

## LEGISLATIVE BILL 359

Approved by the Governor March 27, 1991

Introduced by Agriculture Committee:

Rogers, 41, Chairperson; Coordsen, 32;  
Cudaback, 36; Elmer, 38; Hefner, 19;  
Morrisey, 1; Schellpeper, 18

AN ACT relating to the Pseudorabies Control and Eradication Act; to amend sections 54-2203, 54-2205, 54-2206, 54-2209, 54-2210, 54-2212 to 54-2218, 54-2219, 54-2220, and 54-2222, Reissue Revised Statutes of Nebraska, 1943, and sections 54-2201, 54-2202, 54-2208 to 54-2208.03, 54-2208.06, 54-2218.01, 54-2220.02, 54-2220.03, 54-2221, 54-2221.04, 54-2221.05, 54-2221.07, 54-2221.09 to 54-2221.14, 54-2223, 54-2223.01, 54-2223.03 to 54-2229, 54-2233, and 54-2234, Revised Statutes Supplement, 1990; to define, redefine, and eliminate terms; to eliminate and change provisions relating to assessment and funding for certain swine herds as prescribed; to transfer sections; to harmonize provisions; to change provisions relating to surveillance of certain herds; to change provisions relating to certain swine testing programs; to change provisions relating to penalties; to change provisions relating to testing expenses and funding; to change provisions relating to access to premises; to change provisions relating to programs for the control and eradication of pseudorabies as prescribed; to change provisions relating to rules and regulations; to eliminate a committee; to change certain official tests and their use; to repeal the original sections, and also sections 54-2204 and 54-2211, Reissue Revised Statutes of Nebraska, 1943, and sections 54-2208.04, 54-2208.05, 54-2218.02, 54-2220.01, 54-2220.04, 54-2221.02, 54-2221.03, 54-2221.06, 54-2221.08, 54-2223.02, 54-2230, 54-2231, 54-2231.01, and 54-2232, Revised Statutes Supplement, 1990; and to declare an emergency.

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

Section 1. That section 54-2201, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2201-~~ Sections 54-2201 to 54-2234 This act shall be known and may be cited as the Pseudorabies Control and Eradication Act.

Sec. 2. That section 54-2202, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2202-~~ For purposes of the Pseudorabies Control and Eradication Act, unless the context otherwise requires, the definitions found in sections ~~54-2203 to 54-2220-04~~ 3 to 34 of this act shall be used.

Sec. 3. Accredited veterinarian shall mean a veterinarian approved by the Deputy Administrator of the United States Department of Agriculture in accordance with 9 C.F.R. part 161.

Sec. 4. That section 54-2218.01, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2218-01-~~ Affected herd shall mean a herd in which livestock have been determined to be infected with pseudorabies by an official test or diagnosed by a veterinarian as having pseudorabies are infected.

Sec. 5. Affected premises shall mean land on which is located an affected herd and shall include the buildings and equipment located on such land.

Sec. 6. Affected swine herd shall mean a swine herd in which swine have been determined by the results of an official test to be infected with or diagnosed by a veterinarian as having pseudorabies.

Sec. 7. That section 54-2208.01, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2208-01-~~ Area testing shall mean testing of a random sample of each ~~animal~~ swine herd in a program area, or other limited geographical area of the state established by the department.

Sec. 8. That section 54-2219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~54-2219-~~ Breeding swine shall mean boars, sows, and gilts being used or intended for use for reproductive purposes.

Sec. 9. That section 54-2208.02, Revised Statutes Supplement, 1990; be amended to read as follows:

~~54-2208-02-~~ Circle testing shall mean testing of a random sample of each ~~animal~~ swine herd located

within a one mile of the affected premises, distance established by the department of an animal herd which is affected with or quarantined for pseudorabies or is a qualified pseudorabies negative herd or any other animal herd as designated by the department.

Sec. 10. That section 54-2208.03, Revised Statutes Supplement, 1990, be amended to read as follows:

54-2208-03- Cleanup testing shall mean testing done in an affected swine herd as part of a swine herd cleanup plan.

Sec. 11. That section 54-2209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-2209- Concentration point shall mean any facility where livestock from two or more herds are assembled and subsequently dispersed to one or more locations.

Sec. 12. That section 54-2206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-2206- Department shall mean the Department of Agriculture or its authorized agent.

