

E AND R AMENDMENTS TO LB 360

Introduced by Hansen, 26, Chairman Enrollment and Review

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

3           Section 1. Section 28-1006, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5           28-1006 (1) It shall be the duty of the sheriff, a police officer,  
6 or the Nebraska State Patrol to make prompt investigation of and arrest  
7 for any violation of section 28-1005 or 28-1005.01.

8           (2) Any ~~animal~~, equipment, device, or other property or things  
9 involved in any violation of section 28-1005 or 28-1005.01 shall be  
10 subject to seizure, and disposition may be made in accordance with the  
11 method of disposition directed for contraband in sections 29-818 and  
12 29-820.

13           (3) Any animal involved in any violation of section 28-1005 or  
14 28-1005.01 shall be subject to seizure. Distribution or disposition shall  
15 be made as provided in section 5 of this act ~~29-818~~ and in such manner as  
16 the court may direct. The court may give preference to adoption  
17 alternatives through humane societies or comparable institutions and to  
18 the protection of such animal's welfare. For a humane society or  
19 comparable institution to be considered as an adoption alternative under  
20 this subsection, it must first be licensed by the Department of  
21 Agriculture as having passed the inspection requirements in the  
22 Commercial Dog and Cat Operator Inspection Act and paid the fee for  
23 inspection under the act. The court may prohibit an adopting or  
24 purchasing party from selling such animal for a period not to exceed one  
25 year.

26           (4) In addition to any other sentence given for a violation of  
27 section 28-1005 or 28-1005.01, the sentencing court may order the

1 defendant to reimburse a public or private agency for expenses incurred  
2 in conjunction with the care, impoundment, or disposal, including  
3 adoption, of an animal involved in the violation of section 28-1005 or  
4 28-1005.01. Whenever the court believes that such reimbursement may be a  
5 proper sentence or the prosecuting attorney requests, the court shall  
6 order that the presentence investigation report include documentation  
7 regarding the nature and amount of the expenses incurred. The court may  
8 order that reimbursement be made immediately, in specified installments,  
9 or within a specified period of time, not to exceed five years after the  
10 date of judgment.

11 Sec. 2. Section 28-1008, Revised Statutes Cumulative Supplement,  
12 2014, is amended to read:

13 28-1008 For purposes of sections 28-1008 to 28-1017, 28-1019, and  
14 28-1020 and section 5 of this act:

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

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

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

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

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

30 (6) Law enforcement officer means any member of the Nebraska State  
31 Patrol, any county or deputy sheriff, any member of the police force of

1 any city or village, or any other public official authorized by a city or  
2 village to enforce state or local animal control laws, rules,  
3 regulations, or ordinances. Law enforcement officer also includes a  
4 special investigator appointed as a deputy state sheriff as authorized  
5 pursuant to section 81-201 while acting within the authority of the  
6 Director of Agriculture ~~any inspector under the Commercial Dog and Cat~~  
7 ~~Operator Inspection Act to the extent that such inspector may exercise~~  
8 ~~the authority of a law enforcement officer under section 28-1012 while in~~  
9 ~~the course of performing inspection activities~~ under the Commercial Dog  
10 and Cat Operator Inspection Act;

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

16 (8) Owner or custodian means any person owning, keeping, possessing,  
17 harboring, or knowingly permitting an animal to remain on or about any  
18 premises owned or occupied by such person;

19 (9 8) Police animal means a horse or dog owned or controlled by the  
20 State of Nebraska or any county, city, or village for the purpose of  
21 assisting a law enforcement officer in the performance of his or her  
22 official enforcement duties;

23 (10 9) Repeated beating means intentional successive strikes to an  
24 animal by a person resulting in serious bodily injury or death to the  
25 animal;

26 (11 10) Serious injury or illness includes any injury or illness to  
27 any animal which creates a substantial risk of death or which causes  
28 broken bones, prolonged impairment of health, or prolonged loss or  
29 impairment of the function of any bodily organ; and

30 (12 11) Torture means intentionally subjecting an animal to extreme  
31 pain, suffering, or agony. Torture does not include conduct performed by

1 a veterinarian licensed to practice veterinary medicine and surgery in  
2 this state or conduct that conforms to accepted veterinary practices.

3 Sec. 3. Section 28-1011, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 28-1011 (1) In addition to any other sentence given for a violation  
6 of section 28-1009 or 28-1010, the sentencing court may order the  
7 defendant to reimburse a public or private agency for any unreimbursed  
8 expenses incurred in conjunction with the care, impoundment, seizure, or  
9 disposal of an animal involved in the violation of such section. Whenever  
10 the court believes that such reimbursement may be a proper sentence or  
11 the prosecuting attorney requests, the court shall order that the  
12 presentence investigation report include documentation regarding the  
13 nature and amount of the expenses incurred. The court may order that  
14 reimbursement be made immediately, in specified installments, or within a  
15 specified period of time, not to exceed five years after the date of  
16 judgment.

17 (2) Even if reimbursement for expenses is not ordered under  
18 subsection (1) of this section, the defendant shall be liable for all  
19 unreimbursed expenses incurred by a public or private agency in  
20 conjunction with the care, impoundment, seizure, or disposal of an  
21 animal. The expenses shall be a lien upon the animal.

22 Sec. 4. Section 28-1012, Revised Statutes Cumulative Supplement,  
23 2014, is amended to read:

24 28-1012 (1) A Any law enforcement officer who has reason to believe  
25 that an animal has been abandoned or is being cruelly neglected or  
26 cruelly mistreated may seek a warrant authorizing entry upon private  
27 property to inspect, care for, or impound the animal.

