

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 344**

FINAL READING

Introduced by Agriculture Committee: Halloran, 33, Chairperson; Brandt, 32; Blood, 3; Hansen, B., 16; Lathrop, 12; Moser, 22; Slama, 1.

Read first time January 16, 2019

Committee: Agriculture

1 A BILL FOR AN ACT relating to agriculture; to amend sections 37-478,  
2 37-479, 37-505, 37-524, 37-1402, 54-706.12, 54-778, 54-797, 54-2293,  
3 54-2304, 54-2314, 54-2757, and 81-202, Reissue Revised Statutes of  
4 Nebraska, and sections 2-3812, 54-626, 54-645, 54-7,105,  
5 54-7,105.01, 54-7,107, 54-7,108, 54-1158, and 54-1371, Revised  
6 Statutes Cumulative Supplement, 2018; to adopt the Animal Health and  
7 Disease Control Act; to eliminate and provide general powers and  
8 duties of and for the Department of Agriculture; to eliminate the  
9 Nebraska Poultry Disease Control Act, the Bovine Tuberculosis Act,  
10 the Anthrax Control Act, the Animal Importation Act, the Nebraska  
11 Swine Brucellosis Act, the Nebraska Bovine Brucellosis Act, the  
12 Pseudorabies Control and Eradication Act, the Scrapie Control and  
13 Eradication Act, and the Bureau of Animal Industry; to terminate the  
14 Bovine Tuberculosis Cash Fund, the Anthrax Control Act Cash Fund,  
15 the Brucellosis Control Cash Fund, the Pseudorabies Control Cash  
16 Fund, and the Scrapie Control Cash Fund and make fund transfers to  
17 and create the Animal Health and Disease Control Cash Fund; to  
18 provide for criminal and administrative penalties; to harmonize  
19 provisions; to provide a duty for the Revisor of Statutes; to repeal  
20 the original sections; and to outright repeal sections 2-3001,  
21 2-3002, 2-3003, 2-3004, 2-3005, 2-3006, 2-3007, 2-3008, 54-701,

1 54-701.01, 54-701.02, 54-702, 54-702.01, 54-706.01, 54-706.02,  
2 54-706.03, 54-706.04, 54-706.05, 54-706.06, 54-706.07, 54-706.08,  
3 54-706.09, 54-706.10, 54-706.11, 54-706.13, 54-706.14, 54-706.15,  
4 54-706.16, 54-706.17, 54-743, 54-744, 54-745, 54-746, 54-747,  
5 54-753.01, 54-753.04, 54-764, 54-765, 54-766, 54-767, 54-768,  
6 54-769, 54-770, 54-771, 54-772, 54-773, 54-774, 54-775, 54-776,  
7 54-777, 54-779, 54-780, 54-781, 54-785, 54-786, 54-787, 54-788,  
8 54-790, 54-791, 54-792, 54-793, 54-794, 54-795, 54-796, 54-1348,  
9 54-1349, 54-1350, 54-1351, 54-1352, 54-1353, 54-1354, 54-1355,  
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14 54-2236, 54-2237, 54-2238, 54-2239, 54-2240, 54-2241, 54-2242,  
15 54-2243, 54-2244, 54-2245, 54-2246, 54-2247, 54-2248, 54-2249,  
16 54-2250, 54-2251, 54-2252, 54-2253, 54-2254, 54-2255, 54-2256,  
17 54-2257, 54-2258, 54-2259, 54-2260, 54-2262, 54-2262.01, 54-2263,  
18 54-2264, 54-2265, 54-2266, 54-2267, 54-2268, 54-2269, 54-2270,  
19 54-2271, 54-2276, 54-2277, 54-2278, 54-2279, 54-2280, 54-2281,  
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21 54-2292, 54-2294, 54-2295, 54-2296, 54-2297, 54-2298, 54-2299,  
22 54-22,100, 54-2701, 54-2702, 54-2703, 54-2704, 54-2705, 54-2706,  
23 54-2707, 54-2708, 54-2709, 54-2710, 54-2711, 54-2712, 54-2713,  
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29 54-2749, 54-2750, 54-2751, 54-2752, 54-2753, 54-2754, 54-2755,  
30 54-2756, 54-2758, 54-2759, 54-2760, 54-2761, 81-202.01, and  
31 81-202.02, Reissue Revised Statutes of Nebraska, sections 54-701.03,

1           54-704, 54-705, 54-742, 54-750, 54-751, 54-752, 54-753, 54-784.01,  
2           54-789, 54-7,110, and 54-1382, Revised Statutes Cumulative  
3           Supplement, 2018, and sections 54-703 and 54-744.01, Revised  
4           Statutes Supplement, 2019.

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

1           Section 1. Sections 1 to 57 of this act shall be known and may be  
2 cited as the Animal Health and Disease Control Act.

3           Sec. 2. For purposes of sections 54-753.05 and 54-797 to 54-7,103  
4 and the Animal Health and Disease Control Act, unless the context  
5 otherwise requires, the definitions found in sections 3 to 38 of this act  
6 shall be used.

7           Sec. 3. Accredited veterinarian means a veterinarian duly licensed  
8 by the State of Nebraska and approved by the administrator of the Animal  
9 and Plant Health Inspection Service of the United States Department of  
10 Agriculture.

11          Sec. 4. Affected animal, herd, or flock means an animal, herd, or  
12 flock which contains an animal infected with or exposed to a dangerous  
13 disease.

14          Sec. 5. Affected premises means premises upon which is or was  
15 located an affected animal, herd, or flock or suspected affected animal,  
16 herd, flock, or disease agent of a dangerous disease.

17          Sec. 6. Animal means all vertebrate members of the animal kingdom  
18 except humans or wild animals at large.

19          Sec. 7. Approved laboratory means an animal disease diagnostic  
20 laboratory accredited by the American Association of Veterinary  
21 Laboratory Diagnosticians to conduct animal disease testing.

22          Sec. 8. Cattle means all domestic bovine animals, including beef  
23 cattle, dairy cattle, and bison.

24          Sec. 9. Certificate of veterinary inspection means a legible  
25 document, paper, or electronic submission, issued by an accredited  
26 veterinarian at the point of origin of an animal movement which meets  
27 federal and state requirements for interstate or intrastate movement of  
28 animals. Certificate of veterinary inspection does not include Form 7001  
29 of the Animal and Plant Health Inspection Service of the United States  
30 Department of Agriculture.

31          Sec. 10. Controlled movement means a temporary movement restriction

1 controlling the movement of animals, animal products, and fomites into,  
2 within, and out of a regulatory control area where affected animals,  
3 herds, or flocks are or were located.

4       Sec. 11. Dangerous disease means an infectious, contagious, or  
5 otherwise transmissible disease, infestation, or exposure which has the  
6 potential for rapid spread, serious economic impact, or serious threat to  
7 livestock health, and is of major importance in the trade of livestock  
8 and livestock products.

9       Sec. 12. Department means the Department of Agriculture.

10       Sec. 13. Director means the Director of Agriculture or his or her  
11 designee.

12       Sec. 14. Domesticated cervine animal means any elk, deer, or other  
13 member of the family cervidae legally obtained from a facility which has  
14 a license, permit, or registration authorizing domesticated cervine  
15 animals which has been issued by the state in which such facility is  
16 located and such animal is raised in a confined area.

17       Sec. 15. Embargo means a temporary movement restriction of any  
18 affected or suspect animal, herd, or flock.

19       Sec. 16. Exposed means an animal, herd, flock, or premises which  
20 has come into contact with a disease agent which affects livestock.

21       Sec. 17. Foreign animal or transboundary disease means a disease  
22 not endemic to the United States or which has been eradicated in the  
23 United States, and which is of significant economic, trade, and food  
24 security importance.

25       Sec. 18. Herd or flock means one or more groups of livestock under  
26 common ownership or supervision, maintained on common ground for any  
27 purpose, or which are geographically separated but which have an  
28 interchange of livestock or equipment.

29       Sec. 19. Herd or flock management plan means a written disease  
30 management plan that is designed by the herd owner or the owner's  
31 representative in conjunction with the State Veterinarian or federal area

1 veterinarian in charge to eradicate or reduce exposure to a dangerous  
2 disease from an affected herd or flock. Such plan may require additional  
3 disease management practices deemed necessary by the State Veterinarian  
4 to eradicate such disease.

5       Sec. 20. Infected or positive animal, herd, or flock means an  
6 animal that has tested positive to an official test.

7       Sec. 21. Livestock means cattle, swine, sheep, horses, mules,  
8 donkeys, goats, domesticated cervine animals, ratite birds, poultry,  
9 llamas, and alpacas.

10       Sec. 22. Negative animal, herd, or flock means any animal, herd, or  
11 flock which has been tested and found negative to an official test.

12       Sec. 23. Official test means a diagnostic test approved by USDA/  
13 APHIS/VS or the department for determining the presence or absence of a  
14 program disease.

15       Sec. 24. Permit for entry or permit means a pre-movement  
16 authorization for entry into the State of Nebraska obtained from the  
17 department which states the conditions under which the animal movement  
18 may be made and the location where the animal or animals are going and  
19 includes a permit authorization number which is required to be recorded  
20 on the certificate of veterinary inspection.

21       Sec. 25. Person means any individual, governmental entity,  
22 corporation, society, firm, association, partnership, limited liability  
23 company, joint stock company, association, or any other corporate body or  
24 legal entity.

25       Sec. 26. Poultry means domesticated birds that serve as a source of  
26 eggs or meat and includes, but is not limited to, chickens, turkeys,  
27 ducks, and geese.

