

AMENDMENTS TO LB360

(Amendments to E & R amendments, ER90)

Introduced by Johnson, 23.

1 1. Insert the following new section:

2 Sec. 20. Section 54-632, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 54-632 (1) Any notice or order provided for in the Commercial Dog
5 and Cat Operator Inspection Act shall be properly served when it is
6 personally served on the applicant, licensee, or violator or on the
7 person authorized by the applicant or licensee to receive notices and
8 orders of the department or when it is sent by certified or registered
9 mail, return receipt requested, to the last-known address of the
10 applicant, licensee, or violator or the person authorized ~~by the licensee~~
11 to receive such notices and orders. A copy of the notice and the order
12 shall be filed in the records of the department.

13 (2) A notice to comply with the act or the rules and regulations
14 adopted and promulgated pursuant to the act ~~conditions set out in the~~
15 ~~order of the director provided in section 54-631~~ shall set forth the acts
16 or omissions with which the applicant, licensee, or violator is charged.

17 (3) A notice of the ~~licensee's~~ right to a hearing ~~provided for in~~
18 ~~sections 54-630 and 54-631~~ shall set forth the time and place of the
19 hearing except as otherwise provided in subsection (4) of this section
20 and section 54-631. A notice of the ~~licensee's~~ right to such hearing
21 shall include notice that such right to a hearing may be waived pursuant
22 to subsection (6) of this section. A notice of the licensee's right to a
23 hearing shall include notice to the licensee that the license may be
24 subject to sanctions as provided in section 54-631.

25 (4) A request for a hearing under subsection (2) of section
26 54-628.01 shall request that the director set forth the time and place of

1 the hearing. The director shall consider the interests of the violator in
2 establishing the time and place of the hearing. Within three business
3 days after receipt by the director of the hearing request, the director
4 shall set forth the time and place of the hearing on the stop-movement
5 order. A notice of the violator's right to such hearing shall include
6 notice that such right to a hearing may be waived pursuant to subsection
7 (6) of this section.

8 (5) The hearings provided for in the act shall be conducted by the
9 director at the time and place he or she designates. The director shall
10 make a final finding based on the complete hearing record and issue an
11 order. If the director has suspended a license pursuant to subsection (4)
12 of section 54-631, the director shall sustain, modify, or rescind the
13 order after the hearing. If the department has issued a stop-movement
14 order under section 54-628.01, the director may sustain, modify, or
15 rescind the order after the hearing. All hearings shall be in accordance
16 with the Administrative Procedure Act.

17 (6) An applicant, A licensee, or violator waives the right to a
18 hearing if such applicant, licensee, or violator does not attend the
19 hearing at the time and place set forth in the notice described in
20 subsection (3) or (4) of this section, without requesting that the
21 director, at least two days before the designated time, change the time
22 and place for the hearing, except that before an order of the director
23 becomes final, the director may designate a different time and place for
24 the hearing if the applicant, licensee, or violator shows the director
25 that the applicant, licensee, or violator had a justifiable reason for
26 not attending the hearing and not timely requesting a change of the time
27 and place for such hearing. If the applicant, licensee, or violator
28 waives the right to a hearing, the director shall make a final finding
29 based upon the available information and issue an order. If the director
30 has suspended a license pursuant to subsection (4) of section 54-631, the
31 director may sustain, modify, or rescind the order after the hearing. If

1 the department has issued a stop-movement order under section 54-628.01,
2 the director may sustain, modify, or rescind the order after the hearing.

3 (7) Any person aggrieved by the finding of the director has ten days
4 after the entry of the director's order to request a new hearing if such
5 person can show that a mistake of fact has been made which affected the
6 director's determination. Any order of the director becomes final upon
7 the expiration of ten days after its entry if no request for a new
8 hearing is made.

9 2. On page 5, line 31, after "seized" insert "pursuant to section
10 28-1006 or 28-1012".

11 3. On page 10, line 27, strike "on", show as stricken, and insert
12 "in".

13 4. On page 16, line 28, strike "a licensee, an applicant," and
14 insert "an applicant, a licensee,".

15 5. On page 17, line 3, strike "or" and the second "facility" and
16 insert "an" before each incidence of "animal"; and in line 4 insert "a"
17 before each incidence of "commercial" and before "dealer" and "pet".

18 6. On page 18, line 5, strike "or removal" and show as stricken and
19 after "cat" insert "onto or".

20 7. On page 20, line 22, strike "license"; in line 25 strike "housed"
21 and insert "owned or harbored" and strike "annual licensure" and insert
22 "twelve-month"; and in line 26 after "cats" insert "subject to
23 subdivision (g) of this section".

24 8. On page 21, line 1, strike the second "license", show as
25 stricken, and insert "annual"; in line 6 after "dollars" insert "times
26 the number of dogs or cats harbored by the licensee over the previous
27 twelve-month period numbering more than ten dogs or cats"; in line 22
28 strike "A licensee" and show as stricken and strike ", an applicant," and
29 insert "An applicant, a licensee,"; and in line 24 strike "its", show as
30 stricken, and insert "any applicable".

31 9. On page 25, line 14, after "exists" insert "(a)"; in line 16

1 strike "reasonable cause to believe" and show as stricken; in line 17
2 strike "(a)", "exist", and "(b)" and show the old matter as stricken; in
3 line 19 strike "(c)" and strike "(d)" and insert "or"; in line 20 strike
4 "(e)" and insert "(b)"; in line 21 strike "exists that" and insert
5 "that,"; and in line 23 after "intervention" insert an underscored comma.

6 10. On page 26, line 9, strike ", or that any management
7 intervention" and insert "or if any management intervention imposed by
8 the stop-movement order is being implemented"; in lines 11 and 12 strike
9 "imposed by the stop-movement order is being implemented"; in line 21
10 strike "A" and insert "If applicable, a"; in line 26 strike "and" and
11 insert "or, if applicable,"; in line 29 after the first "or" insert
12 "any"; and in line 30 strike "persist" and "if".

13 11. On page 30, line 31, after "that" insert "any".

14 12. On page 31, strike "violations" in lines 1, 2, and 3 and insert
15 "violation" and before "alleged" in lines 1 and 2 insert "any"; in line 3
16 after "or" insert "any" and strike "conditions" and insert "condition";
17 in line 5 strike "constitute" and insert "constitutes"; and strike
18 beginning with "The" in line 12 through "with" in line 13 and insert "Any
19 assignment of a special investigator by the director or referral to
20 another law enforcement officer pursuant to this section shall be in
21 cooperation and coordination with appropriate".

22 13. Renumber the remaining sections and correct internal references
23 and the repealer accordingly.