28 (2) A Any law enforcement officer who has reason to believe that an  
29 animal has been abandoned or is being cruelly neglected or cruelly  
30 mistreated may issue a citation to the owner or custodian as prescribed  
31 in sections 29-422 to 29-429.

1           (3) Any ~~animal~~, equipment, device, or other property or things  
2 involved in a violation of section 28-1009 or 28-1010 shall be subject to  
3 seizure, and distribution or disposition may be made shall be made under  
4 ~~section 29-818~~ and in such manner as the court may direct. Any animal  
5 involved in a violation of section 28-1009 or 28-1010 shall be subject to  
6 seizure. Distribution or disposition shall be made under section 5 of  
7 this act as the court may direct.

8           ~~(4) Any animal involved in a violation of section 28-1009 or 28-1010~~  
9 ~~shall be subject to seizure. Distribution or disposition shall be made~~  
10 ~~under section 29-818 and in such manner as the court may direct. The~~  
11 ~~court may consider adoption alternatives through humane societies or~~  
12 ~~comparable institutions and the protection of such animal's welfare. For~~  
13 ~~a humane society or comparable institution to be considered as an~~  
14 ~~adoption alternative under this subsection, it must first be licensed by~~  
15 ~~the Department of Agriculture as having passed the inspection~~  
16 ~~requirements in the Commercial Dog and Cat Operator Inspection Act and~~  
17 ~~paid the fee for inspection under the act. The court may prohibit an~~  
18 ~~adopting or purchasing party from selling such animal for a period not to~~  
19 ~~exceed one year.~~

20           (4 5) Any law enforcement officer acting under this section shall  
21 not be liable for damage to property if such damage is not the result of  
22 the officer's negligence.

23           Sec. 5. (1) Any animal seized under a search warrant or validly  
24 seized without a warrant may be kept on the property of the owner or  
25 custodian by the law enforcement officer seizing the animal. When a  
26 criminal complaint has been filed in connection with a seized animal, the  
27 court in which such complaint was filed shall have exclusive jurisdiction  
28 for disposition of the animal and to determine any rights therein,  
29 including questions respecting the title, possession, control, and  
30 disposition thereof as provided in this section.

31           (2) Within seven days after the date an animal has been seized, the

1 county attorney of the county where the animal was seized shall file an  
2 application with the court having appropriate jurisdiction for a hearing  
3 to determine the disposition and the cost for the care of the animal.  
4 Notice of such hearing shall be given to the owner or custodian from whom  
5 such animal was seized and to any holder of a lien or security interest  
6 of record in such animal specifying the date, time, and place of such  
7 hearing. Such notice shall be served by personal or residential service  
8 or by certified mail. If such notice cannot be served by such methods,  
9 service may be made by publication in the county where such animal was  
10 seized. Such publication shall be made after application and order of the  
11 court. The hearing shall be held as soon as practicable and not more than  
12 ten business days after the date of application for the hearing unless  
13 otherwise determined and ordered by the court.

14 (3) If the court finds that probable cause exists that an animal has  
15 been abandoned or cruelly neglected or mistreated, the court may:

16 (a) Order immediate forfeiture of the animal to the agency that took  
17 custody of the animal and authorize appropriate disposition of the animal  
18 including adoption, donation to a suitable shelter, humane destruction,  
19 or any other manner of disposition approved by the court. The court may  
20 consider adoption alternatives through humane societies or comparable  
21 institutions and the protection of such animal's welfare. For a humane  
22 society or comparable institution to be considered as an adoption  
23 alternative under this subsection, it must first be licensed by the  
24 Department of Agriculture as having passed the inspection requirements in  
25 the Commercial Dog and Cat Operator Inspection Act and paid the fee for  
26 inspection under the act. The court may prohibit an adopting or  
27 purchasing party from selling such animal for a period not to exceed one  
28 year;

29 (b) Issue an order to the owner or custodian setting forth the  
30 conditions under which custody of the animal shall be returned to the  
31 owner or custodian from whom the animal was seized or to any other person

1 claiming an interest in the animal. Such order may include any management  
2 actions deemed necessary and prudent by the court, including reducing the  
3 number of animals harbored or owned by the owner or custodian by humane  
4 destruction or forfeiture and securing necessary care, including  
5 veterinary care, sufficient for the maintenance of any remaining animals;  
6 or

7 (c) Order the owner or custodian from whom the animal was seized to  
8 post a bond or other security or to otherwise order payment in an amount  
9 that is sufficient to reimburse all reasonable expenses, as determined by  
10 the court, for the care of the animal including veterinary care incurred  
11 by the agency from the date of seizure and necessitated by the possession  
12 of the animal. Payments shall be for a succeeding thirty-day period with  
13 the first payment due on or before the tenth day following the hearing.  
14 Payments for each subsequent thirty-day period, if any, shall be due on  
15 or before the tenth day of such period. The bond or security shall be  
16 placed with, or payments ordered under this subdivision shall be paid to,  
17 the agency that took custody of the animal. The agency shall provide an  
18 accounting of expenses to the court when the animal is no longer in the  
19 custody of the agency or upon request by the court. The county attorney  
20 of the county where the animal was seized may apply to the court for a  
21 subsequent hearing under this section at any time. The hearing shall be  
22 held as soon as practicable and not more than ten business days after the  
23 date of application for the hearing unless otherwise determined and  
24 ordered by the court. When all expenses covered by the bond or security  
25 are exhausted and subsequent bond or security has not been posted, or if  
26 a person becomes delinquent in his or her payments for the expenses of  
27 the animal, the animal shall be forfeited to the agency.

