

AMENDMENTS TO LB360

Introduced by Agriculture.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 28-1008, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 28-1008 For purposes of sections 28-1008 to 28-1017, 28-1019, and
6 28-1020:

7 (1) Abandon means to leave any animal in one's care, whether as
8 owner or custodian, for any length of time without making effective
9 provision for its food, water, or other care as is reasonably necessary
10 for the animal's health;

11 (2) Animal means any vertebrate member of the animal kingdom. Animal
12 does not include an uncaptured wild creature or a livestock animal as
13 defined in section 54-902;

14 (3) Cruelly mistreat means to knowingly and intentionally kill,
15 maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise
16 inflict harm upon any animal;

17 (4) Cruelly neglect means to fail to provide any animal in one's
18 care, whether as owner or custodian, with food, water, or other care as
19 is reasonably necessary for the animal's health;

20 (5) Humane killing means the destruction of an animal by a method
21 which causes the animal a minimum of pain and suffering;

22 (6) Law enforcement officer means any member of the Nebraska State
23 Patrol, any county or deputy sheriff, any member of the police force of
24 any city or village, or any other public official authorized by a city or
25 village to enforce state or local animal control laws, rules,
26 regulations, or ordinances. Law enforcement officer also includes a
27 special investigator appointed as a deputy state sheriff as authorized

1 ~~pursuant to section 81-201 while acting within the authority of the~~
2 ~~Director of Agriculture any inspector under the Commercial Dog and Cat~~
3 ~~Operator Inspection Act to the extent that such inspector may exercise~~
4 ~~the authority of a law enforcement officer under section 28-1012 while in~~
5 ~~the course of performing inspection activities under the Commercial Dog~~
6 ~~and Cat Operator Inspection Act;~~

7 (7) Mutilation means intentionally causing permanent injury,
8 disfigurement, degradation of function, incapacitation, or imperfection
9 to an animal. Mutilation does not include conduct performed by a
10 veterinarian licensed to practice veterinary medicine and surgery in this
11 state or conduct that conforms to accepted veterinary practices;

12 (8) Police animal means a horse or dog owned or controlled by the
13 State of Nebraska or any county, city, or village for the purpose of
14 assisting a law enforcement officer in the performance of his or her
15 official enforcement duties;

16 (9) Repeated beating means intentional successive strikes to an
17 animal by a person resulting in serious bodily injury or death to the
18 animal;

19 (10) Serious injury or illness includes any injury or illness to any
20 animal which creates a substantial risk of death or which causes broken
21 bones, prolonged impairment of health, or prolonged loss or impairment of
22 the function of any bodily organ; and

23 (11) Torture means intentionally subjecting an animal to extreme
24 pain, suffering, or agony. Torture does not include conduct performed by
25 a veterinarian licensed to practice veterinary medicine and surgery in
26 this state or conduct that conforms to accepted veterinary practices.

27 Sec. 2. Section 54-625, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 54-625 Sections 54-625 to 54-643 and sections 7 and 10 of this act
30 shall be known and may be cited as the Commercial Dog and Cat Operator
31 Inspection Act.

1 Sec. 3. Section 54-626, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 54-626 For purposes of the Commercial Dog and Cat Operator
4 Inspection Act:

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

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

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

19 (4) Boarding kennel means a facility which is primarily used to
20 house or contain dogs or cats owned by persons other than the operator of
21 such facility. The primary function of a boarding kennel is to
22 temporarily harbor dogs or cats when the owner of the dogs or cats is
23 unable to do so or to provide training, grooming, or other nonveterinary
24 service for consideration before returning the dogs or cats to the owner.
25 A facility which provides such training, grooming, or other nonveterinary
26 service is not a boarding kennel for the purposes of the act unless dogs
27 or cats owned by persons other than the operator of such facility are
28 housed at such facility overnight. Veterinary clinics, animal control
29 facilities, animal rescues, and nonprofit animal shelters are not
30 boarding kennels for the purposes of the act;

31 (5) Breeding dog means any sexually intact male or female dog six

1 months of age or older owned or harbored by a commercial dog breeder;

2 (6) Cat means any animal which is wholly or in part of the species
3 Felis domesticus;

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

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

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

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

13 (d) Who knowingly sells, exchanges, or leases cats for later retail
14 sale or brokered trading;

