

NEBRASKA ADMINISTRATIVE CODE

TITLE 23 NEBRASKA ADMINISTRATIVE CODE, CHAPTER 3
NEBRASKA DEPARTMENT OF AGRICULTURE
CATTLE BRUCELLOSIS REGULATIONS

August 30, 1995 Amendment
Date

NEBRASKA ADMINISTRATIVE CODE

TITLE 23 - NEBRASKA ADMINISTRATIVE CODE
 CHAPTER 3 - CATTLE BRUCELLOSIS REGULATIONS

ALPHABETICAL TABLE OF CONTENTS

<u>SUBJECT</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
Statement of Purpose	§§54-1367 to 54-1384	001
Administration	§§54-1367 to 54-1384	002
Definitions	§§54-1367 to 54-1384	003
Market Livestock Testing Program	§§54-1367 to 54-1384	004
Brucellosis Eradication Program	§§54-1367 to 54-1384	005
Handling of Animals to be Tested	§§54-1367 to 54-1384	006
Branding of Reactors and Movement to Slaughter	§§54-1367 to 54-1384	007
Moving Exposed Cattle in Commerce	§§54-1367 to 54-1384	008
Movement of Suspect Animals	§§54-1367 to 54-1384	009
Cleaning and Disinfecting	§§54-1367 to 54-1384	010
Official Brucellosis Calfhood Vaccination Program	§§54-1367 to 54-1384	011
Identification	§§54-1367 to 54-1384	012
Permits	§§54-1367 to 54-1384	013
Uniform Methods and Rules	§§54-1367 to 54-1384	014
Publications Adopted	§§54-1367 to 54-1384	015
Annotation	§§54-1367 to 54-1384	016

TITLE 23 - NEBRASKA DEPARTMENT OF AGRICULTURE
CHAPTER 3 - CATTLE BRUCELLOSIS REGULATIONS

NUMERICAL TABLE OF CONTENTS

<u>SUBJECT</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
Administration	§§54-1367 to 54-1384	002
Annotation	§§54-1367 to 54-1384	016
Branding of Reactors and Movement to Slaughter	§§54-1367 to 54-1384	007
Brucellosis Eradication Program	§§54-1367 to 54-1384	005
Cleaning and Disinfecting	§§54-1367 to 54-1384	010
Definitions	§§54-1367 to 54-1384	003
Handling of Animals to be Tested	§§54-1367 to 54-1384	006
Identification	§§54-1367 to 54-1384	012
Market Livestock Testing Program	§§54-1367 to 54-1384	004
Movement of Suspect Animals	§§54-1367 to 54-1384	009
Moving Exposed Cattle in Commerce	§§54-1367 to 54-1384	008
Official Brucellosis Calfhood Vaccination Program	§§54-1367 to 54-1384	011
Permits	§§54-1367 to 54-1384	013
Publications Adopted	§§54-1367 to 54-1384	015
Statement of Purpose	§§54-1367 to 54-1384	001
Uniform Methods and Rules	§§54-1367 to 54-1384	014

LAST DATE AMENDED: September 19, 1983

TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

Chapter 3 - CATTLE BRUCELLOSIS REGULATIONS

001 Statement of Purpose. The purpose of these regulations is to aid in administering the Nebraska Bovine Brucellosis Act, Neb. Rev. Stat. §§54-1367 to 54-1384.

002 Administration. These regulations are administered by the Department of Agriculture's Bureau of Animal Industry, fourth floor, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94787, Lincoln, NE 68509-4787. The telephone number is 402/471-2351, or fax number (402) 471-3252.

003 Definitions.

003.01. The term Act shall mean the Nebraska Bovine Brucellosis Act, Neb. Rev. Stat. §§54-1367 to 54-1384.

003.02. The terms defined in the Act shall have the same meaning in these regulations.

003.03. Bureau shall mean the Department of Agriculture's Bureau of Animal Industry.

003.04. Cattle shall mean cattle and bison.

003.05. Class Free, Class A, Class B, or Class C State shall mean a state or area classified by the United States Department of Agriculture, Animal and Plant Health

TITLE 23
Chapter 3

Inspection Service (USDA/APHIS), based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the two classes.

003.06. Test eligible cattle shall mean all cattle over eighteen (18) months of age (as evidenced by the loss of the middle pair of temporary incisor teeth) except steers, spayed heifers, official calfhood vaccinates of the dairy breed under twenty (20) months of age, and official calfhood vaccinates of beef breeds under twenty-four (24) months of age (as evidenced by the presence of the middle pair of permanent incisor teeth) which are not parturient or post parturient.