28 (4) If custody of an animal is returned to the owner or custodian  
29 prior to seizure, any proceeds of a bond or security or any payment or  
30 portion of payment ordered under this section not used for the care of  
31 the animal during the time the animal was held by the agency shall be

1 returned to the owner or custodian.

2 (5) Nothing in this section shall prevent the humane destruction of  
3 a seized animal at any time as determined necessary by a licensed  
4 veterinarian or as authorized by court order.

5 (6) An appeal may be filed within ten days after a hearing held  
6 under this section. Any person filing an appeal shall post a bond or  
7 security sufficient to pay reasonable costs of care of the animal for  
8 thirty days. Such bond or surety shall be required for each succeeding  
9 thirty-day period until the appeal is final.

10 (7) If the owner or custodian from whom the animal was seized is  
11 found not guilty in an associated criminal proceeding, all funds paid for  
12 the expenses of the animal remaining after the actual expenses incurred  
13 by the agency have been paid shall be returned to the owner or custodian.

14 (8) This section shall not preempt any ordinance of a city of the  
15 metropolitan or primary class.

16 Sec. 6. Section 28-1013, Revised Statutes Cumulative Supplement,  
17 2014, is amended to read:

18 28-1013 Sections 28-1008 to 28-1017 and 28-1019 and section 5 of  
19 this act shall not apply to:

20 (1) Care or treatment of an animal or other conduct by a  
21 veterinarian or veterinary technician licensed under the Veterinary  
22 Medicine and Surgery Practice Act that occurs within the scope of his or  
23 her employment, that occurs while acting in his or her professional  
24 capacity, or that conforms to commonly accepted veterinary practices;

25 (2) Commonly accepted care or treatment of a police animal by a law  
26 enforcement officer in the normal course of his or her duties;

27 (3) Research activity carried on by any research facility currently  
28 meeting the standards of the federal Animal Welfare Act, 7 U.S.C. 2131 et  
29 seq., as such act existed on January 1, 2010;

30 (4) Commonly accepted practices of hunting, fishing, or trapping;

31 (5) Humane killing of an animal by the owner or by his or her agent

1 or a veterinarian upon the owner's request;

2 (6) Use of reasonable force against an animal, other than a police  
3 animal, which is working, including killing, capture, or restraint, if  
4 the animal is outside the owned or rented property of its owner or  
5 custodian and is injuring or posing an immediate threat to any person or  
6 other animal;

7 (7) Killing of house or garden pests; and

8 (8) Commonly accepted animal training practices.

9 Sec. 7. Section 28-1014, Revised Statutes Cumulative Supplement,  
10 2014, is amended to read:

11 28-1014 Any city, village, or county may adopt and promulgate rules,  
12 regulations, and ordinances which are not inconsistent with the  
13 provisions of sections 28-1008 to 28-1017, 28-1019, and 28-1020 and  
14 section 5 of this act for the protection of the public, public health,  
15 and animals within its jurisdiction.

16 Sec. 8. Section 28-1015, Revised Statutes Cumulative Supplement,  
17 2014, is amended to read:

18 28-1015 When an animal is owned by a minor child, the parent of such  
19 minor child with whom the child resides or legal guardian with whom the  
20 child resides shall be subject to the penalties provided under sections  
21 28-1008 to 28-1017, 28-1019, and 28-1020 and section 5 of this act if the  
22 animal is abandoned or cruelly neglected.

23 Sec. 9. Section 28-1016, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:

25 28-1016 Nothing in sections 28-1008 to 28-1017, 28-1019, and 28-1020  
26 and section 5 of this act shall be construed as amending or changing the  
27 authority of the Game and Parks Commission as established in the Game Law  
28 or to prohibit any conduct authorized or permitted by such law.

29 Sec. 10. Section 28-1019, Revised Statutes Cumulative Supplement,  
30 2014, is amended to read:

31 28-1019 (1)(a) If a person is convicted of a Class IV felony under

1 section 28-1005 or 28-1009, the sentencing court shall order such person  
2 not to own, possess, or reside with any animal for at least five years  
3 after the date of conviction, but such time restriction shall not exceed  
4 fifteen years. Any person violating such court order shall be guilty of a  
5 Class I misdemeanor.

6 (b) If a person is convicted of a Class I misdemeanor under section  
7 28-1005.01 or 28-1009 or a Class III misdemeanor under section 28-1010,  
8 the sentencing court may order such person not to own, possess, or reside  
9 with any animal after the date of conviction, but such time restriction,  
10 if any, shall not exceed five years. Any person violating such court  
11 order shall be guilty of a Class IV misdemeanor.

12 (c) Any animal involved in a violation of a court order under  
13 subdivision (a) or (b) of this subsection shall be subject to seizure by  
14 law enforcement. Distribution or disposition shall be made under section  
15 5 of this act 29-818.

16 (2) This section shall not apply to any person convicted under  
17 section 28-1005, 28-1005.01, or 28-1009 if a licensed physician confirms  
18 in writing that ownership or possession of or residence with an animal is  
19 essential to the health of such person.

20 Sec. 11. Section 29-818, Revised Statutes Cumulative Supplement,  
21 2014, is amended to read:

22 29-818 ~~(1)~~ Except for ~~pet~~ animals as provided in section 5 of this  
23 act subsection (2) of this section, property seized under a search  
24 warrant or validly seized without a warrant shall be safely kept by the  
25 officer seizing the same, unless otherwise directed by the judge or  
26 magistrate, and shall be so kept so long as necessary for the purpose of  
27 being produced as evidence on any trial. Property seized may not be taken  
28 from the officer having it in custody by replevin or other writ so long  
29 as it is or may be required as evidence in any trial, nor may it be so  
30 taken in any event where a complaint has been filed in connection with  
31 which the property was or may be used as evidence, and the court in which

1 such complaint was filed shall have exclusive jurisdiction for  
2 disposition of the property or funds and to determine rights therein,  
3 including questions respecting the title, possession, control, and  
4 disposition thereof.