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

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

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

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

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

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

1 (10) Department means the Bureau of Animal Industry of the
2 Department of Agriculture with the State Veterinarian in charge,
3 subordinate only to the director;

4 (11) Director means the Director of Agriculture or his or her
5 designated employee;

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

8 (13) Foster home means any person who provides temporary housing for
9 twenty or fewer dogs or cats that are six months of age or older in any
10 twelve-month period and is affiliated with a person operating as an
11 animal rescue that uses foster homes as its primary housing of dogs or
12 cats. To be considered a foster home, a person shall not participate in
13 the acquisition of the dogs or cats for which temporary care is provided.
14 Any foster home which houses more than twenty dogs or cats that are six
15 months of age or older in any twelve-month period or who participates in
16 the acquisition of dogs or cats shall be licensed as an animal rescue;

17 (14) Harbor means:

18 (a) Providing shelter or housing for a dog or cat regulated under
19 the act; or

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

22 ~~(15~~ 14) Housing facility means any room, building, or areas used to
23 contain a primary enclosure;

24 ~~(16~~ 15) Inspector means any person who is employed by the department
25 and who is authorized to perform inspections pursuant to the act;

26 ~~(17~~ 16) Licensee means a person who has qualified for and received a
27 license from the department pursuant to the act;

28 (18) Normal business hours means daily between 7 a.m. and 7 p.m.
29 unless a licensee, applicant, or any other person the department has
30 reasonable cause to believe is required by the act to be licensed
31 provides in writing to the department a description of their own normal

1 business hours which reasonably allows the department to make
2 inspections;

3 (19) Operator means a person performing the activities of an animal
4 control facility, animal rescue, or animal shelter facility, a boarding
5 kennel, commercial cat breeder, commercial dog breeder, dealer, or pet
6 shop;

7 (20 17) Pet animal means an animal kept as a household pet for the
8 purpose of companionship, which includes, but is not limited to, dogs,
9 cats, birds, fish, rabbits, rodents, amphibians, and reptiles;

10 (21 18) Pet shop means a retail establishment which sells pet
11 animals and related supplies;

12 (22 19) Premises means all public or private buildings, vehicles,
13 equipment, containers, kennels, pens, and cages used by an operator a
14 facility and the public or private ground upon which an operator's a
15 facility is located if such buildings, vehicles, equipment, containers,
16 kennels, pens, cages, or ground are used by the owner or operator of such
17 facility in the usual course of business;

18 (23 20) Primary enclosure means any structure used to immediately
19 restrict a dog or cat to a limited amount of space, such as a room, pen,
20 cage, or compartment;

21 (24 21) Secretary of Agriculture means the Secretary of Agriculture
22 of the United States Department of Agriculture;

23 (25) Significant threat to the health or safety of dogs or cats
24 means:

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

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

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

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

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

5 (26 22) Stop-movement order means a directive preventing the
6 movement or removal of any dog or cat from the premises; and

7 (27 23) Unaltered means any male or female dog or cat which has not
8 been neutered or spayed or otherwise rendered incapable of reproduction.

9 Sec. 4. Section 54-627, Revised Statutes Cumulative Supplement,
10 2014, is amended to read:

11 54-627 (1) A person shall not operate as a commercial dog or cat
12 breeder, a dealer, a boarding kennel, an animal control facility, an
13 animal shelter, an animal rescue, or a pet shop unless the person obtains
14 the appropriate license. A pet shop shall only be subject to the
15 Commercial Dog and Cat Operator Inspection Act and the rules and
16 regulations adopted and promulgated pursuant thereto in any area or areas
17 of the establishment used for the keeping and selling of pet animals. If
18 a facility listed in this subsection is not located at the owner's
19 residence, the name and address of the owner shall be posted on the
20 premises.

21 (2) An applicant for a license shall submit an application for the
22 appropriate license to the department, on a form prescribed by the
23 department, together with a one-time ~~the annual~~ license fee of one
24 hundred twenty-five dollars. Such fee is nonreturnable. Any license
25 issued on or before November 30, 2015, shall remain valid after
26 expiration unless it lapses pursuant to this section, is revoked pursuant
27 to section 54-631, or is voluntarily surrendered. Upon receipt of an the
28 application and the ~~annual~~ license fee and upon completion of a
29 qualifying inspection ~~if required pursuant to section 54-630 for an~~
30 ~~initial license applicant or if a qualifying inspection is deemed~~
31 ~~appropriate by the department before a license is issued for any other~~

1 ~~applicant~~, the appropriate license may be issued by the department. The
2 department may enter the premises of any applicant for a license to
3 determine if the applicant meets the requirements for licensure under the
4 act. If an applicant does not at the time of inspection harbor any dogs
5 or cats, the inspection shall be of the applicant's records and the
6 planned housing facilities. Such license shall not be transferable to
7 another person or location and shall lapse automatically upon a change of
8 ownership or location.