Sec. 13. That section 54-2216, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-2216- Exposed shall mean that livestock {1} are part of a being part of an affected herd in which infected livestock have been present or {2} have or having had a reasonable opportunity to come in contact with infected livestock or a pseudorabies virus.

Sec. 14. That section 54-2220, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-2220- Feeder swine shall mean swine intended to be being fed or intended to be fed for weight-gaining purposes and eventual slaughter.

Sec. 15. That section 54-2218, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-2218- Herd shall mean (1) any group of livestock maintained on common ground for any purpose or (2) two or more groups of livestock under common ownership or supervision geographically separated but which have an interchange of animals livestock without regard to whether the animals livestock are infected with or exposed to pseudorabies.

Sec. 16. That section 54-2217, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

~~54-2217- Infected shall mean that livestock have been determined to be infected with pseudorabies by the results of an official pseudorabies test or diagnosed by a veterinarian as having pseudorabies.~~

Sec. 17. That section 54-2205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~54-2205- Livestock shall mean cattle, swine, sheep, goats, dogs, or cats or goats.~~

Sec. 18. That section 54-2213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~54-2213- Negative shall mean that an animal has undergone an official test and has been not infected as determined not to have pseudorabies by the department based on results of an official test.~~

Sec. 19. That section 54-2208, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2208- Official test shall mean any testing procedure recognized for use in the diagnosis of pseudorabies by (1) the United States Department of Agriculture and existing as of January 1, 1990 1991, in 9 C.F.R. part 85 or (2) the department in rules and regulations adopted and promulgated pursuant to the Pseudorabies Control and Eradication Act.~~

Sec. 20. That section 54-2214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~54-2214- Positive shall mean that an animal has undergone an official test and has been determined to be infected with pseudorabies as determined by the department based upon results of an official test.~~

Sec. 21. That section 54-2210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~54-2210- Private treaty shall mean a sale of livestock from one individual person to another person other than at a market concentration point.~~

Sec. 22. That section 54-2220.02, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2220-02- Program activity shall mean any activity required by the department for determining the presence of pseudorabies in animal swine herds or any activity relating to cleaning up herds found to be affected with pseudorabies, to depopulating herds pursuant to section 54-2221-08, eradicating pseudorabies~~

from swine herds and to surveillance as part of the pseudorabies control and eradication program.

Sec. 23. That section 54-2220.03, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2220-03-~~ Program area shall mean a portion of a county, an entire county, ~~or~~ a group of adjacent counties, or part of or the entire state designated and approved by the department to be given priority assignment of a program activity and state funds.

Sec. 24. That section 54-2203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~54-2203-~~ Pseudorabies shall mean the contagious, infectious, and communicable disease of livestock, variously known as Aujeszky's Disease, mad itch, PRV, or infectious bulbar paralysis.

Sec. 25. Quarantine shall mean restriction of:

(1) Movement imposed by the department on livestock, including one or more livestock classified suspect or positive or a herd which is reasonably suspected of being infected or exposed; and

(2) Use imposed by the department of the premises, vehicles, and equipment used for such livestock or herd.

Sec. 26. Restricted premises shall mean a premises under quarantine where infected, exposed, and other swine are finished for slaughter.

Sec. 27. That section 54-2212, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~54-2212-~~ Sale shall mean a sale, and shall include a lease, loan, trade, or gift.

Sec. 28. Status swine herd shall mean a swine herd which has been given a title approved and assigned by the department according to the pseudorabies disease condition of the swine herd. Titles given to status swine herds shall include, but not be limited to: (1) Qualified pseudorabies negative herd; (2) qualified negative gene-altered vaccinated herd; (3) pseudorabies monitored herd; and (4) pseudorabies negative assessment tested herd.

Sec. 29. That section 54-2208.06, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2208-06-~~ Surveillance shall mean testing done randomly to monitor ~~for~~ to determine the presence of pseudorabies in the state or an a program area, of

the state-

Sec. 30. That section 54-2215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-2215- Suspect shall mean that an animal has been tested for pseudorabies and, based upon the official test results, cannot be clearly classified as either negative or positive without further testing or other epidemiological evaluation unable to be classified as positive or negative, as determined by the department, based on the results of an official test.