28       Sec. 27. Premises means land, buildings, vehicles, equipment, pens,  
29 holding facilities, and grounds upon which an animal, herd, or flock is  
30 or was, housed, kept, located, grazed, or transported.

31       Sec. 28. Program disease means a dangerous disease for which

1 specific state or federal legislation exists for disease control or  
2 eradication, or is classified as a program disease by the department or  
3 USDA/APHIS/VS.

4       Sec. 29. Program disease activity or surveillance means determining  
5 the presence, control, eradication, surveillance, or monitoring of  
6 program diseases and may include, but is not limited to, testing, taking  
7 of diagnostic samples, treating, vaccinating, monitoring, or surveillance  
8 of any animals, affected animals, or suspected affected animals or any  
9 premises, affected premises, or suspected affected premises.

10       Sec. 30. Program standards means the supplemental guidelines and  
11 uniform methods and rules adopted and approved by USDA/APHIS/VS for  
12 further clarification of established procedures for the regulation,  
13 control, eradication, and enforcement of livestock program diseases.

14       Sec. 31. Quarantine means a restriction imposed on animal movement,  
15 premises, or regulated articles issued by the department.

16       Sec. 32. Ratite bird means any ostrich, emu, rhea, kiwi, or  
17 cassowary.

18       Sec. 33. Regulated article means any item capable of transmitting a  
19 dangerous disease including conveyances, equipment, feed, or any other  
20 item established by the department.

21       Sec. 34. Responder or suspect means any animal which exhibits a  
22 response to an official test, and such animal is classified as a  
23 responder or suspect by the testing veterinarian or laboratory.

24       Sec. 35. Sale means a sale, lease, loan, trade, barter, or gift.

25       Sec. 36. State Veterinarian means the veterinarian appointed  
26 pursuant to section 81-202 or his or her designee, subordinate to the  
27 director.

28       Sec. 37. Trace or tracing means the epidemiological investigative  
29 process of determining the origin and movements of animals, animal  
30 products, and possible vectors that may be involved in the spread or  
31 transmissibility of a disease agent.

1           Sec. 38. USDA/APHIS/VS means the United States Department of  
2 Agriculture, Animal and Plant Health Inspection Service, Veterinary  
3 Services.

4           Sec. 39. The Legislature finds and declares it is the policy of  
5 this state that animal health and disease control are essential to the  
6 livestock industry and the health of the economy of Nebraska. The purpose  
7 of the Animal Health and Disease Control Act is to further the best  
8 interests of Nebraska's livestock industry and to grow Nebraska  
9 agriculture. In carrying out its duty to protect the health of Nebraska's  
10 livestock, the department may use USDA/APHIS/VS program standards to  
11 determine and employ the most efficient and practical means for the  
12 prevention, suppression, control, and eradication of dangerous diseases  
13 among livestock and transmissible from other animals to livestock.

14           Sec. 40. In carrying out its duties to prevent, suppress, control,  
15 and eradicate dangerous diseases the department may:

16           (1) Issue quarantines to any person or public or private premises  
17 within the state where an affected animal, suspected affected animal, or  
18 regulated article is or was located, and upon any animal imported into  
19 Nebraska in violation of the Animal Health and Disease Control Act, the  
20 Exotic Animal Auction or Exchange Venue Act, and any importation rules or  
21 regulations until such quarantine is released by the State Veterinarian.  
22 Whenever additional animals are placed within a quarantined premises or  
23 area, such quarantine may be amended accordingly by the department.  
24 Births and death loss shall be included on inventory documentation  
25 pursuant to the quarantine;

26           (2) Regulate or prohibit animal or regulated article movement into,  
27 within, or through the state through quarantines, controlled movement  
28 orders, importation orders, or embargoes as deemed necessary by the State  
29 Veterinarian;

30           (3) Require an affected animal or suspected affected animal to be  
31 (a) euthanized, detained, slaughtered, or sold for immediate slaughter at

1 a federally inspected slaughter establishment or (b) inspected, tested,  
2 treated, subjected to an epidemiological investigation, monitored, or  
3 vaccinated. The department may require tested animals to be identified by  
4 an official identification eartag. Costs for confinement, restraint, and  
5 furnishing the necessary assistance and facilities for such activities  
6 shall be the responsibility of the owner or custodian of the animal;

7 (4) Seek an emergency proclamation by the Governor in accordance  
8 with section 81-829.40 when deemed appropriate. All state agencies and  
9 political subdivisions of the state shall cooperate with the  
10 implementation of any emergency procedures and measures developed  
11 pursuant to such proclamation;

12 (5)(a) Access records or animals and enter any premises related to  
13 the purposes of the Animal Health and Disease Control Act or the Exotic  
14 Animal Auction or Exchange Venue Act without being subject to any action  
15 for trespass or reasonable damages if reasonable care is exercised; and

16 (b) Obtain an inspection warrant in the manner prescribed in  
17 sections 29-830 to 29-835 if any person refuses to allow the department  
18 access or entry as authorized under this subdivision;

19 (6) Adopt and promulgate rules and regulations to enforce and  
20 effectuate the general purpose and provisions of the Animal Health and  
21 Disease Control Act, the Exotic Animal Auction or Exchange Venue Act, and  
22 any other provisions the department deems necessary for carrying out its  
23 duties under such acts including;

24 (a) Standards for program diseases to align with USDA/APHIS/VS  
25 program standards;

26 (b) Provisions for maintaining a livestock disease reporting system;

27 (c) Procedures for establishing and maintaining accredited,  
28 certified, validated, or designated disease-free animals, herds, or  
29 flocks;

30 (d) In consultation with the Department of Environment and Energy  
31 and the Department of Health and Human Services, best management

1 practices for the disposal of carcasses of dead livestock;

2 (e) In consultation with the Department of Environment and Energy  
3 and the University of Nebraska, operating procedures governing composting  
4 of livestock carcasses;

5 (f) Recommendations of where and how any available federal funds and  
6 state personnel and materials are to be allocated for the purpose of  
7 program disease activities; and

8 (g) Provisions for secure food supply plans to ensure the continuity  
9 of business is maintained during a foreign animal or transboundary  
10 disease outbreak;

11 (7) When funds are available, develop a livestock emergency response  
12 system capable of coordinating and executing a rapid response to the  
13 incursion or potential incursion of a dangerous livestock disease episode  
14 which poses a threat to the health of the state's livestock and could  
15 cause a serious economic impact on the state, international trade, or  
16 both;

17 (8) Allow animals intended for direct slaughter to move to a  
18 controlled feedlot for qualified purposes; and

19 (9) Approve qualified commuter herd agreements and livestock  
20 producer plans and, when appropriate, allow for exceptions to  
21 requirements by written compliance agreements.

22 Sec. 41. Any veterinary inspector or agent of the USDA/APHIS/VS who  
23 has been officially assigned by the United States Department of  
24 Agriculture for service in Nebraska may be officially authorized by the  
25 department to perform and exercise such powers and duties as may be  
26 prescribed by the department, and when so authorized shall have and  
27 exercise all rights and powers under the Animal Health and Disease  
28 Control Act and the Exotic Animal Auction or Exchange Venue Act as agents  
29 of the department.

30 Sec. 42. In carrying out its animal disease control and eradication  
31 responsibilities, the department may cooperate and contract with public

1 or private persons and enter into agreements with other state or federal  
2 agencies to allow personnel from such agencies to work in Nebraska and to  
3 allow department personnel to work in other states or with federal  
4 agencies under a cooperative work program.

5       Sec. 43. (1) Whenever any person fails to carry out program disease  
6 activities or other responsibilities required under the Animal Health and  
7 Disease Control Act, the department may perform such functions. Upon  
8 completion of any such required program disease activities, the  
9 department shall determine its actual administrative costs incurred in  
10 handling the affected animal, herd, or flock or affected premises and  
11 conducting necessary and related activities and notify the owner or  
12 custodian in writing. Such owner or custodian shall reimburse the  
13 department its actual administrative costs within thirty days following  
14 the date of the notice.

15       (2) Any person failing to reimburse the department shall be assessed  
16 a late fee of twenty-five percent of the amount due for each thirty days  
17 of delinquent nonpayment up to one hundred percent of the original  
18 amount. The purpose of the late fee is to cover administrative costs  
19 associated with collecting the amount overdue. All such payments assessed  
20 and collected pursuant to this section shall be remitted to the State  
21 Treasurer for credit to the Animal Health and Disease Control Cash Fund.

22       (3) The department may provide funds from the Animal Health and  
23 Disease Control Cash Fund to or on behalf of herd owners for program  
24 disease activities or any portion thereof in connection with the  
25 implementation of the Animal Health and Disease Control Act if funds for  
26 such activities or any portion have been appropriated. The department may  
27 develop statewide priorities for the expenditure of state funds available  
28 for animal disease control and eradication program activities. If funds  
29 are not available, the owner of such animal shall continue the program at  
30 his or her own expense. A portion of such state funds may be used by the  
31 department to pay a portion of the costs of testing done by or for

1 accredited veterinarians if such work is approved by the department.

2 (4) In administering program disease activities pursuant to this  
3 section, the department shall not pay for:

4 (a) Testing done for a change of ownership at private treaty or at  
5 concentration points;

6 (b) Costs of gathering, confining, and restraining animals subject  
7 to testing or costs of providing necessary facilities and assistance;

8 (c) Costs of testing to qualify or maintain herd accreditation,  
9 certification, validation, and monitored status; or

10 (d) Indemnity for any animal destroyed as a result of being affected  
11 with a program disease or other dangerous disease unless funding is  
12 specifically appropriated by the Legislature for such purpose.

13 (5) The department shall not be liable for actual or incidental  
14 costs incurred by any person due to departmental actions in enforcing  
15 this section, including any action for trespass or damages.