9 (3)(a) In addition to the license fee required in subsection (2) of
10 this section, an annual fee shall also be charged. Except as otherwise
11 provided in this subsection, the annual ~~license~~ fee shall be determined
12 according to the following fee schedule based upon the daily average
13 number of dogs or cats ~~harbored~~ ~~housed~~ by the licensee over the previous
14 ~~twelve-month annual licensure~~ period:

15 (i) Ten or fewer dogs or cats, one hundred fifty dollars;

16 (ii) Eleven to fifty dogs or cats, two hundred dollars;

17 (iii) Fifty-one to one hundred dogs or cats, two hundred fifty
18 dollars;

19 (iv) One hundred one to one hundred fifty dogs or cats, three
20 hundred dollars;

21 (v) One hundred fifty-one to two hundred dogs or cats, three hundred
22 fifty dollars;

23 (vi) Two hundred one to two hundred fifty dogs or cats, four hundred
24 dollars;

25 (vii) Two hundred fifty-one to three hundred dogs or cats, four
26 hundred fifty dollars;

27 (viii) Three hundred one to three hundred fifty dogs or cats, five
28 hundred dollars;

29 (ix) Three hundred fifty-one to four hundred dogs or cats, five
30 hundred fifty dollars;

31 (x) Four hundred one to four hundred fifty dogs or cats, six hundred

1 dollars;

2 (xi) Four hundred fifty-one to five hundred dogs or cats, six
3 hundred fifty dollars; and

4 (xii) More than five hundred dogs or cats, two thousand dollars.

5 (b) If a person operates with more than one type of license at the
6 same location, the person shall pay only one annual fee based on the
7 primary licensed activity occurring at that location as determined by the
8 number of dogs or cats affected by the licensed activity ~~The initial~~
9 ~~license fee for any person required to be licensed pursuant to the act~~
10 ~~shall be one hundred twenty-five dollars.~~

11 (c) The annual ~~license~~ fee for a licensee that does not own or
12 harbor ~~house~~ dogs or cats shall be one hundred fifty dollars.

13 (d) The annual ~~license~~ fee for an animal rescue shall be one hundred
14 fifty dollars.

15 (e) The annual ~~license~~ fee for a commercial dog or cat breeder shall
16 be determined according to the fee schedule set forth in subdivision (a)
17 of this subsection based upon the total number of breeding dogs or cats
18 owned or harbored by the commercial breeder over the previous twelve-
19 month period.

20 (f) The fees charged under this subsection may be increased or
21 decreased by the director after a public hearing is held outlining the
22 reason for any proposed change in the fee. The maximum fee that may be
23 charged shall not result in a fee for any license category that exceeds
24 the license fee set forth in this subsection by more than one hundred
25 dollars.

26 (4) ~~A license to operate as a commercial dog or cat breeder, dealer,~~
27 ~~boarding kennel, or pet shop shall~~ pay the annual fee to be renewed by
28 ~~filing with the department on or before April 1 of each year. An a~~
29 ~~renewal application and the annual license fee. A license to operate as~~
30 ~~an~~ animal control facility, animal rescue, or animal shelter shall pay
31 the annual fee to be renewed by filing with the department on or before

1 October 1 of each year ~~a renewal application and the annual license fee.~~
2 Failure to pay the annual fee by the due date ~~renew a license prior to~~
3 ~~the expiration of the license~~ shall result in a late ~~renewal~~ fee equal to
4 twenty percent of the annual license fee due and payable each month, not
5 to exceed one hundred percent of such fee, in addition to the annual
6 ~~license~~ fee. The purpose of the late ~~renewal~~ fee is to pay for the
7 administrative costs associated with the collection of fees under this
8 section. The assessment of the late ~~renewal~~ fee shall not prohibit the
9 director from taking any other action as provided in the act.