Sec. 31. Swine herd shall mean (1) any group of swine maintained on common ground for any purpose or (2) two or more groups of swine under common ownership or supervision geographically separated but which have an interchange of swine without regard to whether the swine are infected or exposed.

Sec. 32. Swine herd cleanup plan shall mean a written agreement (1) which is designed to eradicate pseudorabies from the swine herd pursuant to section 41 of this act, (2) which is developed by the swine herd owner or the authorized representative of the swine herd owner and the development of which may include the veterinarian for such swine herd, and (3) which is approved by the department.

Sec. 33. Testing shall mean (1) the collection of a blood sample from a swine by or under the supervision of an accredited veterinarian, (2) submitting such blood sample to a laboratory which is approved by the administrator of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, and which is set out in the Veterinary Services Notice listing such laboratories, and (3) subjecting such blood sample to an official test.

Sec. 34. Veterinarian shall mean an individual who is a graduate of a college of veterinary medicine.

Sec. 35. That section 54-2221, Revised Statutes Supplement, 1990, be amended to read as follows:

54-2221- (1) The Pseudorabies Control and Eradication Act shall be administered by the Department of Agriculture, Bureau of Animal Industry of the department. In administering such act, the department shall cooperate and may contract with persons or appropriate local, state, or national organizations, public or private, for the performance of activities required or authorized pursuant to such act.

(2) In administering the Pseudorabies Control and Eradication Act and conducting the programs authorized under the act, the department may cooperate with the United States Department of Agriculture and insofar as reasonably practical conform its activities to 9 C.F.R. part 85 existing as of January 1, 1990.

Sec. 36. The department shall conduct an assessment of all swine herds in the state to determine which swine herds are affected swine herds. The department shall establish in rules and regulations the number of swine in swine herds to be subjected to testing for such assessment. The assessment shall commence on the effective date of this act and continue through September 30, 1992. The assessment period shall consist of an initial part which shall commence on the effective date of this act and continue through September 30, 1991, and a final part which shall commence on October 1, 1991, and continue through September 30, 1992.

State funds shall not be used for testing required to conduct such assessment.

Sec. 37. A swine herd which is a status swine herd or a swine herd under quarantine on the effective date of this act and which also is a status swine herd or a swine herd under quarantine through October 1, 1991, shall be considered as assessed under section 36 of this act.

Sec. 38. A swine herd which is not a status swine herd and a swine herd not under quarantine on the effective date of this act shall be subjected to testing within the initial and final parts of the assessment period.

Sec. 39. A swine herd which is not a status swine herd and which has been determined not to be an affected swine herd during the initial part of the assessment period shall be assigned the title of pseudorabies negative assessment tested herd by the department.

Sec. 40. Any swine herd determined to be an affected swine herd by the department shall be put under quarantine by the department, and a swine herd cleanup plan shall be filed pursuant to section 41 of this act.

Sec. 41. That section 54-2221.04, Revised Statutes Supplement, 1990, be amended to read as follows:

54-2221-04. All Each owner or the authorized representative of the owner of a swine herd under quarantine quarantined animal herds shall be required to have a file a swine herd cleanup plan approved by the

department. The department shall establish the standards for herd cleanup plans pursuant to the Pseudorabies Herd Plan Manual of the Livestock Conservation Institute existing on January 1, 1990 with the department within thirty days after the date of issuance of the quarantine or, if such swine herd was in quarantine on the effective date of this act, within ninety days after the effective date of this act. Each owner or the authorized representative of the owner of a quarantined swine herd shall follow as standards in the preparation of a swine herd cleanup plan the rules and regulations adopted and promulgated by the department based, as far as reasonably practical, upon the Herd Cleanup Plan Manual prepared by the Livestock Conservation Institute as such manual exists on January 1, 1991.

Sec. 42. That section 54-2221.05, Revised Statutes Supplement, 1990, be amended to read as follows:

54-2221-05- The department shall determine when and where area testing shall be done based on epidemiological evaluation.

Sec. 43. The department may require circle testing around any affected swine herd.

Sec. 44. That section 54-2221.07, Revised Statutes Supplement, 1990, be amended to read as follows:

54-2221-07- Cleanup testing may include testing of up to one hundred percent of the animals swine in an affected swine herd for the purpose of removing infected animals swine, or it may be a random sample of the affected swine herd to determine the current level of infection pseudorabies within the affected swine herd. The department shall adopt and promulgate rules and regulations for cleanup testing procedures and the expenditure of state funds in cleanup testing.