16 Sec. 44. (1) The owner or custodian of an affected animal, herd, or  
17 flock or affected premises may be required by the department to develop a  
18 written animal, herd, or flock management plan.

19 (2) Any affected premises may be required to be cleaned,  
20 disinfected, destroyed, or disposed of, or any combination thereof, to  
21 prevent transmission and spread of dangerous disease from one premises to  
22 another, or from one group of animals to another, when deemed necessary  
23 by the State Veterinarian.

24 (3) It is the duty of any person who discovers, suspects, or has  
25 reason to believe that any animal belonging to him or her, or which he or  
26 she has in his or her possession or custody, or which belonging to  
27 another person may come under his or her observation, is an affected  
28 animal to immediately report such fact, belief, or suspicion to the  
29 department or its agent, employee, or appointee.

30 Sec. 45. (1) Any person who reasonably suspects that any beef or  
31 dairy breeding bull belonging to him or her, or which he or she has in

1 his or her possession or custody, is infected with bovine trichomoniasis  
2 shall not sell or transport such animal except for consignment directly  
3 to a federally recognized slaughter establishment unless such person  
4 causes such animal to be tested for bovine trichomoniasis.

5 (2) Any person who owns or has possession or custody of a beef or  
6 dairy breeding bull, or who has a beef or dairy breeding bull belonging  
7 to another under his or her observation, for which an approved laboratory  
8 confirmed diagnosis of bovine trichomoniasis has been made shall report  
9 such diagnosis to the department within five business days after receipt  
10 of the laboratory confirmation.

11 (3) Any such breeding bull for which a laboratory confirmation of  
12 bovine trichomoniasis has been made shall not be sold or transported  
13 except for consignment directly to a federally recognized slaughter  
14 establishment. The department may issue an order for such trichomoniasis  
15 positive bull to go directly to slaughter if the owner or custodian of  
16 such animal does not comply as set forth in this section.

17 (4) An owner or manager of any beef or dairy breeding bull for which  
18 an approved laboratory confirmed diagnosis of bovine trichomoniasis has  
19 been made shall notify each adjacent landowner or land manager of the  
20 diagnosis if such land is capable of maintaining livestock susceptible to  
21 bovine trichomoniasis. Such notification shall be made to each landowner  
22 or land manager within fourteen days after the diagnosis even if cattle  
23 are not currently maintained on the owner's or manager's land.

24 (5) The owner or manager of the cattle shall submit to the  
25 department a form or affidavit attesting to the fact that the  
26 notification required under this section has occurred. The form or  
27 affidavit shall be submitted to the department within fourteen days after  
28 the diagnosis and shall include the names of adjacent landowners or land  
29 managers who were notified and their contact information. If an owner or  
30 a manager does not within such fourteen-day period submit the form or  
31 affidavit indicating that adjacent landowners or land managers have been

1 notified as required under this subsection, the department shall notify  
2 such adjacent landowners or land managers of the diagnosis.

3 (6) The department shall assess the administrative costs of the  
4 department to notify the adjacent landowners or land managers against the  
5 owner or manager that failed to comply with subsection (5) of this  
6 section. The department shall determine the scope of adjacent land based  
7 on the disease characteristics and modes of transmission. The department  
8 shall remit any administrative costs collected under this subsection to  
9 the State Treasurer for credit to the Animal Health and Disease Control  
10 Act Cash Fund.

11 Sec. 46. (1) It is the duty of the owner or custodian of any dead  
12 animal to properly dispose of the animal within thirty-six hours after  
13 receiving knowledge of the animal's death unless a different timeframe is  
14 established in a herd or flock management plan or otherwise allowed by  
15 the State Veterinarian. Proper disposal of a dead animal is limited to:

16 (a) Burial on the premises where such animal died or on any adjacent  
17 property under the control of the animal's owner or custodian and  
18 coverage to a depth of at least four feet below the surface of the ground  
19 except as required in subsection (7) of this section;

20 (b) Complete incineration;

21 (c) Composting on the premises where such animal died or on an  
22 adjacent property under the ownership and control of the owner or  
23 custodian;

24 (d) Alkaline hydrolysis tissue digestion by a veterinary clinic or  
25 laboratory;

26 (e) Transportation by a licensed rendering establishment or other  
27 hauler approved by the State Veterinarian;

28 (f) Transportation to a veterinary clinic or laboratory for purposes  
29 of diagnostic testing; or

30 (g) Transportation with written permission of the State  
31 Veterinarian:

1       (i) To a rendering establishment licensed under the Nebraska Meat  
2 and Poultry Inspection Law;

3       (ii) To a compost site approved by the State Veterinarian;

4       (iii) To a facility with a permit to operate as a landfill under the  
5 Integrated Solid Waste Management Act so long as the operator of the  
6 landfill agrees to accept the dead animal;

7       (iv) To any facility which lawfully disposes of dead animals; or

8       (v) As specified in a herd or flock management plan.

9       (2) A dead animal properly disposed of pursuant to this section is  
10 exempt from the requirements for disposal of solid waste under the  
11 Integrated Solid Waste Management Act.

12       (3) Any vehicle used by the owner or custodian to transport a dead  
13 animal shall be constructed in such a manner that the contents are  
14 covered and will not fall, leak, or spill from the vehicle. Violation of  
15 this subsection is a traffic infraction as defined in section 60-672.

16       (4) It is hereby made the duty of the sheriff of each county to  
17 cause the proper disposal of the carcass of any animal or carcass part  
18 remaining unburied or otherwise disposed of after notice from the  
19 department that any such carcass has not been properly buried or disposed  
20 of in violation of this section. The sheriff may enter any premises where  
21 any such carcass is located for the purpose of carrying out this section  
22 and may cause each carcass to be properly buried or disposed of on such  
23 premises. The county board of commissioners or supervisors shall allow  
24 such sums for the services as it may deem reasonable, and such sums shall  
25 be paid to the persons rendering the services upon vouchers as other  
26 claims against the county are paid. The owner of such animal shall be  
27 liable to the county for the expense of such burial or disposal, to be  
28 recovered in a civil action, unless the owner pays such expenses within  
29 thirty days after notice and demand therefor.

30       (5) If anthrax is suspected in any animal death, the owner or  
31 custodian of the animal or herd shall be responsible to have samples

1 submitted to an approved laboratory for confirmation.

2 (6) If an animal has or is suspected to have died of anthrax, it  
3 shall be unlawful to:

4 (a) Transport such animal or animal carcass, except as directed and  
5 approved by the department;

6 (b) Use the flesh or organs of such animal or animal carcass for  
7 food for livestock or human consumption; or

8 (c) Remove the skin or hide of such animal or animal carcass.

9 (7) The disposition of any anthrax-infected animal carcass shall be  
10 carried out under the direction of the department. It shall be the duty  
11 of the owner or custodian of an animal that has died of anthrax to bury  
12 or burn the carcass on the premises where the carcass is found, unless  
13 directed otherwise by the State Veterinarian. If such carcass is buried,  
14 no portion of the carcass shall be interred closer than six feet from the  
15 surface of the ground. The department may direct the owner or custodian  
16 of an infected herd to treat the herd and to clean and disinfect the  
17 premises in accordance with the herd plan.

18 Sec. 47. (1) All animals brought into this state shall be  
19 accompanied by a pre-entry certificate of veterinary inspection, except:

20 (a) Animals brought directly to slaughter as defined in 9 C.F.R.  
21 86.1 to a recognized slaughtering establishment as defined in 9 C.F.R.  
22 78.1, as such regulations existed on January 1, 2020;

23 (b) Cattle, swine, horses, sheep, and goats brought from the farm or  
24 ranch of origin directly to an establishment approved under 9 C.F.R.  
25 71.20, as such regulation existed on January 1, 2020;

26 (c) Poultry under eight weeks of age accompanied by a VS Form 9-3,  
27 Report of Sales of Hatching Eggs, Chicks, and Poults, and classified  
28 prior to movement into Nebraska as pullorum and typhoid clean or  
29 equivalent status pursuant to 9 C.F.R. part 145, the National Poultry  
30 Improvement Plan, as such plan existed on January 1, 2020; and

31 (d) Animals moving directly to a veterinary clinic or approved

1 laboratory for diagnosis, treatment, or health examination, except that  
2 live animals without a pre-entry certificate of veterinary inspection  
3 shall not stay in Nebraska longer than the duration of such diagnosis,  
4 treatment, or health examination and during such stay shall be separated  
5 from other animals.

6 (2) The department may require that a prior entry permit be obtained  
7 for animals if it deems such permit is necessary for the protection of  
8 the health of domestic animals in the state.

9 (3) Except as provided in the Animal Health and Disease Control Act  
10 or the Exotic Animal Auction or Exchange Venue Act, no person shall move  
11 from a premises any animal which is affected or suspected of being  
12 affected with any dangerous disease without first having obtained a  
13 permit from the department.

14 (4) It shall be unlawful for any person to cause any animal to be  
15 diverted from the destination stated on the certificate of veterinary  
16 inspection except by written permission of the State Veterinarian.

17 (5) Any animal which does not qualify for entry into Nebraska  
18 pursuant to department rules and regulations may, at the discretion of  
19 the State Veterinarian, be subject to the department powers outlined in  
20 section 40 of this act.

21 Sec. 48. (1) Livestock imported into Nebraska shall comply with  
22 federal animal disease traceability requirements for official  
23 identification of animals as set forth in 9 C.F.R. part 86, as such part  
24 existed on January 1, 2020, which the Legislature hereby adopts by  
25 reference. If there is an inconsistency between such federal regulations  
26 and the Animal Health and Disease Control Act, and any adopted and  
27 promulgated rules or regulations or order issued by the department, the  
28 requirements of the act, rules or regulations, or order control.