10 (5) A licensee, an applicant, or a person the department has reason
11 to believe is an operator and required to obtain a license under this
12 section shall make its premises available for inspection pursuant to
13 section 54-628 during normal business hours.

14 (6) The state or any political subdivision of the state which
15 contracts out its animal control duties to a facility not operated by the
16 state or any political subdivision of the state may be exempted from the
17 licensing requirements of this section if such facility is licensed as an
18 animal control facility, animal rescue, or animal shelter for the full
19 term of the contract with the state or its political subdivision.

20 (7) Any fees collected pursuant to this section shall be remitted to
21 the State Treasurer for credit to the Commercial Dog and Cat Operator
22 Inspection Program Cash Fund.

23 Sec. 5. Section 54-628, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 54-628 (1) The department shall inspect all licensees at least once
26 in a twenty-four-month period to determine whether the licensee is in
27 compliance with the Commercial Dog and Cat Operator Inspection Act.

28 (2) Any additional inspector or other field personnel employed by
29 the department to carry out inspections pursuant to the act that are
30 funded through General Fund appropriations to the department ~~Bureau of~~
31 ~~Animal Industry~~ shall be assigned to the ~~Bureau of Animal Industry~~ and

1 shall be available for temporary reassignment as needed to other
2 activities and functions of the department Bureau of Animal Industry in
3 the event of a livestock disease emergency or any other threat to
4 livestock or public health.

5 (3) When an inspection produces evidence of a violation of the act
6 or the rules and regulations of the department, a copy of a written
7 report of the inspection and violations shown thereon, prepared by the
8 inspector, shall be given to the applicant, or licensee, or person the
9 department has reason to believe is an operator, together with written
10 notice to comply within the time limit established by the department and
11 set out in such notice. If the department performs a reinspection for the
12 purpose of determining if an operator has complied with the time limit
13 for compliance established pursuant to this subsection, has complied with
14 section 54-628.01, or if the inspector must return to the operator's
15 location because the operator was not available within a reasonable time
16 as required by subsection (4) of this section, the applicant, licensee,
17 or person the department has reason to believe is an operator shall pay a
18 reinspection fee of one hundred fifty dollars together with the mileage
19 of the inspector at the rate provided in section 81-1176. The purpose of
20 the reinspection fee is to pay for the administrative costs associated
21 with the additional inspection. Any fees collected pursuant to this
22 section shall be remitted to the State Treasurer for credit to the
23 Commercial Dog and Cat Operator Inspection Program Cash Fund. The
24 assessment of the reinspection fee shall not prohibit the director from
25 taking any other action as provided in the act.

26 (4) The department, at its discretion, may make unannounced
27 inspections of any applicant, licensee, or person the department has
28 reason to believe is an operator during normal business hours.
29 Applicants, licensees, and any person the department has reason to
30 believe is an operator shall provide the department, in writing, and keep
31 updated if there is any change, a telephone number where the operator can

1 be reached during normal business hours. The applicant, licensee, or
2 person the department has reason to believe is an operator shall provide
3 a person over the age of nineteen to be available at the operation for
4 the purpose of allowing the department to perform an inspection.

5 (5 2) If deemed necessary under the act or any rule or regulation
6 adopted and promulgated pursuant to the act, the department may, for
7 purposes of inspection, enter without being subject to any action for
8 trespass or damages, the premises of any applicant, or licensee, or
9 person the department has reason to believe is an operator, during normal
10 business hours and in a reasonable manner, including all premises in or
11 upon which dogs or cats are housed, harbored, sold, exchanged, or leased
12 or are suspected of being housed, harbored, sold, exchanged, or leased.
13 ~~For purposes of this subsection, premises includes all buildings,~~
14 ~~vehicles, equipment, cages, kennels, containers, and pens and all records~~
15 ~~on such premises. The department shall not be subject to any action for~~
16 ~~trespass or damages resulting from compliance with this subsection.~~

17 (6) Pursuant to an inspection under the act ~~this subsection~~, the
18 department may:

19 (a) Enter and have full access to all premises where dogs or cats
20 regulated under the act are harbored or housed or are suspected of being
21 harbored or housed ~~the premises of any applicant for a license under the~~
22 ~~act to determine if the applicant meets the requirements for licensure~~
23 ~~under the act;~~