Sec. 45. That section 54-2221.09, Revised Statutes Supplement, 1990, be amended to read as follows:

54-2221-09- The department shall establish criteria for random sampling sample requirements to be used for program testing pursuant to the Pseudorabies Control and Eradication Act.

Sec. 46. That section 54-2221.10, Revised Statutes Supplement, 1990, be amended to read as follows:

54-2221-10- The department shall establish criteria for classification of concentration points



based on the degree of exposure to ~~nonstatus or quarantined animals~~ swine under quarantine or swine from herds which are not status swine herds and the practices in use at the concentration point.

Sec. 47. That section 54-2221.11, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2221-11-~~ The department shall establish import, ~~isolation, and retesting~~ requirements for all ~~animals~~ swine imported into Nebraska, ~~and program areas within Nebraska.~~

Sec. 48. That section 54-2221.12, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2221-12-~~ Restricted breeding and grower Approved breeding facilities may be approved by the department to produce ~~replacement~~ breeding swine as part of a swine herd cleanup plan. The department shall establish restrictions for such facilities. The department may cancel or suspend its approval to operate an approved breeding facility for failure to comply with the restrictions for operation of such facilities.

Sec. 49. That section 54-2221.13, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2221-13-~~ Restricted Approved feeding facilities or restricted premises may be approved by the department to feed ~~pseudorabies-quarantined~~ feeder swine. The department shall establish restrictions for such facilities. The department may cancel or suspend its approval to operate approved feeding facilities or restricted premises for failure to comply with restrictions for operation of such facilities.

Sec. 50. That section 54-2221.14, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2221-14-~~ The department shall establish procedures and criteria for surveillance, ~~consistent with the national pseudorabies control-eradication plan-~~ Such surveillance procedures may include testing of samples collected at slaughter establishments, first-point-of-concentration testing, area testing, circle testing, or other random testing. Any animal testing positive at the time of surveillance testing shall be traced to the herd of origin. The department shall determine how the herd of origin will be sampled at concentration points, and from any swine herd.

Sec. 51. That section 54-2222, Reissue Statutes of Nebraska, 1943, be amended to read

as follows:

54-2222- (1) The department shall continually conduct a feeder and breeding swine testing program. Under the program, the department may require the quarantine, testing, or both of testing of both feeder and breeding swine whenever such animals swine are moving in commerce through markets or concentration points or whenever feeder and breeding swine are sold at private treaty.

(2) The department shall assign a status swine herd title to those swine herds which meet the requirements developed by the department for such title. Such requirements shall include (a) the method and number of swine subjected to testing, (b) the procedure for herd additions, deletions, and movement, and (c) a legal description of the land on which facilities are located to maintain a status swine herd. The department may cancel or suspend such title for failure to meet such requirements.

Sec. 52. That section 54-2223, Revised Statutes Supplement, 1990, be amended to read as follows:

54-2223- The department shall continually conduct a pseudorabies control and eradication program. Under the program, the department shall quarantine livestock and may require the pseudorabies testing of animals that are swine exposed to or reasonably suspected of having been exposed to infected livestock. Under the pseudorabies control and eradication program, the department shall also quarantine livestock and require the pseudorabies testing of animals swine imported into Nebraska in violation of pseudorabies-related importation requirements existing as of January 17, 1990, in 9 C-F-R- part 85 or as recognized by the department in rules and regulations adopted and promulgated pursuant to the Pseudorabies Control and Eradication Act by the department. The department may prohibit the addition of animals swine into affected or exposed swine herds.

It shall be unlawful for any person to remove any animal livestock which has have been placed in quarantine pursuant to the act from the place of quarantine until such quarantine on the animal is released by the department except movement for slaughter or other movement as authorized by the department.

Any person violating this section shall be guilty of a Class III misdemeanor for the first offense and a Class II misdemeanor for each subsequent offense.