5 ~~(2)(a) Any pet animal seized under a search warrant or validly seized~~  
6 ~~without a warrant may be kept by the officer seizing the same on the~~  
7 ~~property of the person who owns, keeps, harbors, maintains, or controls~~  
8 ~~such pet animal.~~

9 ~~(b) When any pet animal is seized under this subsection, the court shall~~  
10 ~~provide the person who owns, keeps, harbors, maintains, or controls such~~  
11 ~~pet animal with notice that a hearing will be had and specify the date,~~  
12 ~~time, and place of such hearing. Such notice shall be served by personal~~  
13 ~~or residential service or by certified mail. If such notice cannot be~~  
14 ~~served by such methods, service may be made by publication in the county~~  
15 ~~where such pet animal was seized. Such publication shall be made after~~  
16 ~~application and order of the court. Unless otherwise determined and~~  
17 ~~ordered by the court, the date of such hearing shall be no later than ten~~  
18 ~~days after the seizure.~~

19 ~~(c) At the hearing, the court shall determine the disposition of the pet~~  
20 ~~animal, and if the court determines that any pet animal shall not be~~  
21 ~~returned, the court shall order the person from whom the pet animal was~~  
22 ~~seized to pay all expenses for the support and maintenance of the pet~~  
23 ~~animal, including expenses for shelter, food, veterinary care, and board,~~  
24 ~~necessitated by the possession of the pet animal. At the hearing, the~~  
25 ~~court shall also consider the person's ability to pay for the expenses of~~  
26 ~~the pet animal and the amount of such payments. Payments shall be for a~~  
27 ~~succeeding thirty-day period with the first payment due on or before the~~  
28 ~~tenth day following the hearing. Payments for each subsequent succeeding~~  
29 ~~thirty-day period, if any, shall be due on or before the tenth day of~~  
30 ~~such period.~~

31 ~~(d) If a person becomes delinquent in his or her payments for the~~

1 ~~expenses of the pet animal, the court shall hold a hearing to determine~~  
2 ~~the disposition of the seized pet animal. Notice of such hearing shall be~~  
3 ~~given to the person who owns, keeps, harbors, maintains, or controls such~~  
4 ~~pet animal and to any lienholder or security interest holder of record as~~  
5 ~~provided in subdivision (b) of this subsection.~~

6 ~~(e) An appeal may be entered within ten days after a hearing under~~  
7 ~~subdivision (c) or (d) of this subsection. Any person filing an appeal~~  
8 ~~shall post a bond sufficient to pay all costs of care of the pet animal~~  
9 ~~for thirty days. Such payment will be required for each succeeding~~  
10 ~~thirty-day period until the appeal is final.~~

11 ~~(f) Should the person be found not guilty, all funds paid for the~~  
12 ~~expenses of the pet animal shall be returned to the person.~~

13 ~~(g) For purposes of this subsection, pet animal means any domestic dog,~~  
14 ~~domestic cat, mini pig, domestic rabbit, domestic ferret, domestic~~  
15 ~~rodent, bird except a bird raised as an agricultural animal and~~  
16 ~~specifically excluding any bird possessed under a license issued by the~~  
17 ~~State of Nebraska or the United States Fish and Wildlife Service,~~  
18 ~~nonlethal aquarium fish, nonlethal invertebrate, amphibian, turtle,~~  
19 ~~nonvenomous snake that will not grow to more than eight feet in length at~~  
20 ~~maturity, or such other animal as may be specified and for which a permit~~  
21 ~~shall be issued by an animal control authority after inspection and~~  
22 ~~approval, except that any animal forbidden to be sold, owned, or~~  
23 ~~possessed by federal or state law is not a pet animal.~~

24 ~~(h) This section shall not preempt, and shall not be construed to~~  
25 ~~preempt, any ordinance of a city of the metropolitan or primary class.~~

26 Sec. 12. Section 54-603, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 54-603 (1) Any county, city, or village shall have authority by  
29 ordinance or resolution to impose a license tax, in an amount which shall  
30 be determined by the appropriate governing body, on the owner or harborer  
31 of any dog or dogs, to be paid under such regulations as shall be

1 provided by such ordinance or resolutions.

2 (2) Every service animal shall be licensed as required by local  
3 ordinances or resolutions, but no license tax shall be charged. Upon the  
4 retirement or discontinuance of the animal as a service animal, the owner  
5 of the animal shall be liable for the payment of a license tax as  
6 prescribed by local ordinances or resolutions.

7 (3) Any county, city, or village that imposes a license tax on the  
8 owner or harbinger of any cat or cats or any dog or dogs under this  
9 section shall, in addition to the license tax imposed by the licensing  
10 jurisdiction, collect from the licensee a fee of one dollar and twenty-  
11 five cents. The person designated by the licensing jurisdiction to  
12 collect and administer the license tax shall act as agent for the State  
13 of Nebraska in the collection of the fee. From each ~~one-dollar~~ fee of one  
14 dollar and twenty-five cents collected, such person shall retain three  
15 cents and remit the balance to the State Treasurer for credit to the  
16 Commercial Dog and Cat Operator Inspection Program Cash Fund. If the  
17 person collecting the fee is the licensing jurisdiction, the three cents  
18 shall be credited to the licensing jurisdiction's general fund. If the  
19 person collecting the fee is a private contractor, the three cents shall  
20 be credited to an account of the private contractor. The remittance to  
21 the State Treasurer shall be made at least annually at the conclusion of  
22 the licensing jurisdiction's fiscal year, except that any licensing  
23 jurisdiction or private contractor that collects fifty dollars or less of  
24 such fees during the fiscal year may remit the fees when the cumulative  
25 amount of fees collected reaches fifty dollars.