29 (2) An official identification device or method may be applied by an  
30 animal's owner, the owner's representative, an accredited veterinarian,  
31 or an approved tagging site. Official identification devices are intended

1 to provide permanent identification of livestock and to ensure the  
2 ability to find the source of animal disease outbreaks. Removal of these  
3 devices is prohibited except at the time of slaughter, upon the death of  
4 the animal at any location, when an area veterinarian in charge replaces  
5 a device, or as otherwise approved by the department.

6       Sec. 49. (1) Any information that a person provides to the  
7 department for purposes of premises registration or for voluntary  
8 participation in or compliance with animal disease traceability shall not  
9 be a public record subject to disclosure under sections 84-712 to  
10 84-712.09. The department and its employees or agents shall not disclose  
11 such information to any other person or agency, except when such  
12 disclosure:

13       (a) Is authorized by the person who provided the information; or

14       (b) Is necessary for purposes of disease surveillance or to carry  
15 out epidemiological investigations related to incidences of animal  
16 disease.

17       (2) The department may disclose information as authorized by this  
18 section subject to any confidentiality requirements that the department  
19 determines are appropriate under the circumstances.

20       (3) Any person who violates this section shall be subject to  
21 prosecution for official misconduct pursuant to section 28-924.

22       (4) Nothing in this section shall be construed to prohibit the  
23 department from discussing, reporting, or otherwise disclosing the  
24 progress or results of disease surveillance activities or epidemiological  
25 investigations related to incidence of animal disease.

26       Sec. 50. Any person subject to the Animal Health and Disease  
27 Control Act or any rule or regulation adopted and promulgated under the  
28 act shall keep records or reports pertaining to vaccination of animals,  
29 herds, or flocks, official diagnostic test results, and movement of  
30 affected animals, herds, or flocks infected with, exposed to, or  
31 suspected of being infected with or exposed to a program disease for five

1 years. Such person shall keep any other records or make any other reports  
2 the department deems necessary to enforce the act.

3 Sec. 51. (1) The State Veterinarian may restrict the sale and use  
4 of vaccine as he or she deems appropriate.

5 (2) The sale and use of vaccines which are licensed and approved by  
6 the United States Department of Agriculture, Animal and Plant Health  
7 Inspection Service, Center for Veterinary Biologics, shall be used for  
8 the vaccination of livestock and such vaccines shall be distributed and  
9 administered by an accredited veterinarian licensed to practice in  
10 Nebraska.

11 (3) An affected animal, herd, or flock shall only be vaccinated by  
12 or under approval by an accredited veterinarian licensed to practice in  
13 Nebraska.

14 (4) Owners or custodians of animals, herds, or flocks not affected  
15 due to anthrax may purchase anthrax vaccine from an accredited  
16 veterinarian licensed to practice in Nebraska for purposes of treating  
17 such animals.

18 Sec. 52. As used in this section, waste animal products means all  
19 meat or other materials derived in whole or in part from animals that are  
20 the result of handling, preparing, cooking, or consumption of human food.  
21 For purposes of controlling the spread of dangerous diseases of animals,  
22 it shall be unlawful for any person to feed waste animal products to  
23 animals except as follows:

24 (1) The material is regulated and approved as feed under the  
25 Commercial Feed Act; and

26 (2) A person may feed waste animal products to his or her own  
27 animals so long as such waste animal products are obtained from the  
28 person's own household, and the animals so fed, if consumed, are consumed  
29 by no one other than the members of that household.

30 Sec. 53. (1) Whenever the director has reason to believe that any  
31 person has violated the Animal Health and Disease Control Act, the Exotic

1 Animal Auction or Exchange Venue Act, any rule or regulation adopted and  
2 promulgated under such acts, or any order of the director, the director  
3 may issue a cease and desist order. Proceedings initiated pursuant to  
4 this section shall not preclude the department from pursuing other  
5 administrative, civil, or criminal sanctions according to law.

6 (2) Any notice or order issued pursuant to the Animal Health and  
7 Disease Control Act, the Exotic Animal Auction or Exchange Venue Act, or  
8 any rule or regulation adopted and promulgated under such acts shall be  
9 properly served when it is personally served on the alleged violator or  
10 when it is sent by certified or regular United States mail to the last-  
11 known address of the alleged violator.

12 (3) A notice of the right to a hearing shall include notice that  
13 such right to a hearing may be waived by the alleged violator.

14 (4) All hearings shall be conducted by the director at the time and  
15 place he or she designates. The director shall make findings of fact and  
16 conclusions of law based on the complete hearing record and issue an  
17 order.

18 (5) Any person aggrieved by the findings and conclusions of the  
19 director shall have ten days after the entry of the director's order to  
20 request a new hearing if such person can show that a mistake of fact has  
21 been made which affected the director's determination. Any order of the  
22 director becomes final upon the expiration of ten days after its entry if  
23 no request for a new hearing is made.

24 (6) When a person, including a nonresident of this state, engages in  
25 conduct prohibited or made actionable by the Animal Health and Disease  
26 Control Act, the Exotic Animal Auction or Exchange Venue Act, any rule or  
27 regulation adopted and promulgated under such acts, or any order of the  
28 director, the engagement in such conduct shall constitute sufficient  
29 contact with this state for the exercise of personal jurisdiction over  
30 such person in any action which arises under this section.

31 (7) The department may assess an administrative fine of up to five

1 thousand dollars for any violation of the Animal Health and Disease  
2 Control Act, the Exotic Animal Auction or Exchange Venue Act, any rule or  
3 regulation adopted and promulgated under such acts, or any order of the  
4 director. Each violation shall constitute a separate offense. Whenever a  
5 violation has occurred, the following shall be considered when  
6 determining the amount of any administrative fine:

7       (a) The culpability and good faith of the violator and any past  
8 violations;

9       (b) The seriousness of the violation, including the amount of any  
10 actual or potential risk to the health of Nebraska's livestock or  
11 livestock industry; and

12       (c) The extent to which the violator derived financial gain as a  
13 result of committing or permitting the violation, including a  
14 determination of the size of the violator's business and the impact of  
15 the administrative fine on such business.

16       (8) The director shall advise the Attorney General of the failure of  
17 any person to pay an administrative fine imposed under this section. The  
18 Attorney General shall bring an action in the district court of Lancaster  
19 County to recover the fine.

20       (9) The department may apply for a temporary restraining order, a  
21 temporary or permanent injunction, or a mandatory injunction against any  
22 person violating or threatening to violate the Animal Health and Disease  
23 Control Act, the Exotic Animal Auction or Exchange Venue Act, or any  
24 rules and regulations adopted and promulgated under either act. It shall  
25 be the duty of the Attorney General or the county attorney of the county  
26 in which the violation occurred or is about to occur, when notified by  
27 the director of such violation, to pursue appropriate proceedings without  
28 delay pursuant to this section.

29       (10) Nothing in this section shall be construed to require the  
30 director to report all acts for prosecution if in the opinion of the  
31 director the public interest will best be served through other

1 administrative or civil procedures.

2 (11) All money collected by the department pursuant to this section  
3 shall be remitted to the State Treasurer for distribution in accordance  
4 with Article VII, section 5, of the Constitution of Nebraska.

5 Sec. 54. (1) For purposes of this section, law enforcement officer  
6 has the same meaning as in section 54-902. Special investigator means a  
7 special investigator appointed as a deputy state sheriff and employed by  
8 the department for state law enforcement purposes pursuant to section  
9 81-201.

10 (2) The department or any officer, special investigator, agent,  
11 employee, or appointee thereof may request any law enforcement officer to  
12 execute the orders of the department, and such law enforcement officer  
13 shall have authority to execute the orders of the department.

14 (3) Any special investigator, or any law enforcement officer whose  
15 assistance is requested pursuant to subsection (2) of this section, may  
16 arrest any person found violating the Animal Health and Disease Control  
17 Act, the Exotic Animal Auction or Exchange Venue Act, or any rule or  
18 regulation adopted and promulgated under such acts, and such officer or  
19 special investigator shall immediately notify the county attorney of such  
20 arrest. The county attorney shall prosecute the arrested person according  
21 to the law.

22 Sec. 55. (1) Any person who imports livestock or causes livestock  
23 to be imported into the State of Nebraska in violation of an embargo or  
24 importation order issued by the State Veterinarian shall be guilty of a  
25 Class IV felony.

26 (2) Any person who violates any provision of the Animal Health and  
27 Disease Control Act, the Exotic Animal Auction or Exchange Venue Act, or  
28 any rules and regulations duly adopted and promulgated thereunder, for  
29 which no other criminal penalty is provided by such acts, shall be deemed  
30 guilty of a Class II misdemeanor.

31 (3) An owner or custodian of an affected animal, herd, or flock or

1 affected premises who fails to develop a required herd management plan or  
2 who fails to follow such a plan is guilty of a Class I misdemeanor.