24 (b) Access all records pertaining to dogs or cats regulated under
25 the act or suspected of pertaining to such dogs or cats ~~all premises and~~
26 ~~examine and copy all records pertaining to compliance with the act and~~
27 ~~the rules or regulations adopted and promulgated under the act. The~~
28 ~~department shall have authority to gather evidence, including, but not~~
29 ~~limited to, photographs;~~

30 (c) Inspect or reinspect any vehicle or carrier transporting or
31 holding dogs or cats that is in the state to determine compliance with

1 the act or any rules or regulations adopted and promulgated under the
2 act;

3 (d) Obtain an inspection warrant in the manner prescribed in
4 sections 29-830 to 29-835 if any person refuses to allow the department
5 to conduct an inspection pursuant to the act ~~this section~~; or

6 (e) Issue and enforce a written stop-movement order pursuant to
7 section 54-628.01.

8 ~~(7 3)~~ For purposes of this section, the private residence of any
9 applicant, ~~or licensee, or person the department has reason to believe is~~
10 an operator shall be available for purposes of inspection only if dogs or
11 cats are housed in a primary enclosure as ~~defined in 9 C.F.R. 1.1~~ within
12 the residence, including a room in such residence, and only such portion
13 of the residence that is used as a primary enclosure shall be open to an
14 inspection pursuant to this section.

15 (8) An applicant, licensee, or person the department has reason to
16 believe is an operator shall not seek to avoid inspection by hiding dogs
17 or cats regulated under the act in a private residence, on someone else's
18 property, or at any other location. An applicant, licensee, or person the
19 department has reason to believe is an operator shall provide full and
20 accurate information to the department regarding the location of all dogs
21 or cats harbored by the operator.

22 (9) Any applicant, licensee, or person the department has reason to
23 believe is an operator who intentionally refuses to answer the door,
24 fails to be available as provided in subsection (4) of this section,
25 fails to comply with subsection (8) of this section, or otherwise
26 obstructs the department's attempt to perform an inspection shall be in
27 violation of section 54-634 and subject to an administrative fine or
28 other proceedings as provided in section 54-633 or 54-634.

29 Sec. 6. Section 54-628.01, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 54-628.01 (1) The director ~~department~~ may issue a stop-movement

1 order if he or she ~~the department~~ has reasonable cause to believe that
2 there exists noncompliance with the Commercial Dog and Cat Operator
3 Inspection Act or any rule or regulation adopted and promulgated pursuant
4 to the act, including, but not limited to, reasonable cause to believe
5 (a) unreasonable sanitation or housing conditions exist, (b) failure to
6 comply with standards for handling, care, treatment, or transportation
7 for dogs or cats, (c) operating without a license, (d) interfering with
8 the department in the performance of its duties, or (e) any condition
9 exists that without medical attention, provision of shelter, facility
10 maintenance or improvement, relocation of animals, or other management
11 intervention poses a significant threat to the health or safety of the
12 dogs or cats owned or harbored by a violator.

13 (2) Such stop-movement order may require the violator to maintain
14 the dogs or cats subject to the order at the existing location or other
15 department-approved premises until such time as the director ~~department~~
16 has issued a written release from the stop-movement order. The stop-
17 movement order shall clearly advise the violator that he or she may
18 request in writing a ~~an immediate~~ hearing before the director pursuant to
19 section 54-632 within two business days after receiving the order. The
20 order issued pursuant to this section shall be final unless modified or
21 rescinded by the director pursuant to section 54-632 at a hearing
22 requested under this subsection.

23 (3) Pursuant to the stop-movement order, the department shall have
24 the authority to enter the premises to inspect and determine if the dogs
25 or cats subject to the order or the facilities used to house or transport
26 such dogs or cats are kept and maintained in compliance with the
27 requirements of the act and the rules and regulations adopted and
28 promulgated pursuant to the act, or that any management intervention to
29 mitigate conditions posing a significant threat to the health or safety
30 of dogs or cats harbored or owned by a violator imposed by the stop-
31 movement order is being implemented. The department shall not be liable

1 for any costs incurred by the violator or any personnel of the violator
2 due to such departmental action or in enforcing the stop-movement order.
3 The department shall be reimbursed by the violator for the actual costs
4 incurred by the department in issuing and enforcing any stop-movement
5 order.