26 Sec. 13. Section 54-625, Revised Statutes Cumulative Supplement,  
27 2014, is amended to read:

28 54-625 Sections 54-625 to 54-643 and sections 18 and 21 of this act  
29 shall be known and may be cited as the Commercial Dog and Cat Operator  
30 Inspection Act.

31 Sec. 14. Section 54-626, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 54-626 For purposes of the Commercial Dog and Cat Operator  
3 Inspection Act:

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

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

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

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

30 (5) Breeding dog means any sexually intact male or female dog six  
31 months of age or older owned or harbored by a commercial dog breeder;

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

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

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

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

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

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

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

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

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

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

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

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

31 (10) Department means the Bureau of Animal Industry of the

1 Department of Agriculture with the State Veterinarian in charge,  
2 subordinate only to the director;

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

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

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

16 (14) Harbor means:

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

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

21 (15 14) Housing facility means any room, building, or areas used to  
22 contain a primary enclosure;

23 (16 15) Inspector means any person who is employed by the department  
24 and who is authorized to perform inspections pursuant to the act;

25 (17 16) Licensee means a person who has qualified for and received a  
26 license from the department pursuant to the act;

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

1 inspections;

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

6 (20 17) Pet animal means an animal kept as a household pet for the  
7 purpose of companionship, which includes, but is not limited to, dogs,  
8 cats, birds, fish, rabbits, rodents, amphibians, and reptiles;

9 (21 18) Pet shop means a retail establishment which sells pet  
10 animals and related supplies;

11 (22 19) Premises means all public or private buildings, vehicles,  
12 equipment, containers, kennels, pens, and cages used by an operator a  
13 facility and the public or private ground upon which an operator's a  
14 facility is located if such buildings, vehicles, equipment, containers,  
15 kennels, pens, cages, or ground are used by the owner or operator of such  
16 facility in the usual course of business;

17 (23 20) Primary enclosure means any structure used to immediately  
18 restrict a dog or cat to a limited amount of space, such as a room, pen,  
19 cage, or compartment;

20 (24 21) Secretary of Agriculture means the Secretary of Agriculture  
21 of the United States Department of Agriculture;

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

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

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

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

31 (d) Egregious human abuse such as trauma from beating, torturing,

1 mutilating, burning, or scalding; or

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

4 (26 22) Stop-movement order means a directive preventing the  
5 movement or removal of any dog or cat from the premises; and

6 (27 23) Unaltered means any male or female dog or cat which has not  
7 been neutered or spayed or otherwise rendered incapable of reproduction.

8 Sec. 15. Section 54-627, Revised Statutes Cumulative Supplement,  
9 2014, is amended to read:

10 54-627 (1) A person shall not operate as a commercial dog or cat  
11 breeder, a dealer, a boarding kennel, an animal control facility, an  
12 animal shelter, an animal rescue, or a pet shop unless the person obtains  
13 the appropriate license. A pet shop shall only be subject to the  
14 Commercial Dog and Cat Operator Inspection Act and the rules and  
15 regulations adopted and promulgated pursuant thereto in any area or areas  
16 of the establishment used for the keeping and selling of pet animals. If  
17 a facility listed in this subsection is not located at the owner's  
18 residence, the name and address of the owner shall be posted on the  
19 premises.

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

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

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

14 (i) Ten or fewer dogs or cats, one hundred seventy-five ~~five~~  
15 dollars;

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

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

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

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

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

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

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

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

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

1 twenty-five dollars;

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

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

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

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

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

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

21 (f) In addition to the fee as prescribed in the fee schedule set  
22 forth in subdivision (a) of this subsection, the annual license fee for a  
23 commercial dog or cat breeder, pet shop, dealer, or boarding kennel shall  
24 include a fee of two dollars times the daily average number of dogs or  
25 cats housed by the licensee over the previous annual licensure period  
26 numbering more than ten dogs or cats.

27 (g ~~f~~) The fees charged under subdivision (a) of this subsection ~~this~~  
28 ~~subsection~~ may be increased or decreased by rule and regulation as  
29 adopted and promulgated by the department, but the director after a  
30 public hearing is held outlining the reason for any proposed change in  
31 the fee. The maximum fee that may be charged shall not result in a fee

1 for any license category that exceeds the license fee set forth in  
2 subdivision (a) of this subsection ~~this subsection~~ by more than one  
3 hundred dollars. The fee charged under subdivision (f) of this subsection  
4 may be increased or decreased by rule and regulation as adopted and  
5 promulgated by the department, but such fee shall not exceed three  
6 dollars.