3       Sec. 56. It shall be unlawful for any person to violate the Animal  
4 Health and Disease Control Act and the Exotic Animal Auction or Exchange  
5 Venue Act or any rule or regulation adopted and promulgated pursuant to  
6 such acts. It is a violation for any person to:

7       (1) Deny access to any officer, agent, employee, or appointee of the  
8 department or offer any resistance to, thwart, or hinder such persons by  
9 misrepresentation or concealment;

10       (2) Violate a controlled movement order or quarantine or remove an  
11 animal which has been placed under a controlled movement order or  
12 quarantine until such controlled movement order or quarantine is released  
13 by the State Veterinarian;

14       (3) Fail to pay any administrative fine levied pursuant to section  
15 53 of this act;

16       (4) Interfere in any way with or obstruct an officer, agent,  
17 employee, or appointee of the department from entering any premises to  
18 carry out his or her duties under the Animal Health and Disease Control  
19 Act, the Exotic Animal Auction or Exchange Venue Act, or any rules or  
20 regulations promulgated under such acts, or to interfere in any way with  
21 the department in the performance of its duties;

22       (5) If an owner or a custodian of an affected animal, refuse to  
23 perform program disease activities, refuse to perform any other duty  
24 required by the State Veterinarian under the Animal Health and Disease  
25 Control Act, or refuse to dispose of such affected animal if ordered to  
26 do so by the State Veterinarian;

27       (6) Knowingly harbor, sell, or otherwise dispose of any affected  
28 animal or any part thereof except as provided by the Animal Health and  
29 Disease Control Act and the rules and regulations adopted and promulgated  
30 by the department under the act;

31       (7) Except by permit issued by the department, bring, cause to be

1 brought, or aid in bringing into this state any animal which he or she  
2 knows to be infected with, exposed to, or suspected of being exposed to  
3 any dangerous disease, or which he or she knows has originated from a  
4 quarantined area, herd, or flock;

5 (8) Violate a disease control requirement established through  
6 livestock herd agreements or health plans, compliance agreements, or  
7 controlled feedlot agreements; or

8 (9) Bring, cause to be brought, or aid in bringing into this state  
9 any animal in violation of section 47 or 48 of this act or any rule or  
10 regulation adopted and promulgated by the department.

11 Sec. 57. The Animal Health and Disease Control Act Cash Fund is  
12 created. The fund shall consist of administrative costs collected and  
13 money appropriated or transferred by the Legislature and gifts, grants,  
14 costs, or charges received or collected from any source, including  
15 federal, state, public, and private sources. The fund shall be used to  
16 carry out the Animal Health and Disease Control Act. Any money in the  
17 fund available for investment shall be invested by the state investment  
18 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
19 State Funds Investment Act.

20 Sec. 58. Section 2-3812, Revised Statutes Cumulative Supplement,  
21 2018, is amended to read:

22 2-3812 There is hereby created the Nebraska Agricultural Products  
23 Marketing Cash Fund. The fund shall consist of ~~administrative costs~~  
24 ~~collected under subsection (4) of section 54-742~~ and money appropriated  
25 by the Legislature which is received as gifts or grants or collected as  
26 fees or charges from any source, including federal, state, public, and  
27 private. The fund shall be utilized for the purpose of carrying out the  
28 Nebraska Agricultural Products Marketing Act ~~and for purposes of~~  
29 ~~subsection (4) of section 54-742.~~ Any money in such fund available for  
30 investment shall be invested by the state investment officer pursuant to  
31 the Nebraska Capital Expansion Act and the Nebraska State Funds

1 Investment Act.

2 Sec. 59. Section 37-478, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 37-478 (1) To conduct an auction in this state of captive wild  
5 birds, captive wild mammals, or captive wildlife as specified in  
6 subsection (1) of section 37-477, a person shall apply to the commission  
7 on a form prescribed by the commission for a captive wildlife auction  
8 permit. An applicant for a permit shall specify the dates of the auction  
9 and shall apply for a permit for each auction to be held in the state.  
10 The application for the permit shall include the applicant's social  
11 security number. The fee for such permit shall be not more than sixty-  
12 five dollars, as established by the commission pursuant to section  
13 37-327. The commission shall adopt and promulgate rules and regulations  
14 specifying application requirements and procedures, reporting and  
15 inspection requirements, and other requirements related to auction  
16 activities.

17 (2) A permitholder shall not (a) take wild birds, wild mammals, or  
18 other wildlife from the wild in Nebraska or (b) purchase wild birds, wild  
19 mammals, or other wildlife from any person other than the commission or a  
20 person authorized to propagate and dispose of wild birds, wild mammals,  
21 or other wildlife. A permit under this section is not required for an  
22 auction of domesticated cervine animals as defined in section 14 of this  
23 act 54-701.03.

24 Sec. 60. Section 37-479, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 37-479 (1) To purchase, possess, propagate, or sell captive wild  
27 birds, captive wild mammals, or captive wildlife as specified in  
28 subsection (1) of section 37-477 or to sell parts thereof, except as  
29 provided in section 37-505, a person shall apply to the commission on a  
30 form prescribed by the commission for a captive wildlife permit. The  
31 commission shall adopt and promulgate rules and regulations specifying

1 application requirements and procedures. The permit shall expire on  
2 December 31. The application for the permit shall include the applicant's  
3 social security number. The annual fee for such permit shall be not more  
4 than thirty dollars, as established by the commission pursuant to section  
5 37-327. A holder of a captive wildlife permit shall report to the  
6 commission by January 15 for the preceding calendar year on forms  
7 provided by the commission. The commission shall adopt and promulgate  
8 rules and regulations specifying the requirements for the reports.

9 (2) A permitholder shall not (a) take wild birds, wild mammals, or  
10 wildlife from the wild in Nebraska or (b) purchase wild birds, wild  
11 mammals, or wildlife from any person other than the commission or a  
12 person authorized to propagate and dispose of wild birds, wild mammals,  
13 or wildlife. A permit under this section is not required for possession  
14 or production of domesticated cervine animals as defined in section 14 of  
15 this act 54-701.03.

16 (3) It shall be unlawful to lure or entice wildlife into a  
17 domesticated cervine animal facility for the purpose of containing such  
18 wildlife. Any person violating this subsection shall be guilty of a Class  
19 II misdemeanor and upon conviction shall be fined at least one thousand  
20 dollars.

21 Sec. 61. Section 37-505, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 37-505 (1) It shall be unlawful to buy, sell, or barter the meat or  
24 flesh of game animals or game birds whether such animals or birds were  
25 killed or taken within or outside this state. Except as otherwise  
26 provided in this section, it shall be unlawful to buy, sell, or barter  
27 other parts of game animals or game birds.

28 (2) It shall be lawful to buy, sell, or barter only the following  
29 parts of legally taken antelope, deer, elk, rabbits, squirrels, and  
30 upland game birds: The hides, hair, hooves, bones, antlers, and horns of  
31 antelope, deer, or elk, the skins, tails, or feet of rabbits and

1 squirrels, and the feathers or skins of upland game birds.

2 (3) It shall be lawful to pick up, possess, buy, sell, or barter  
3 antlers or horns which have been dropped or shed by antelope, deer, or  
4 elk. It shall be unlawful to pick up, possess, buy, sell, or barter  
5 mountain sheep or any part of a mountain sheep except (a) as permitted by  
6 law or rule or regulation of the commission and (b) for possession of  
7 mountain sheep or any part of a mountain sheep lawfully obtained in this  
8 state or another state or country.

9 (4) The commission may provide by rules and regulations for  
10 allowing, restricting, or prohibiting the acquisition, possession,  
11 purchase, sale, or barter of discarded parts, including, but not limited  
12 to, horns and antlers, or parts of dead game animals and upland game  
13 birds which have died from natural causes or causes which were not  
14 associated with any known illegal acts, which parts are discovered by  
15 individuals.

16 (5) Any domesticated cervine animal as defined in section 14 of this  
17 act ~~54-701.03~~ or any part of such an animal may be bought, sold, or  
18 bartered if the animal or parts are appropriately marked for proof of  
19 ownership according to rules and regulations adopted and promulgated by  
20 the Department of Agriculture.

21 (6) It shall be unlawful to buy, sell, or barter any sport fish  
22 protected by the Game Law at any time whether the fish was killed or  
23 taken within or outside this state, except that game fish lawfully  
24 shipped in from outside this state by residents of this state or fish  
25 lawfully acquired from a person having an aquaculture permit or, in the  
26 case of bullheads, pursuant to section 37-545 may be sold in this state.  
27 The burden of proof shall be upon any such buyer, seller, or possessor to  
28 show by competent and satisfactory evidence that any game fish in his or  
29 her possession or sold by him or her was lawfully shipped in from outside  
30 this state or was lawfully acquired from one of such sources.

31 (7) Any person violating this section shall be guilty of a Class III

1 misdemeanor and shall be fined at least fifty dollars.

2       Sec. 62. Section 37-524, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       37-524 (1) It shall be unlawful for any person, partnership, limited  
5 liability company, association, or corporation to import into the state  
6 or possess aquatic invasive species, the animal known as the San Juan  
7 rabbit, or any other species of wild vertebrate animal, including  
8 domesticated cervine animals as defined in section 14 of this act  
9 ~~54-701.03~~, declared by the commission following public hearing and  
10 consultation with the Department of Agriculture to constitute a serious  
11 threat to economic or ecologic conditions, except that the commission may  
12 authorize by specific written permit the acquisition and possession of  
13 such species for educational or scientific purposes. It shall also be  
14 unlawful to release to the wild any nonnative bird or nonnative mammal  
15 without written authorization from the commission. Any person,  
16 partnership, limited liability company, association, or corporation  
17 violating the provisions of this subsection shall be guilty of a Class IV  
18 misdemeanor.

19       (2) Following public hearing and consultation with the Department of  
20 Agriculture, the commission may, by rule and regulation, regulate or  
21 limit the importation and possession of any aquatic invasive species or  
22 wild vertebrate animal, including a domesticated cervine animal as  
23 defined in section 14 of this act ~~54-701.03~~, which is found to constitute  
24 a serious threat to economic or ecologic conditions.