6 (4) A stop-movement order shall include:

7 (a) A description of the nature of the violations of the act or any
8 rule or regulation adopted and promulgated pursuant to the act ~~violation~~;

9 (b) A description of conditions that pose a significant threat to
10 the health or safety of the dogs or cats owned or harbored by the
11 violator;

12 (c ~~b~~) The action necessary to bring the violator into compliance
13 with the act and the rules and regulations adopted and promulgated
14 pursuant to the act and to mitigate conditions posing a significant
15 threat to the health and safety of the dogs or cats harbored or owned by
16 the violator; ~~and~~

17 (d) Notice that if violations of the act or rule or regulation
18 persist or if any conditions that pose a significant threat to the health
19 or safety of the dogs or cats owned or harbored by the violator persist,
20 the department may refer the matter to appropriate law enforcement for
21 investigation and potential prosecution pursuant to Chapter 28, article
22 10; and

23 (e ~~e~~) The name, address, and telephone number of the violator who
24 owns or harbors ~~houses~~ the dogs or cats subject to the order.

25 (5) Before receipt of a written release, the person to whom the
26 stop-movement order was issued shall:

27 (a) Provide the department with an inventory of all dogs or cats on
28 the premises at the time of the issuance of the order;

29 (b) Provide the department with the identification tag number, the
30 tattoo number, the microchip number, or any other approved method of
31 identification for each individual dog or cat;

1 (c) Notify the department within forty-eight hours of the death or
2 euthanasia of any dog or cat subject to the order. Such notification
3 shall include the dog's or cat's individual identification tag number,
4 tattoo number, microchip number, or other approved identification;

5 (d) Notify the department within forty-eight hours of any dog or cat
6 giving birth after the issuance of the order, including the size of the
7 litter; and

8 (e) Maintain on the premises any dog or cat subject to the order,
9 except that a dog or cat under one year of age under contract to an
10 individual prior to the issuance of the order may be delivered to the
11 individual pursuant to the contractual obligation. The violator shall
12 provide to the department information identifying the dog or cat and the
13 name, address, and telephone number of the individual purchasing the dog
14 or cat. The department may contact the purchaser to ascertain the date of
15 the purchase agreement to ensure that the dog or cat was sold prior to
16 the stop-movement order and to determine that he or she did purchase such
17 dog or cat. No additional dogs or cats shall be transferred onto the
18 premises without written approval of the department.

19 (6) The department shall reinspect the premises to determine
20 compliance within ten business days after the initial inspection that
21 resulted in the stop-movement order. At the time of reinspection pursuant
22 to this subsection, if conditions that pose a significant threat to the
23 health or safety of the dogs or cats harbored or owned by the violator or
24 noncompliant conditions continue to exist, further reinspections shall be
25 at the discretion of the department. The violator may request an
26 immediate hearing with the director pursuant to any findings under this
27 subsection.

28 Sec. 7. Whenever the director has reason to believe that any person
29 has violated any provision of the Commercial Dog and Cat Operator
30 Inspection Act, any rule or regulation adopted and promulgated pursuant
31 to the act, or any order of the director, the director may issue a notice

1 of hearing as provided in section 54-632 requiring the person to appear
2 before the director to (1) show cause why an order should not be entered
3 requiring such person to cease and desist from the violation charged, (2)
4 determine whether an administrative fine should be imposed or levied
5 against the person pursuant to subsection (2) of section 54-633, or (3)
6 determine whether the person fails to qualify for a license pursuant to
7 section 54-630. Proceedings initiated pursuant to this section shall not
8 preclude the department from pursuing other administrative, civil, or
9 criminal actions according to law.

10 Sec. 8. Section 54-630, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:

12 54-630 (1) Before the department approves an application for a ~~an~~
13 ~~initial~~ license, an inspector of the department shall inspect the
14 operation of the applicant to determine whether the applicant qualifies
15 to hold a license pursuant to the Commercial Dog and Cat Operator
16 Inspection Act. Except as provided in subsection (2) of this section, an
17 applicant who qualifies shall be issued a license.

18 (2) The department may deny an application for a ~~an initial or~~
19 ~~renewal~~ license as a commercial dog or cat breeder, dealer, boarding
20 kennel, animal control facility, animal shelter, animal rescue, or pet
21 shop upon a finding that the applicant is unsuited to perform the
22 obligations of a licensee. The applicant shall be determined unsuited to
23 perform the obligations of a licensee if the department finds that the
24 applicant has deliberately misrepresented or concealed any information
25 provided on or with the application or any other information provided to
26 the department under this section or that within the previous five years
27 the applicant:

28 (a) Has been convicted of any law regarding the disposition or
29 treatment of dogs or cats in any jurisdiction; or

30 (b) Has operated a breeder facility under a license or permit issued
31 by any jurisdiction that has been revoked, suspended, or otherwise

1 subject to a disciplinary proceeding brought by the licensing authority
2 in that jurisdiction if such proceeding resulted in the applicant having
3 voluntarily surrendered a license or permit to avoid disciplinary
4 sanctions.