7 (4) ~~A license to operate as a commercial dog or cat breeder, dealer,~~  
8 ~~boarding kennel, or pet shop shall pay the annual fee to be renewed by~~  
9 ~~filing with the department on or before April 1 of each year. An a~~  
10 ~~renewal application and the annual license fee. A license to operate as~~  
11 ~~an animal control facility, animal rescue, or animal shelter shall pay~~  
12 ~~the annual fee to be renewed by filing with the department on or before~~  
13 ~~October 1 of each year a renewal application and the annual license fee.~~  
14 ~~Failure to pay the annual fee by the due date renew a license prior to~~  
15 ~~the expiration of the license shall result in a late renewal fee equal to~~  
16 ~~twenty percent of the annual license fee due and payable each month, not~~  
17 ~~to exceed one hundred percent of such fee, in addition to the annual~~  
18 ~~license fee. The purpose of the late renewal fee is to pay for the~~  
19 ~~administrative costs associated with the collection of fees under this~~  
20 ~~section. The assessment of the late renewal fee shall not prohibit the~~  
21 ~~director from taking any other action as provided in the act.~~

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

26 (6) The state or any political subdivision of the state which  
27 contracts out its animal control duties to a facility not operated by the  
28 state or any political subdivision of the state may be exempted from the  
29 licensing requirements of this section if such facility is licensed as an  
30 animal control facility, animal rescue, or animal shelter for the full  
31 term of the contract with the state or its political subdivision.

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

4 Sec. 16. Section 54-628, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 54-628 (1) The department shall inspect all licensees at least once  
7 in a twenty-four-month period to determine whether the licensee is in  
8 compliance with the Commercial Dog and Cat Operator Inspection Act.

9 (2) Any additional inspector or other field personnel employed by  
10 the department to carry out inspections pursuant to the act that are  
11 funded through General Fund appropriations to the department Bureau of  
12 Animal Industry shall be assigned to the Bureau of Animal Industry and  
13 shall be available for temporary reassignment as needed to other  
14 activities and functions of the department Bureau of Animal Industry in  
15 the event of a livestock disease emergency or any other threat to  
16 livestock or public health.

17 (3) When an inspection produces evidence of a violation of the act  
18 or the rules and regulations of the department, a copy of a written  
19 report of the inspection and violations shown thereon, prepared by the  
20 inspector, shall be given to the applicant, ~~or~~ licensee, or person the  
21 department has reason to believe is an operator, together with written  
22 notice to comply within the time limit established by the department and  
23 set out in such notice. If the department performs a reinspection for the  
24 purpose of determining if an operator has complied within the time limit  
25 for compliance established pursuant to this subsection or has complied  
26 with section 54-628.01 or if the inspector must return to the operator's  
27 location because the operator was not available within a reasonable time  
28 as required by subsection (4) of this section, the applicant, licensee,  
29 or person the department has reason to believe is an operator shall pay a  
30 reinspection fee of one hundred fifty dollars together with the mileage  
31 of the inspector at the rate provided in section 81-1176. The purpose of

1 the reinspection fee is to pay for the administrative costs associated  
2 with the additional inspection. Any fees collected pursuant to this  
3 section shall be remitted to the State Treasurer for credit to the  
4 Commercial Dog and Cat Operator Inspection Program Cash Fund. The  
5 assessment of the reinspection fee shall not prohibit the director from  
6 taking any other action as provided in the act.

7 (4) The department, at its discretion, may make unannounced  
8 inspections of any applicant, licensee, or person the department has  
9 reason to believe is an operator during normal business hours.  
10 Applicants, licensees, and any person the department has reason to  
11 believe is an operator shall provide the department, in writing, and keep  
12 updated if there is any change, a telephone number where the operator can  
13 be reached during normal business hours. The applicant, licensee, or  
14 person the department has reason to believe is an operator shall provide  
15 a person over the age of nineteen to be available at the operation for  
16 the purpose of allowing the department to perform an inspection.

17 (5) ~~2~~ If deemed necessary under the act or any rule or regulation  
18 adopted and promulgated pursuant to the act, the department may, for  
19 purposes of inspection, enter, without being subject to any action for  
20 trespass or damages, the premises of any applicant, ~~or~~ licensee, or  
21 person the department has reason to believe is an operator, during normal  
22 business hours and in a reasonable manner, including all premises in or  
23 upon which dogs or cats are housed, harbored, sold, exchanged, or leased  
24 or are suspected of being housed, harbored, sold, exchanged, or leased.  
25 ~~For purposes of this subsection, premises includes all buildings,~~  
26 ~~vehicles, equipment, cages, kennels, containers, and pens and all records~~  
27 ~~on such premises. The department shall not be subject to any action for~~  
28 ~~trespass or damages resulting from compliance with this subsection.~~

29 (6) Pursuant to an inspection under the act this subsection, the  
30 department may:

31 (a) Enter and have full access to all premises where dogs or cats

1 regulated under the act are harbored or housed or are suspected of being  
2 harbored or housed the premises of any applicant for a license under the  
3 act to determine if the applicant meets the requirements for licensure  
4 under the act;

5 (b) Access all records pertaining to dogs or cats regulated under  
6 the act or suspected of pertaining to such dogs or cats all premises and  
7 examine and copy all records pertaining to compliance with the act and  
8 the rules or regulations adopted and promulgated under the act. The  
9 department shall have authority to gather evidence, including, but not  
10 limited to, photographs;

11 (c) Inspect or reinspect any vehicle or carrier transporting or  
12 holding dogs or cats that is in the state to determine compliance with  
13 the act or any rules or regulations adopted and promulgated under the  
14 act;

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

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

20 (~~7~~ 3) For purposes of this section, the private residence of any  
21 applicant, ~~or licensee, or person the department has reason to believe is~~  
22 an operator shall be available for purposes of inspection only if dogs or  
23 cats are housed in a primary enclosure as ~~defined in 9 C.F.R. 1.1~~ within  
24 the residence, including a room in such residence, and only such portion  
25 of the residence that is used as a primary enclosure shall be open to an  
26 inspection pursuant to this section.