25       Sec. 63. Section 37-1402, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27       37-1402 For purposes of sections 37-1401 to 37-1406, invasive  
28 species means aquatic or terrestrial organisms not native to the region  
29 that cause economic or biological harm and are capable of spreading to  
30 new areas, and invasive species does not include livestock as defined in  
31 section 21 of this act ~~sections 54-1368~~ and section 54-1902, honey bees,

1 domestic pets, intentionally planted agronomic crops, or nonnative  
2 organisms that do not cause economic or biological harm.

3 Sec. 64. Section 54-626, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5 54-626 For purposes of the Commercial Dog and Cat Operator  
6 Inspection Act:

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

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

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

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

1 boarding kennels for the purposes of the act;

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

4 (6) Cat means any animal which is wholly or in part of the species  
5 *Felis domesticus*;

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

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

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

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

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

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

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

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

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

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

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

1 leases thirty or fewer dogs or cats in a twelve-month period is not a  
2 dealer;

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

6 (11) Director means the Director of Agriculture or his or her  
7 designated employee;

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

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

19 (14) Harbor means:

20 (a) Providing shelter or housing for a dog or cat regulated under  
21 the act; or

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

24 (15) Housing facility means any room, building, or areas used to  
25 contain a primary enclosure;

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

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

30 (18) Normal business hours means daily between 7 a.m. and 7 p.m.  
31 unless an applicant, a licensee, or any other person the department has

1 reasonable cause to believe is required by the act to be licensed  
2 provides in writing to the department a description of his or her own  
3 normal business hours which reasonably allows the department to make  
4 inspections;

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

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

12 (21) Pet shop means a retail establishment which sells pet animals  
13 and related supplies;

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

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

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

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

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

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

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

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

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

7 (26) Stop-movement order means a directive preventing the movement  
8 of any dog or cat onto or from the premises; and

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

11 Sec. 65. Section 54-645, Revised Statutes Cumulative Supplement,  
12 2018, is amended to read:

13 54-645 For purposes of the Dog and Cat Purchase Protection Act:

14 (1) Casual breeder means any person, other than a commercial dog or  
15 cat breeder as such terms are defined in section 54-626, who offers for  
16 sale, sells, trades, or receives consideration for one or more pet  
17 animals from a litter produced by a female dog or cat owned by such  
18 casual breeder;

19 (2) Clinical symptom means indication of an illness or dysfunction  
20 that is apparent to a veterinarian based on the veterinarian's  
21 observation, examination, or testing of an animal or on a review of the  
22 animal's medical records;

23 (3) Health certificate means the official small animal certificate  
24 of veterinary inspection of the ~~Bureau of Animal Industry of the~~  
25 Department of Agriculture;

26 (4) Pet animal means a dog, wholly or in part of the species *Canis*  
27 *familiaris*, or a cat, wholly or in part of the species *Felis domesticus*,  
28 that is under fifteen months of age;

29 (5) Purchaser means the final owner of a pet animal purchased from a  
30 seller. Purchaser does not include a person who purchases a pet animal  
31 for resale;

1 (6) Seller means a casual breeder or any commercial establishment,  
2 including a commercial dog or cat breeder, dealer, or pet shop as such  
3 terms are defined in section 54-626, that engages in a business of  
4 selling pet animals to a purchaser. A seller does not include an animal  
5 control facility, animal rescue, or animal shelter as defined in section  
6 54-626 or any animal adoption activity that an animal control facility,  
7 animal rescue, or animal shelter conducts offsite at any pet store or  
8 other commercial establishment; and

9 (7)(a) Serious health problem means a congenital or hereditary  
10 defect or contagious disease that causes severe illness or death of the  
11 pet animal.

12 (b) Serious health problem does not include (i) parvovirus if the  
13 diagnosis of parvovirus is made after the seven-business-day requirement  
14 in subsection (1) of section 54-647 or (ii) any other contagious disease  
15 that causes severe illness or death after ten calendar days after  
16 delivery of the pet animal to the purchaser.

17 Sec. 66. Section 54-706.12, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 54-706.12 The Bovine Tuberculosis Cash Fund is created. The fund  
20 shall consist of money appropriated by the Legislature and gifts, grants,  
21 costs, or charges from any source, including federal, state, public, and  
22 private sources. The fund shall be used to carry out the Bovine  
23 Tuberculosis Act. Any money in the fund available for investment shall be  
24 invested by the state investment officer pursuant to the Nebraska Capital  
25 Expansion Act and the Nebraska State Funds Investment Act. The fund  
26 terminates on the effective date of this act and the State Treasurer  
27 shall transfer any money in the fund on such date to the Animal Health  
28 and Disease Control Cash Fund.

29 Sec. 67. Section 54-778, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 54-778 ~~(1) The owner or custodian of an affected herd or affected~~

1 ~~premises shall be responsible to pay for costs related to: (a) The~~  
2 ~~quarantine, testing, or vaccination of an affected herd; (b) the~~  
3 ~~disinfection or cleaning of the premises of an affected herd; and (c) any~~  
4 ~~other costs associated with the control of anthrax in such herd.~~

5 ~~(2) The department may assess and collect payment for services~~  
6 ~~provided and expenses incurred pursuant to its responsibilities under the~~  
7 ~~Anthrax Control Act.~~

8 ~~(3) Any person failing to carry out the responsibilities set out in~~  
9 ~~the act and any rules and regulations adopted and promulgated thereunder~~  
10 ~~shall be guilty of a Class I misdemeanor. Whenever any person fails to~~  
11 ~~carry out such responsibilities under the act, the department may perform~~  
12 ~~such functions. Upon completion of any required anthrax control~~  
13 ~~activities, the department shall determine its actual costs incurred in~~  
14 ~~handling the affected herd and affected premises and conducting the~~  
15 ~~testing and notify the herd owner or custodian in writing. The herd owner~~  
16 ~~or custodian shall reimburse the department its actual costs within~~  
17 ~~fifteen days following the date of the notice. Any person failing to~~  
18 ~~reimburse the department shall be assessed a late fee of up to twenty-~~  
19 ~~five percent of the amount due for each thirty days of nonpayment to~~  
20 ~~reimburse the department for its costs of collecting the amount due.~~

21 ~~(4) Any costs and fees assessed and collected pursuant to this~~  
22 ~~section shall be remitted to the State Treasurer for credit to the~~  
23 ~~Anthrax Control Act Cash Fund.~~

24 ~~(5) The Anthrax Control Act Cash Fund is created. The fund shall~~  
25 ~~consist of money appropriated by the Legislature and gifts, grants,~~  
26 ~~costs, or charges from any source, including federal, state, public, and~~  
27 ~~private sources. The fund shall be used to carry out the Anthrax Control~~  
28 ~~Act. Any money in the fund available for investment shall be invested by~~  
29 ~~the state investment officer pursuant to the Nebraska Capital Expansion~~  
30 ~~Act and the Nebraska State Funds Investment Act. The fund terminates on~~  
31 ~~the effective date of this act and the State Treasurer shall transfer any~~

1 money in the fund on such date to the Animal Health and Disease Control  
2 Cash Fund.

3 Sec. 68. Section 54-797, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 54-797 The Department of Agriculture shall provide voluntary  
6 livestock certification programs when requested by a livestock health  
7 committee and others when deemed by the department to be beneficial and  
8 appropriate for the livestock industry. The department shall work  
9 together with the appropriate livestock producers or groups and the  
10 Department of Veterinary and Biomedical Sciences of the University of  
11 Nebraska to establish procedures for the certification of participating  
12 herds. The Department of Agriculture may maintain, ~~through the Bureau of~~  
13 ~~Animal Industry,~~ a livestock certification registry for each livestock  
14 certification program that provides information regarding the voluntary  
15 certification program and may include the names of participating  
16 livestock producers who have a herd or flock enrolled in the voluntary  
17 livestock certification program.

18 Sec. 69. Section 54-7,105, Revised Statutes Cumulative Supplement,  
19 2018, is amended to read:

20 54-7,105 (1) Sections 54-7,105 to 54-7,109 ~~54-7,110~~ shall be known  
21 and may be cited as the Exotic Animal Auction or Exchange Venue Act.

22 (2) The purpose of the Exotic Animal Auction or Exchange Venue Act  
23 is to require an exotic animal auction or exchange venue organizer to  
24 obtain a permit from the department before conducting an exotic animal  
25 auction or exchange venue and to maintain records for animal disease  
26 tracking purposes. Exotic animals sold at an exotic animal auction or  
27 exchange venue are often foreign to the United States or to the State of  
28 Nebraska. These exotic animals may carry dangerous, infectious,  
29 contagious, or otherwise transmissible diseases, including foreign animal  
30 diseases, which could pose a threat to Nebraska's livestock health and  
31 the livestock industry.

