, within  
6 thirty-six hours after receiving knowledge of the death of such  
7 animal, to be buried at least four feet below the surface of the  
8 ground or to be completely burned on the premises where such animal  
9 dies unless the animal is disposed of to a duly licensed rendering  
10 establishment in this state. Such animal shall not be moved or  
11 transported from the premises where such animal has died except by  
12 the authorized agents and employees of the rendering establishment  
13 to which such carcass is disposed.

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

22           (b) Transported by a licensed rendering establishment to  
23 either a rendering establishment licensed under the Nebraska Meat  
24 and Poultry Inspection Law or to a facility with a permit to  
25 operate as a landfill under the Integrated Solid Waste Management

1 Act. The operator of a landfill is not required by this subdivision  
2 to accept dead animals.

3           (2) Livestock carcasses up to six hundred pounds may  
4 be incorporated into a composting facility on the premises where  
5 the livestock died and shall remain in such compost facility  
6 until completely composted before spreading on land. Any person  
7 incorporating livestock carcasses into a composting facility shall  
8 follow the operating procedures as set forth in the Journal of  
9 the American Veterinary Medical Association, Volume 210, No. 8.  
10 Not less than one copy of such journal, or portion thereof,  
11 shall be filed for use and examination by the public in the  
12 offices of the Clerk of the Legislature and the Secretary of  
13 State. The Department of Agriculture shall regulate the composting  
14 of livestock carcasses and shall adopt and promulgate rules  
15 and regulations governing the same. Any person incorporating  
16 livestock carcasses into a composting facility shall follow the  
17 operating procedures established by the Department of Agriculture  
18 in consultation with the University of Nebraska Institute of  
19 Agriculture and Natural Resources. which rules and regulations may  
20 incorporate or may modify the operating procedures set forth in  
21 this subsection.

22           (3) An animal carcass or carcass part may be transported  
23 by the owner or the owner's agent to a veterinary clinic  
24 or veterinary diagnostic laboratory for purposes of performing  
25 diagnostic procedures.

1           (4) In addition to methods listed in subsections (1)  
2 and (2) of this section, animal carcasses or carcass parts may  
3 be disposed of by a veterinary clinic or veterinary diagnostic  
4 laboratory by alkaline hydrolysis tissue digestion. For purposes  
5 of this section, alkaline hydrolysis tissue digestion means a  
6 process that utilizes an alkaline agent and heat to catalyze the  
7 decomposition and reduction of biological tissues. This section  
8 shall not exempt the products of alkaline hydrolysis tissue  
9 digestion from any applicable law, rule, or regulation governing  
10 disposal of wastes.

11           ~~(4)~~ (5) Carcasses disposed of in compliance with this  
12 section or section 54-744.01 are exempt from the requirements for  
13 disposal of solid waste under the Integrated Solid Waste Management  
14 Act.

15           Sec. 2. This act becomes operative on October 1, 2010.

16           Sec. 3. Original section 54-744, Revised Statutes  
17 Supplement, 2009, is repealed.