27 (~~8~~) An applicant, licensee, or person the department has reason to  
28 believe is an operator shall not seek to avoid inspection by hiding dogs  
29 or cats regulated under the act in a private residence, on someone else's  
30 property, or at any other location. An applicant, licensee, or person the  
31 department has reason to believe is an operator shall provide full and

1 accurate information to the department regarding the location of all dogs  
2 or cats harbored by the operator.

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

10 Sec. 17. Section 54-628.01, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 54-628.01 (1) The director department may issue a stop-movement  
13 order if he or she the department has reasonable cause to believe that  
14 there exists noncompliance with the Commercial Dog and Cat Operator  
15 Inspection Act or any rule or regulation adopted and promulgated pursuant  
16 to the act, including, but not limited to, reasonable cause to believe  
17 (a) unreasonable sanitation or housing conditions exist, (b) failure to  
18 comply with standards for handling, care, treatment, or transportation  
19 for dogs or cats, (c) operating without a license, (d) interfering with  
20 the department in the performance of its duties, or (e) any condition  
21 exists that without medical attention, provision of shelter, facility  
22 maintenance or improvement, relocation of animals, or other management  
23 intervention poses a significant threat to the health or safety of the  
24 dogs or cats owned or harbored by a violator.

25 (2) Such stop-movement order may require the violator to maintain  
26 the dogs or cats subject to the order at the existing location or other  
27 department-approved premises until such time as the director department  
28 has issued a written release from the stop-movement order. The stop-  
29 movement order shall clearly advise the violator that he or she may  
30 request in writing a an immediate hearing before the director pursuant to  
31 section 54-632 within two business days after receiving the order. The

1 order issued pursuant to this section shall be final unless modified or  
2 rescinded by the director pursuant to section 54-632 at a hearing  
3 requested under this subsection.

4 (3) Pursuant to the stop-movement order, the department shall have  
5 the authority to enter the premises to inspect and determine if the dogs  
6 or cats subject to the order or the facilities used to house or transport  
7 such dogs or cats are kept and maintained in compliance with the  
8 requirements of the act and the rules and regulations adopted and  
9 promulgated pursuant to the act, or that any management intervention to  
10 mitigate conditions posing a significant threat to the health or safety  
11 of dogs or cats harbored or owned by a violator imposed by the stop-  
12 movement order is being implemented. The department shall not be liable  
13 for any costs incurred by the violator or any personnel of the violator  
14 due to such departmental action or in enforcing the stop-movement order.  
15 The department shall be reimbursed by the violator for the actual costs  
16 incurred by the department in issuing and enforcing any stop-movement  
17 order.

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

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

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

24 (c) ~~h~~) The action necessary to bring the violator into compliance  
25 with the act and the rules and regulations adopted and promulgated  
26 pursuant to the act and to mitigate conditions posing a significant  
27 threat to the health and safety of the dogs or cats harbored or owned by  
28 the violator; ~~and~~

29 (d) Notice that if violations of the act or rule or regulation  
30 persist or if any conditions that pose a significant threat to the health  
31 or safety of the dogs or cats owned or harbored by the violator persist,

1 the department may refer the matter to appropriate law enforcement for  
2 investigation and potential prosecution pursuant to Chapter 28, article  
3 10; and

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

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

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

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

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

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

20 (e) Maintain on the premises any dog or cat subject to the order,  
21 except that a dog or cat under one year of age under contract to an  
22 individual prior to the issuance of the order may be delivered to the  
23 individual pursuant to the contractual obligation. The violator shall  
24 provide to the department information identifying the dog or cat and the  
25 name, address, and telephone number of the individual purchasing the dog  
26 or cat. The department may contact the purchaser to ascertain the date of  
27 the purchase agreement to ensure that the dog or cat was sold prior to  
28 the stop-movement order and to determine that he or she did purchase such  
29 dog or cat. No additional dogs or cats shall be transferred onto the  
30 premises without written approval of the department.

31 (6) The department shall reinspect the premises to determine

1 compliance within ten business days after the initial inspection that  
2 resulted in the stop-movement order. At the time of reinspection pursuant  
3 to this subsection, if conditions that pose a significant threat to the  
4 health or safety of the dogs or cats harbored or owned by the violator or  
5 noncompliant conditions continue to exist, further reinspections shall be  
6 at the discretion of the department. The violator may request an  
7 immediate hearing with the director pursuant to any findings under this  
8 subsection.

9       Sec. 18. Whenever the director has reason to believe that any  
10 person has violated any provision of the Commercial Dog and Cat Operator  
11 Inspection Act, any rule or regulation adopted and promulgated pursuant  
12 to the act, or any order of the director, the director may issue a notice  
13 of hearing as provided in section 54-632 requiring the person to appear  
14 before the director to (1) show cause why an order should not be entered  
15 requiring such person to cease and desist from the violation charged, (2)  
16 determine whether an administrative fine should be imposed or levied  
17 against the person pursuant to subsection (2) of section 54-633, or (3)  
18 determine whether the person fails to qualify for a license pursuant to  
19 section 54-630. Proceedings initiated pursuant to this section shall not  
20 preclude the department from pursuing other administrative, civil, or  
21 criminal actions according to law.

22       Sec. 19. Section 54-630, Revised Statutes Cumulative Supplement,  
23 2014, is amended to read:

24       54-630 (1) Before the department approves an application for a ~~an~~  
25 ~~initial~~ license, an inspector of the department shall inspect the  
26 operation of the applicant to determine whether the applicant qualifies  
27 to hold a license pursuant to the Commercial Dog and Cat Operator  
28 Inspection Act. Except as provided in subsection (2) of this section, an  
29 applicant who qualifies shall be issued a license.