1           Sec. 70. Section 54-7,105.01, Revised Statutes Cumulative  
2 Supplement, 2018, is amended to read:

3           54-7,105.01 For purposes of the Exotic Animal Auction or Exchange  
4 Venue Act:

5           (1) Accredited veterinarian has the same meaning as in section 3 of  
6 this act 54-701.03;

7           (2) Animal has the same meaning as in section 6 of this act  
8 54-701.03;

9           (3) Animal welfare organization has the same meaning as in section  
10 54-2503;

11           (4) Certificate of veterinary inspection means a legible document  
12 approved by the department, either paper copy or electronic, issued by an  
13 accredited veterinarian at the point of origin of an animal movement  
14 which records the (a) name and address of both consignor and consignee,  
15 (b) purpose of animal's movement, (c) destination in the state which  
16 includes the street address or enhanced-911 address of the premises, (d)  
17 age, breed, sex, and number of animals in the shipment, (e) description  
18 of the animals, (f) individual identification, when required, and (g)  
19 health examination date of the animals. The certificate of veterinary  
20 inspection is an acknowledgment by the accredited veterinarian of the  
21 apparent absence of any infectious, dangerous, contagious, or otherwise  
22 transmissible disease of any animal sold or offered for sale, purchased,  
23 bartered, or other change of ownership at an exotic animal auction or  
24 exchange venue;

25           (5) Change of ownership means the transfer within the State of  
26 Nebraska of possession or control of an animal allowed to be transferred  
27 through consignment, sale, purchase, barter, lease, exchange, trade,  
28 gift, or any other transfer of possession or control at an exotic animal  
29 auction or exchange venue;

30           (6) Dangerous disease has the same meaning as in section 11 of this  
31 act 54-701.03;

1 (7) Department means the Department of Agriculture of the State of  
2 Nebraska;

3 (8) Domesticated cervine animal has the same meaning as in section  
4 14 of this act 54-701.03;

5 (9) Exotic animal means any animal which is not commonly sold  
6 through licensed livestock auction markets pursuant to the Livestock  
7 Auction Market Act. Such animals shall include, but not be limited to,  
8 miniature cattle (bovine), miniature horses, miniature donkeys, sheep  
9 (ovine), goats (caprine), alpacas (camelid), llamas (camelid), pot-  
10 bellied pigs (porcine), and small mammals, with the exception of cats of  
11 the Felis domesticus species and dogs of the Canis familiaris species.  
12 The term also includes birds and poultry. The term does not include beef  
13 and dairy cattle, calves, swine, bison, or domesticated cervine animals;

14 (10) Exotic animal auction or exchange venue means any event or  
15 location, other than a livestock auction market as defined in section  
16 54-1158 or events by an animal welfare organization or at an animal  
17 welfare organization location, where (a) an exotic animal is consigned,  
18 purchased, sold, traded, bartered, given away, or otherwise transferred,  
19 (b) an offer to purchase an exotic animal is made, (c) an exotic animal  
20 is offered to be consigned, sold, traded, bartered, given away, or  
21 otherwise transferred, or (d) any other event or location where there is  
22 a change of ownership of an exotic animal;

23 (11) Exotic animal auction or exchange venue organizer means a  
24 person in charge of organizing an exotic animal auction or exchange venue  
25 event, and may include any person who: (a) Arranges events for third  
26 parties to have private sales or trades of exotic animals; (b) organizes  
27 or coordinates exotic animal auctions or exchange venues; (c) leases out  
28 areas for exotic animal auctions or exchange venues; (d) provides or  
29 coordinates other similar arrangements involving exotic animals at retail  
30 establishments such as feed and supply stores, farm implement stores, and  
31 farm and ranch stores, which allow such sales in or on the premises; or

1 (e) takes exotic animals for consignment on behalf of third parties;

2 (12) Officially identified means the application of an official  
3 identification device or method approved by the United States Department  
4 of Agriculture, Animal and Plant Health Inspection Service, Veterinary  
5 Services; and

6 (13) Poultry has the same meaning as in section 26 of this act  
7 ~~54-701.03~~.

8 Sec. 71. Section 54-7,107, Revised Statutes Cumulative Supplement,  
9 2018, is amended to read:

10 54-7,107 (1) An exotic animal auction or exchange venue organizer  
11 shall maintain records for each exotic animal auction or exchange venue  
12 such organizer arranges, organizes, leases areas for, consigns, or  
13 otherwise coordinates at least five years after the date of the exotic  
14 animal auction or exchange venue. The records shall include:

15 (a) The name, address, and telephone number of the exotic animal  
16 auction or exchange venue organizer;

17 (b) The name and address of all persons who purchased, sold, traded,  
18 bartered, gave away, or otherwise transferred an exotic animal at the  
19 exotic animal auction or exchange venue;

20 (c) The number of and species or type of each exotic animal  
21 purchased, sold, traded, bartered, given away, or otherwise transferred  
22 at the exotic animal auction or exchange venue;

23 (d) The date of purchase, sale, trade, barter, or other transfer of  
24 an exotic animal at the exotic animal auction or exchange venue; and

25 (e) When required by the Animal Health and Disease Control  
26 ~~Importation~~ Act or the Exotic Animal Auction or Exchange Venue Act, a  
27 copy of the completed certificate of veterinary inspection for each  
28 exotic animal purchased, sold, traded, bartered, given away, or otherwise  
29 transferred at the exotic animal auction or exchange venue.

30 (2) An exotic animal auction or exchange venue organizer shall,  
31 during all reasonable times, permit authorized employees and agents of

1 the department to have access to and to copy any or all records relating  
2 to his or her exotic animal auction or exchange venue business.

3 (3) When necessary for the enforcement of the Exotic Animal Auction  
4 or Exchange Venue Act or any rules and regulations adopted and  
5 promulgated pursuant to such act, the authorized employees and agents of  
6 the department may access the records required by this section.

7 Sec. 72. Section 54-7,108, Revised Statutes Cumulative Supplement,  
8 2018, is amended to read:

9 54-7,108 (1) No beef or dairy cattle, calves, swine, bison, or  
10 domesticated cervine animals shall be, or offered to be, consigned,  
11 purchased, sold, bartered, traded, given away, or otherwise transferred  
12 at an exotic animal auction or exchange venue.

13 (2) An exotic animal auction or exchange venue organizer shall  
14 contact the department if a particular animal cannot be readily  
15 identified as an animal that is prohibited from being consigned,  
16 purchased, sold, bartered, traded, given away, or otherwise transferred  
17 at an exotic animal auction or exchange venue under this section.

18 (3) No bovine, camelid, caprine, ovine, or porcine animal shall be,  
19 or be offered to be, consigned, purchased, sold, bartered, traded, given  
20 away, or otherwise transferred at an exotic animal auction or exchange  
21 venue unless, prior to a change of ownership or other transfer of the  
22 animal, a completed certificate of veterinary inspection for such animal  
23 is presented to the exotic animal auction or exchange venue organizer.  
24 Such certificate of veterinary inspection shall be signed by an  
25 accredited veterinarian on the date of or no more than thirty days prior  
26 to the date the exotic animal auction or exchange venue is held.

27 (4) An exotic animal auction or exchange venue organizer shall  
28 contract with an accredited veterinarian to be present during the exotic  
29 animal auction or exchange venue for visually inspecting such exotic  
30 animals and to issue necessary certificates of veterinary inspection for  
31 change of ownership when required by the Animal Health and Disease

1 ~~Control Importation~~ Act or the Exotic Animal Auction or Exchange Venue  
2 Act.

3 (5) All dairy goats imported into Nebraska shall have an official  
4 tuberculin test prior to import into Nebraska. All sheep and goats shall  
5 have official identification as required under the Animal Health and  
6 Disease Control ~~Scrapie Control and Eradication~~ Act.

7 (6) A copy of the certificate of veterinary inspection shall be  
8 submitted to the department by the exotic animal auction or exchange  
9 venue organizer within seven days from the date the exotic animal auction  
10 or exchange venue was held.

11 (7) Any bovine, camelid, caprine, ovine, or porcine animal which is  
12 not prohibited from transfer at an exotic animal auction or exchange  
13 venue shall be officially identified prior to change of ownership.

14 Sec. 73. Section 54-1158, Revised Statutes Cumulative Supplement,  
15 2018, is amended to read:

16 54-1158 As used in the Livestock Auction Market Act, unless the  
17 context otherwise requires:

18 (1) Accredited veterinarian has the same meaning as in section 3 of  
19 this act ~~54-701.03~~;

20 (2) Department means the Department of Agriculture;

21 (3) Designated veterinarian means an accredited veterinarian who has  
22 been designated and authorized by the State Veterinarian to make  
23 inspections of livestock at livestock auction markets as may be required  
24 by law or regulation whether such livestock is moved in interstate or  
25 intrastate commerce;

26 (4) Director means the Director of Agriculture;

27 (5) Livestock means cattle, calves, swine, sheep, and goats;

28 (6) Livestock auction market means any place, establishment, or  
29 facility commonly known as a livestock auction market, sales ring, or the  
30 like, conducted or operated for compensation as an auction market for  
31 livestock, consisting of pens or other enclosures, and their

1 appurtenances, in which livestock are received, held, sold, or kept for  
2 sale or shipment;

3 (7) Livestock auction market operator means any person engaged in  
4 the business of conducting or operating a livestock auction market,  
5 whether personally or through agents or employees;

6 (8) Market license means the license for a livestock auction market  
7 authorized to be issued under the act;

8 (9) Person means any individual, firm, association, partnership,  
9 limited liability company, or corporation; and

10 (10) State Veterinarian means the veterinarian appointed pursuant to  
11 section 81-202, in charge of the Bureau of Animal Industry within the  
12 department or his or her designee, subordinate to the director.