Sec. 53. That section 54-2223.01, Revised

Statutes Supplement, 1990, be amended to read as follows:

~~54-2223-01-~~ It is the intent of the Legislature to implement a pseudorabies control and eradication program, ~~consistent with the national pseudorabies control-eradication plan-~~ The goal of the program is to eliminate pseudorabies from the livestock of the state by implementing a process of assessment, ~~cleanup eradication,~~ and surveillance. The program shall be designed to use the ~~present~~ control procedures in place ~~under and be administered prior to October 1, 1990, under the Pseudorabies Control Act and administer such control procedures~~ as a part of the Pseudorabies Control and Eradication Act, to begin the assessment of all ~~animal~~ swine herds in the state to determine where pseudorabies is found in the state, to begin the ~~cleanup~~ eradication of pseudorabies from all swine herds where pseudorabies is found, and to begin surveillance to achieve and maintain pseudorabies-free conditions in the state.

Sec. 54. That section 54-2223.03, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2223-03-~~ (1) The department shall develop ~~statewide priorities for the expenditure of state funds for program activities-~~

(2) The department shall cooperate with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, by recommending where and how federal funds allocated for the pseudorabies control and eradication program in Nebraska should be spent.

Sec. 55. That section 54-2224, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2224-~~ For the protection of the livestock industry in Nebraska and to aid in achieving the purposes of the Pseudorabies Control and Eradication Act, the department shall regulate the sale and use of pseudorabies vaccine. The department may restrict the sale and use of pseudorabies vaccine and shall require detailed record keeping and reporting by persons involved in the sale or use, or both, of ~~the~~ such vaccine.

Sec. 56. That section 54-2225, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2225-~~ The department shall adopt and promulgate rules and regulations to aid in implementing

the Pseudorabies Control and Eradication Act. The rules and regulations may include, but shall not be limited to, provisions governing:

(1) The conduct of the feeder and breeding swine testing program, including provisions governing: (a) When, where, how, by whom, and how often testing is to be done; (b) what animals swine are to be subjected to testing; tested; and (c) how test results and by whom results of testing are to be recorded; (d) by whom and to whom the results of the testing are to be reported; and (e) how, by whom, and for what purposes such results will be utilized; and reported;

(2) The conduct of the pseudorabies control and eradication program, including provisions governing: (a) When, where, how, by whom, and how often testing is to be done; (b) what animals swine are to be tested subjected to testing; (c) requirements of swine herd cleanup plans, including form, execution, contents, duration, amendments, and enforcement; (d) how and by whom results of testing test results are to be recorded; and reported; and (e) the classification of herds; (e) by whom and to whom the results of the testing are to be reported; (f) how, by whom, and for what purposes such results will be utilized; and (g) assignment of and requirements for titles for status swine herds and the suspension and cancellation of such titles;

(3) The conduct of surveillance in swine herds and at slaughter establishments and concentration points, including provisions governing: (a) When, where, how, by whom, and how often testing is to be done; (b) what swine and swine herds are to be subjected to testing; (c) how and by whom results of testing are to be recorded and reported; and (d) the use of the results of testing by the department;

(4) Importation of swine, including provisions governing: (a) Age, origin, entry, movement, and destination in the state; (b) when, where, how, by whom, and how often imported swine are to be subjected to testing; (c) what imported swine are to be subjected to testing; and (d) how testing results are to be recorded, reported, and utilized;

(5) (a) What constitutes a program area; (b) what epidemiological factors will be considered in determining the program area; and (c) when and for what purpose a program activity will be selected;

(6) The issuance and release of pseudorabies quarantines and the requirements regarding the handling, movement, and disposition of animals livestock under quarantine;

{4} (7) The cleaning and disinfecting of affected premises, including provisions governing: (a) The materials to be used; (b) the procedures to be used; and (c) when such procedures are to be performed;

{5} (8) The testing of ~~animals or~~ livestock to detect pseudorabies, including provisions governing: (a) Which tests are to be deemed official tests; (b) by whom the ~~tests are testing is~~ to be administered; (c) how the ~~tests are testing is~~ to be conducted; (d) the reaction tolerances to be recognized; and (e) the classification of results as to negative, suspect, or positive. These rules and regulations shall be consistent with the best available scientific information relative to the control and eradication of pseudorabies;

{6} (9) The pseudorabies vaccination program, including provisions governing: (a) The vaccines to be used; (b) the age of the ~~animals swine~~ to be vaccinated; (c) the effect of vaccination on the interpretation of test results; and (d) the reported sale and use of vaccine;