30       (2) The department may deny an application for a ~~an initial or~~  
31 ~~renewal~~ license as a commercial dog or cat breeder, dealer, boarding

1 kennel, animal control facility, animal shelter, animal rescue, or pet  
2 shop upon a finding that the applicant is unsuited to perform the  
3 obligations of a licensee. The applicant shall be determined unsuited to  
4 perform the obligations of a licensee if the department finds that the  
5 applicant has deliberately misrepresented or concealed any information  
6 provided on or with the application or any other information provided to  
7 the department under this section or that within the previous five years  
8 the applicant:

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

11 (b) Has operated a breeder facility under a license or permit issued  
12 by any jurisdiction that has been revoked, suspended, or otherwise  
13 subject to a disciplinary proceeding brought by the licensing authority  
14 in that jurisdiction if such proceeding resulted in the applicant having  
15 voluntarily surrendered a license or permit to avoid disciplinary  
16 sanctions.

17 (3) In addition to the application, the department may require the  
18 applicant to provide additional documentation pertinent to the  
19 department's determination of the applicant's suitability to perform the  
20 duties of a licensee under the act.

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

28 Sec. 20. Section 54-633, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 54-633 (1) In order to ensure compliance with the Commercial Dog and  
31 Cat Operator Inspection Act, the department may apply for a restraining

1 order, temporary or permanent injunction, or mandatory injunction against  
2 any person violating or threatening to violate the act, the rules and  
3 regulations, or any order of the director issued pursuant thereto. The  
4 district court of the county where the violation is occurring or is about  
5 to occur shall have jurisdiction to grant relief upon good cause shown.  
6 Relief may be granted notwithstanding the existence of any other remedy  
7 at law and shall be granted without bond.

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

12 ~~(2) If alleged violations of the Commercial Dog and Cat Operator~~  
13 ~~Inspection Act, the rules and regulations, or an order of the director or~~  
14 ~~an offense against animals observed by an inspector in the course of~~  
15 ~~performing an inspection under the act poses a significant threat to the~~  
16 ~~health or safety of the dogs or cats harbored or owned by an applicant or~~  
17 ~~licensee, the department may direct an inspector to impound the dogs or~~  
18 ~~cats pursuant to sections 28-1011 and 28-1012 or may request any other~~  
19 ~~law enforcement officer as defined in section 28-1008 to impound the dogs~~  
20 ~~or cats pursuant to sections 28-1011 and 28-1012. The department shall~~  
21 ~~cooperate and coordinate with law enforcement agencies, political~~  
22 ~~subdivisions, animal shelters, humane societies, and other appropriate~~  
23 ~~entities, public or private, to provide for the care, shelter, and~~  
24 ~~disposition of animals impounded by the department pursuant to this~~  
25 ~~section.~~

26 (2 3) The department may impose an administrative fine of not more  
27 than five thousand dollars for any violation of the act or the rules and  
28 regulations adopted and promulgated under the act. Each violation of the  
29 act or such rules and regulations shall constitute a separate offense for  
30 purposes of this subsection.

31 Sec. 21. If the director has reason to believe that alleged

1 violations of the Commercial Dog and Cat Operator Inspection Act, alleged  
2 violations of the rules and regulations of the department, alleged  
3 violations of an order of the director, or other existing conditions  
4 posing a significant threat to the health or safety of the dogs or cats  
5 harbored or owned by an applicant or licensee constitute cruel neglect,  
6 abandonment, or cruel mistreatment pursuant to section 28-1009, the  
7 director may direct a special investigator employed by the department as  
8 authorized pursuant to section 81-201 to exercise the authorities of a  
9 law enforcement officer pursuant to sections 28-1011 and 28-1012 with  
10 respect to the dogs or cats or may request any other law enforcement  
11 officer as defined in section 28-1008 to inspect, care for, or impound  
12 the dogs or cats pursuant to sections 28-1011 and 28-1012. The department  
13 shall cooperate and coordinate with law enforcement agencies, political  
14 subdivisions, animal shelters, humane societies, and other appropriate  
15 entities, public or private, to provide for the care, shelter, and  
16 disposition of animals impounded pursuant to this section.

17       Sec. 22. This act becomes operative on December 1, 2015.

18       Sec. 23. Original sections 28-1011, 54-603, 54-628, 54-628.01, and  
19 54-633, Reissue Revised Statutes of Nebraska, and sections 28-1006,  
20 28-1008, 28-1012, 28-1013, 28-1014, 28-1015, 28-1016, 28-1019, 29-818,  
21 54-625, 54-626, 54-627, and 54-630, Revised Statutes Cumulative  
22 Supplement, 2014, are repealed.

23       2. On page 1, strike beginning with "the" in line 1 through line 6  
24 and insert "animals; to amend sections 28-1011, 54-603, 54-628,  
25 54-628.01, and 54-633, Reissue Revised Statutes of Nebraska, and sections  
26 28-1006, 28-1008, 28-1012, 28-1013, 28-1014, 28-1015, 28-1016, 28-1019,  
27 29-818, 54-625, 54-626, 54-627, and 54-630, Revised Statutes Cumulative  
28 Supplement, 2014; to change enforcement procedures related to crimes  
29 involving animals; to provide for seizure and disposition of certain  
30 animals; to define and redefine terms; to change state licensing fees  
31 relating to dogs and cats; to change provisions relating to fees,

1 inspections, licenses, and enforcement under the Commercial Dog and Cat  
2 Operator Inspection Act; to harmonize provisions; to provide an operative  
3 date; and to repeal the original sections."