13 Sec. 74. Section 54-1371, Revised Statutes Cumulative Supplement,  
14 2018, is amended to read:

15 54-1371 ~~(1) Whenever brucellosis testing is performed under section~~  
16 ~~54-1369 with respect to a sale at private treaty or under section~~  
17 ~~54-1370, the owner of the animals shall be responsible for gathering,~~  
18 ~~confining, and restraining the animals to be tested and shall provide the~~  
19 ~~necessary facilities and assistance. With respect to tests conducted at~~  
20 ~~markets, concentration points, or slaughter establishments, the~~  
21 ~~responsibility shall be borne by the owner of the establishment.~~

22 ~~(2) Any person failing to carry out the responsibilities set out~~  
23 ~~under subsection (1) of this section shall be guilty of a Class IV~~  
24 ~~misdemeanor.~~

25 ~~(3) Whenever any person fails to carry out the responsibilities set~~  
26 ~~out under subsection (1) of this section, the department shall perform~~  
27 ~~such functions. Upon completion of the testing, the department shall~~  
28 ~~determine its actual costs incurred in handling the livestock and~~  
29 ~~conducting the testing and notify the responsible person in writing. The~~  
30 ~~responsible person shall reimburse the department its actual costs within~~  
31 ~~fifteen days following the date of the notice. Any person failing to~~

1 ~~reimburse the department as required shall be assessed an administrative~~  
2 ~~fee of up to twenty five percent of the amount due for each thirty days~~  
3 ~~of delinquency. The purpose of the additional administrative fee is to~~  
4 ~~cover the administrative costs associated with collecting the actual~~  
5 ~~costs incurred and any administrative fees.~~

6 ~~The (4) All money received by the department under subsection (3) of~~  
7 ~~this section shall be remitted to the State Treasurer for credit to the~~  
8 ~~Brucellosis Control Cash Fund, which fund is hereby created. Expenditures~~  
9 ~~from the fund may be made to conduct brucellosis testing under the~~  
10 ~~Nebraska Bovine Brucellosis Act. Any money in the fund available for~~  
11 ~~investment shall be invested by the state investment officer pursuant to~~  
12 ~~the Nebraska Capital Expansion Act and the Nebraska State Funds~~  
13 ~~Investment Act. The fund terminates on the effective date of this act and~~  
14 ~~the State Treasurer shall transfer any money in the fund on such date to~~  
15 ~~the Animal Health and Disease Control Cash Fund.~~

16 Sec. 75. Section 54-2293, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 54-2293 The Pseudorabies Control Cash Fund shall consist of money  
19 appropriated by the Legislature and gifts, grants, costs, or charges from  
20 any source, including federal, state, public, and private sources. The  
21 fund shall be utilized for the purpose of carrying out the Pseudorabies  
22 Control and Eradication Act. Any money in the fund available for  
23 investment shall be invested by the state investment officer pursuant to  
24 the Nebraska Capital Expansion Act and the Nebraska State Funds  
25 Investment Act. The fund terminates on the effective date of this act and  
26 the State Treasurer shall transfer any money in the fund on such date to  
27 the Animal Health and Disease Control Cash Fund.

28 Sec. 76. Section 54-2304, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 54-2304 For purposes of the Domesticated Cervine Animal Act, unless  
31 the context otherwise requires:

1 (1) Commission means the Game and Parks Commission or its authorized  
2 agent;

3 (2) Department means the Department of Agriculture or its authorized  
4 agent;

5 (3) Director means the Director of Agriculture or his or her  
6 designee;

7 (4) Domesticated cervine animal has the same meaning as in section  
8 14 of this act 54-701.03; and

9 (5) Person means any individual, firm, group of individuals,  
10 partnership, limited liability company, corporation, unincorporated  
11 association, cooperative, or other entity, public or private.

12 Sec. 77. Section 54-2314, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 54-2314 (1) In order to prevent, suppress, control, and eradicate  
15 dangerous transmissible diseases among the domesticated cervine animals  
16 of this state, the department may place in quarantine any county, or part  
17 of any county, any private premises, or any private or public stockyards  
18 and may quarantine any domesticated cervine animal infected with such  
19 disease or which has been or is suspected of having been exposed to such  
20 disease. Such animals shall remain under quarantine until released by the  
21 department. An infected animal may be destroyed as provided in the Animal  
22 Health and Disease Control Act ~~by section 54-747~~.

23 (2) The department may regulate or prohibit the arrival into,  
24 departure from, and movement within the state of any domesticated cervine  
25 animal infected with a dangerous transmissible disease or exposed or  
26 suspected of having been exposed to such disease.

27 Sec. 78. Section 54-2757, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 54-2757 The Scrapie Control Cash Fund is created. The fund shall  
30 consist of money appropriated by the Legislature and gifts, grants,  
31 costs, or charges from any source, including federal, state, public, and

1 private sources. The fund shall be utilized for the purpose of carrying  
2 out the Scrapie Control and Eradication Act. Any money in the fund  
3 available for investment shall be invested by the state investment  
4 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
5 State Funds Investment Act. The fund terminates on the effective date of  
6 this act and the State Treasurer shall transfer any money in the fund on  
7 such date to the Animal Health and Disease Control Cash Fund.

8 Sec. 79. Section 81-202, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 81-202 Within the Department of Agriculture there shall be the  
11 position of a Bureau of Animal Industry, with the State Veterinarian  
12 appointed by and in charge, subordinate only to the Director of  
13 Agriculture. The powers and duties of the department provided by law for  
14 the protection of the health of livestock as defined in section 21 of  
15 this act ~~54-701.03~~ shall be exercised and discharged through the  
16 department Bureau of Animal Industry under the direction of the State  
17 Veterinarian. The State Veterinarian shall hold office at the will of the  
18 director. The State Veterinarian shall receive such salary as fixed by  
19 the director and approved by the Governor. The State Veterinarian shall  
20 have authority to employ assistants and fix their compensation, subject  
21 to the approval of the director. The State Veterinarian shall be a  
22 graduate of a college of veterinary medicine accredited by the American  
23 Veterinary Medical Association, shall be licensed and accredited as a  
24 veterinarian, and shall have demonstrated administrative ability.

25 Sec. 80. The Revisor of Statutes shall assign sections 1 to 57 of  
26 this act to a new article in Chapter 54.

27 Sec. 81. Original sections 37-478, 37-479, 37-505, 37-524, 37-1402,  
28 54-706.12, 54-778, 54-797, 54-2293, 54-2304, 54-2314, 54-2757, and  
29 81-202, Reissue Revised Statutes of Nebraska, and sections 2-3812,  
30 54-626, 54-645, 54-7,105, 54-7,105.01, 54-7,107, 54-7,108, 54-1158, and  
31 54-1371, Revised Statutes Cumulative Supplement, 2018, are repealed.

1           Sec. 82. The following sections are outright repealed: Sections  
2 2-3001, 2-3002, 2-3003, 2-3004, 2-3005, 2-3006, 2-3007, 2-3008, 54-701,  
3 54-701.01, 54-701.02, 54-702, 54-702.01, 54-706.01, 54-706.02, 54-706.03,  
4 54-706.04, 54-706.05, 54-706.06, 54-706.07, 54-706.08, 54-706.09,  
5 54-706.10, 54-706.11, 54-706.13, 54-706.14, 54-706.15, 54-706.16,  
6 54-706.17, 54-743, 54-744, 54-745, 54-746, 54-747, 54-753.01, 54-753.04,  
7 54-764, 54-765, 54-766, 54-767, 54-768, 54-769, 54-770, 54-771, 54-772,  
8 54-773, 54-774, 54-775, 54-776, 54-777, 54-779, 54-780, 54-781, 54-785,  
9 54-786, 54-787, 54-788, 54-790, 54-791, 54-792, 54-793, 54-794, 54-795,  
10 54-796, 54-1348, 54-1349, 54-1350, 54-1351, 54-1352, 54-1353, 54-1354,  
11 54-1355, 54-1356, 54-1357, 54-1358, 54-1359, 54-1360, 54-1361, 54-1362,  
12 54-1363, 54-1364, 54-1365, 54-1366, 54-1367, 54-1368, 54-1369, 54-1370,  
13 54-1372, 54-1373, 54-1374, 54-1375, 54-1376, 54-1377, 54-1378, 54-1379,  
14 54-1380, 54-1381, 54-1383, 54-1384, 54-2235, 54-2236, 54-2237, 54-2238,  
15 54-2239, 54-2240, 54-2241, 54-2242, 54-2243, 54-2244, 54-2245, 54-2246,  
16 54-2247, 54-2248, 54-2249, 54-2250, 54-2251, 54-2252, 54-2253, 54-2254,  
17 54-2255, 54-2256, 54-2257, 54-2258, 54-2259, 54-2260, 54-2262,  
18 54-2262.01, 54-2263, 54-2264, 54-2265, 54-2266, 54-2267, 54-2268,  
19 54-2269, 54-2270, 54-2271, 54-2276, 54-2277, 54-2278, 54-2279, 54-2280,  
20 54-2281, 54-2283, 54-2286, 54-2287, 54-2288, 54-2289, 54-2290, 54-2291,  
21 54-2292, 54-2294, 54-2295, 54-2296, 54-2297, 54-2298, 54-2299, 54-22,100,  
22 54-2701, 54-2702, 54-2703, 54-2704, 54-2705, 54-2706, 54-2707, 54-2708,  
23 54-2709, 54-2710, 54-2711, 54-2712, 54-2713, 54-2714, 54-2715, 54-2716,  
24 54-2717, 54-2718, 54-2719, 54-2720, 54-2721, 54-2722, 54-2723, 54-2724,  
25 54-2725, 54-2726, 54-2727, 54-2728, 54-2729, 54-2730, 54-2731, 54-2732,  
26 54-2733, 54-2734, 54-2735, 54-2736, 54-2737, 54-2738, 54-2739, 54-2740,  
27 54-2741, 54-2742, 54-2743, 54-2744, 54-2745, 54-2746, 54-2747, 54-2748,  
28 54-2749, 54-2750, 54-2751, 54-2752, 54-2753, 54-2754, 54-2755, 54-2756,  
29 54-2758, 54-2759, 54-2760, 54-2761, 81-202.01, and 81-202.02, Reissue  
30 Revised Statutes of Nebraska, sections 54-701.03, 54-704, 54-705, 54-742,  
31 54-750, 54-751, 54-752, 54-753, 54-784.01, 54-789, 54-7,110, and 54-1382,

- 1 Revised Statutes Cumulative Supplement, 2018, and sections 54-703 and
- 2 54-744.01, Revised Statutes Supplement, 2019.