5 (3) In addition to the application, the department may require the
6 applicant to provide additional documentation pertinent to the
7 department's determination of the applicant's suitability to perform the
8 duties of a licensee under the act.

9 (4) An applicant who is denied ~~a an initial or renewal~~ license under
10 this section shall be afforded the opportunity for a hearing before the
11 director or the director's designee to present evidence that the
12 applicant is qualified to hold a license pursuant to the act and the
13 rules and regulations adopted and promulgated by the department and
14 should be issued a license ~~be issued or renewed~~. All such hearings shall
15 be in accordance with the Administrative Procedure Act.

16 Sec. 9. Section 54-633, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 54-633 (1) In order to ensure compliance with the Commercial Dog and
19 Cat Operator Inspection Act, the department may apply for a restraining
20 order, temporary or permanent injunction, or mandatory injunction against
21 any person violating or threatening to violate the act, the rules and
22 regulations, or any order of the director issued pursuant thereto. The
23 district court of the county where the violation is occurring or is about
24 to occur shall have jurisdiction to grant relief upon good cause shown.
25 Relief may be granted notwithstanding the existence of any other remedy
26 at law and shall be granted without bond.

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

31 ~~(2) If alleged violations of the Commercial Dog and Cat Operator~~

1 ~~Inspection Act, the rules and regulations, or an order of the director or~~
2 ~~an offense against animals observed by an inspector in the course of~~
3 ~~performing an inspection under the act poses a significant threat to the~~
4 ~~health or safety of the dogs or cats harbored or owned by an applicant or~~
5 ~~licensee, the department may direct an inspector to impound the dogs or~~
6 ~~cats pursuant to sections 28-1011 and 28-1012 or may request any other~~
7 ~~law enforcement officer as defined in section 28-1008 to impound the dogs~~
8 ~~or cats pursuant to sections 28-1011 and 28-1012. The department shall~~
9 ~~cooperate and coordinate with law enforcement agencies, political~~
10 ~~subdivisions, animal shelters, humane societies, and other appropriate~~
11 ~~entities, public or private, to provide for the care, shelter, and~~
12 ~~disposition of animals impounded by the department pursuant to this~~
13 ~~section.~~

14 (2 3) The department may impose an administrative fine of not more
15 than five thousand dollars for any violation of the act or the rules and
16 regulations adopted and promulgated under the act. Each violation of the
17 act or such rules and regulations shall constitute a separate offense for
18 purposes of this subsection.

19 Sec. 10. If the director has reason to believe that alleged
20 violations of the Commercial Dog and Cat Operator Inspection Act, alleged
21 violations of the rules and regulations of the department, alleged
22 violations of an order of the director, or other existing conditions
23 posing a significant threat to the health or safety of the dogs or cats
24 harbored or owned by an applicant or licensee constitute cruel neglect,
25 abandonment, or cruel mistreatment pursuant to section 28-1009, the
26 director may direct a special investigator employed by the department as
27 authorized pursuant to section 81-201 to exercise the authorities of a
28 law enforcement officer pursuant to sections 28-1011 and 28-1012 with
29 respect to the dogs or cats or may request any other law enforcement
30 officer as defined in section 28-1008 to inspect, care for, or impound
31 the dogs or cats pursuant to sections 28-1011 and 28-1012. The department

1 shall cooperate and coordinate with law enforcement agencies, political
2 subdivisions, animal shelters, humane societies, and other appropriate
3 entities, public or private, to provide for the care, shelter, and
4 disposition of animals impounded pursuant to this section.

5 Sec. 11. This act becomes operative on December 1, 2015.

6 Sec. 12. Original sections 54-628, 54-628.01, and 54-633, Reissue
7 Revised Statutes of Nebraska, and sections 28-1008, 54-625, 54-626,
8 54-627, and 54-630, Revised Statutes Cumulative Supplement, 2014, are
9 repealed.