{7} (10) The identification of ~~animals swine~~ subject to the act, including provisions governing: (a) Exposed and infected ~~animals swine~~; (b) vaccinated ~~animals swine~~; and (c) ~~animals swine~~ to be tested;

(11) Classification of concentration points, including provisions governing: (a) Use and time of use of common areas by swine from (i) a swine herd under quarantine, (ii) swine from a status swine herd, and (iii) swine from a herd which is not a status swine herd; (b) the degree of separation of the swine described in subdivisions (a)(i) through (iii) of this subdivision; and (c) purposes for which swine exit the concentration point;

(12) Criteria and restrictions for approved breeding facilities, approved feeding facilities, and restricted premises, including provisions governing: (a) Epidemiological investigation of the swine herd; (b) adjoining land characteristics; (c) proximity of other livestock; (d) benefit of approved breeding facilities to the state; and (e) other factors which make approved breeding facilities, approved feeding facilities, or restricted premises detrimental to the livestock industry of the state;

(13) Random sampling of swine herds, including provisions governing: (a) When, where, how, by whom, and how often a random sample is to be used in testing swine herds; (b) when and for what purpose a random sample of a swine herd will be subjected to testing; (c) the number of feeder, breeding, and other swine in a

particular status swine herd or in a swine herd which is not a status swine herd constituting a random sample to be subjected to testing; (d) the age of swine in a status swine herd and a swine herd which is not a status swine herd to be used as a random sample and subjected to testing; and (e) how testing results are to be recorded, reported, and utilized;

(14) Compliance with Part III Program Stages and Requirements of the State-Federal-Industry Program Standards for Pseudorabies Eradication, as approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, existing on January 1, 1991;

{8} (15) Compliance with 9 C.F.R. part 85 existing on January 1, 1990 1991, for pseudorabies control and eradication;

{9} (16) Administration of the pseudorabies control and eradication program as provided in the act, subject to the availability of state funds, which shall be consistent with the State-Federal-Industry Program Standards for Pseudorabies Eradication existing on January 1, 1990, as approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services;

{10} (17) The assessment and collection of fees costs for services provided and expenses, not to exceed actual costs, incurred under the act;

{11} (18) The preparation, maintenance, handling, filing, and disposition of records and reports by persons subject to the act concerning the vaccination, testing, or movement of swine; animals that may have been infested with or exposed to pseudorabies; and

(19) Program activities and cleanup testing under the act on which state funds, if appropriated and available, shall be used by the department and limitations on use of such state funds for testing and other activities under the act; and

{12} (20) Any other areas deemed necessary by the department to effectively control and eradicate pseudorabies.

Sec. 57. That section 54-2226, Revised Statutes Supplement, 1990, be amended to read as follows:

54-2226- (1) In order to insure compliance with the Pseudorabies Control and Eradication Act, the department may apply for a temporary restraining order, a temporary or permanent injunction, or a mandatory injunction against any person violating or threatening

to violate the act or the rules and regulations adopted and promulgated under the act. The district court of the county where the violation is occurring or is about to occur shall have jurisdiction to grant such relief upon good cause shown. Relief may be granted notwithstanding the existence of any other remedy at law and shall be granted without bond.

(2) The county attorney of the county in which violations of the act or the rules and regulations thereunder are occurring or about to occur shall, when notified of such violation or threatened violation, cause appropriate proceedings under subsection (1) of this section to be instituted and pursued without delay.

Sec. 58. That section 54-2227, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2227-~~ The department may assess and collect ~~reasonable fees costs~~ for services provided and expenses incurred pursuant to its responsibilities under the Pseudorabies Control and Eradication Act. All ~~fees costs~~ assessed and collected pursuant to this section shall be remitted to the State Treasurer. The State Treasurer shall credit such costs for credit to the Pseudorabies Control Cash Fund which is hereby created.

Sec. 59. That section 54-2228, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2228-~~ The Pseudorabies Control Cash Fund shall consist of money appropriated by the Legislature and gifts, grants, ~~fees costs~~, or charges from any source, including federal, state, public, and private sources. The fund shall be utilized for the purpose of carrying out the Pseudorabies Control and Eradication Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 60. That section 54-2229, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2229-~~ In administering the Pseudorabies Control and Eradication Act, the agents and employees of the department shall have access to any premises where livestock may be when such persons have the department has probable cause to believe that such livestock may be infected with or may have been exposed to pseudorabies infected or exposed livestock are present on the premises.

Sec. 61. Any person subject to the Pseudorabies Control and Eradication Act shall keep and

file records or make reports pertaining to vaccination, testing, and movement of livestock infected with or exposed to pseudorabies and keep and file any other records or make any other reports the department deems necessary to enforce such act.

Sec. 62. (1) When testing is to be performed pursuant to the Pseudorabies Control and Eradication Act, the owner of the swine shall be responsible for gathering, confining, and restraining such swine for testing and for providing the necessary facilities and assistance.

(2) The department may provide state funds for certain activities or any portion thereof in connection with the implementation of the act to or on behalf of swine herd owners if funds for such activities or any portion thereof have been appropriated and are available. The department shall develop statewide priorities for the expenditure of state funds available for program activities.

(3) Part of such state funds may be used by the department to pay a portion of the cost of testing done by or for accredited veterinarians if such work is approved by the department. All of such testing shall be performed by or under the direct supervision of the accredited veterinarian, except that nothing in this subsection shall restrict an employee of the state or federal government in the performance of such employee's duties under the act or federal law.

(4) In administering the act and programs pursuant thereto, the department shall not pay for (a) testing done for change of ownership at private treaty or at concentration points, (b) costs of gathering, confining, and restraining swine subjected to testing or costs of providing necessary facilities and assistance, (c) the cost of vaccine, (d) the cost of testing for assessment of swine herds pursuant to sections 36 to 40 of this act, and (e) the cost of testing to qualify or maintain a status swine herd.

Sec. 63. (1) It shall be unlawful for a buyer to purchase feeder swine, breeding swine, or both from a seller who has not complied with the Pseudorabies Control and Eradication Act or to import such swine into the state when the seller has not complied with the act or sections 54-785 to 54-796.

(2) It shall be unlawful for a seller to sell or import swine if not in compliance with the act or sections 54-785 to 54-796.

Sec. 64. That section 54-2233, Revised Statutes Supplement, 1990, be amended to read as



follows:

~~54-2233-~~ Whenever animals livestock are required or designated pursuant to the Pseudorabies Control and Eradication Act to move to a particular destination, it shall be unlawful to divert the animals livestock from such destination without having first obtained permission from the department.

Sec. 65. In administering the Pseudorabies Control and Eradication Act and conducting program activities authorized by the act, the department shall as far as reasonably practical conform its program activities to Part III Program Stages and Requirements of the State-Federal-Industry Program Standards for Pseudorabies Eradication as approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, existing on January 1, 1991.

Sec. 66. That section 54-2234, Revised Statutes Supplement, 1990, be amended to read as follows:

~~54-2234-~~ Except as provided in section ~~54-2223~~ 52 of this act, any person who violates the Pseudorabies Control and Eradication Act or any rules and regulations adopted and promulgated pursuant thereto shall be guilty of a Class IV misdemeanor for the first offense and shall be guilty of a Class II misdemeanor for each subsequent offense.

Sec. 67. That original sections 54-2203, 54-2205, 54-2206, 54-2209, 54-2210, 54-2212 to 54-2218, 54-2219, 54-2220, and 54-2222, Reissue Revised Statutes of Nebraska, 1943, and sections 54-2201, 54-2202, 54-2208 to 54-2208.03, 54-2208.06, 54-2218.01, 54-2220.02, 54-2220.03, 54-2221, 54-2221.04, 54-2221.05, 54-2221.07, 54-2221.09 to 54-2221.14, 54-2223, 54-2223.01, 54-2223.03 to 54-2229, 54-2233, and 54-2234, Revised Statutes Supplement, 1990, and also sections 54-2204 and 54-2211, Reissue Revised Statutes of Nebraska, 1943, and sections 54-2208.04, 54-2208.05, 54-2218.02, 54-2220.01, 54-2220.04, 54-2221.02, 54-2221.03, 54-2221.06, 54-2221.08, 54-2223.02, 54-2230, 54-2231, 54-2231.01, and 54-2232, Revised Statutes Supplement, 1990, are repealed.

Sec. 68. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.