004 Market Livestock Testing Program.

004.01 Statutory Reference. Neb. Rev. Stat. §54-1369.

004.02 Market Livestock Defined. For purposes of the market livestock testing program, market livestock shall mean all test eligible cattle which originate from a Class A or B state, or from a herd of unknown status.

004.03 Testing Required.

004.03A. All market livestock moving for other than immediate slaughter shall be tested for brucellosis in the manner required herein whenever sold, bartered, leased, or otherwise traded at an auction market, a livestock market, by a livestock dealer, or at private treaty.

004.03B. All test eligible cattle moving to a federally approved slaughter establishment shall be subjected to testing at the federally approved slaughter establishment according to USDA/APHIS/VS procedures.

004.04 Time of Testing. When market livestock are sold, bartered, leased, or otherwise traded through an auction market, livestock market, by a livestock dealer, or at private treaty, the required brucellosis test shall be conducted within 30 days prior to the transaction at seller's expense. In the case of a sale to slaughter, the blood samples are to be drawn at the time of slaughter and sent to the Bureau's Livestock Disease Control Laboratory for testing within 72 hours. The mailing address of the Laboratory is P.O. Box 94787, Lincoln, NE 68509-4787.

004.05 Responsibility for Testing. When market livestock are sold, bartered, leased, or otherwise traded through an auction market, livestock market, or by a livestock dealer, the responsibility for having the required brucellosis test conducted shall be borne by the licensee of the market or the licensed dealer. When market livestock are sold, bartered, leased, or otherwise traded at private treaty, the responsibility for having the required brucellosis test conducted shall be borne by the seller. When market livestock and other test eligible cattle are sold to slaughter, the responsibility for drawing the blood samples and sending them to the Livestock Disease Control Laboratory for testing shall be borne by the slaughter establishment or the USDA/APHIS/VS blood contractor.

004.06 Approved Tests. When brucellosis testing is performed at an auction market, livestock market, or dealer concentration point, the card test shall be the official market test. The Cite® test may be used as a supplemental test. The testing of livestock blood samples collected at slaughter is to be performed by the Livestock Disease Control Laboratory or other USDA/APHIS/VS laboratory.

004.07 Sample Handling. All blood samples sent to the Livestock Disease Control Laboratory for initial testing or confirmation testing shall be submitted within 72 hours following the collection of the samples. Reasonable care shall be taken to protect the samples to secure their usefulness.

004.08 Certification of Persons Conducting Tests. All persons conducting brucellosis testing must be certified beforehand by the Bureau of Animal Industry as being competent and proficient. Persons so certified shall be issued a letter of certification (certificate) by the Bureau which shall be valid unless revoked by the Bureau for just cause, following an opportunity for a hearing. Certificates shall show which tests the holder has been found competent and proficient to perform.

004.08A Revocation of Certificates. The Bureau shall periodically review and verify the competency and proficiency of all persons holding certificates hereunder. Persons shall be evaluated with respect to their ability to properly run the brucellosis tests, their ability to properly protect samples being sent in for initial or confirmation testing, and their compliance with the provisions of the Act and these regulations. Where the Bureau has reasonable cause to believe that a certificate holder is no longer competent or proficient, it may, after affording the certificate holder an opportunity for a hearing, revoke the certificate or, in lieu thereof, require

the certificate holder to be retrained in the conduct of the test as specified by the Bureau.

004.08B Initial Issuance of Certificates. Applicants for certificates to conduct brucellosis tests shall make application to the Bureau. Applicants shall be evaluated and, if necessary, trained by the Bureau in the proper conducting of brucellosis tests and the proper handling of blood samples.

004.09 Test Results. The results of brucellosis tests conducted on market livestock sold, bartered, leased, or otherwise traded through auction markets, livestock markets, by a livestock dealer, or at private treaty shall be official for purpose of authorizing the immediate movement of the livestock, but shall thereafter be subject to confirmation at the Livestock Disease Control Laboratory. Persons conducting tests shall be responsible to see that blood samples are submitted for confirmation testing. The results of confirmation tests can be obtained by calling the Bureau at 402/471-2351.

004.10 Reporting of Brucellosis Tests. The results of brucellosis tests conducted on market livestock sold, bartered, leased, or otherwise traded through auction markets, livestock markets, by a livestock dealer, or at private treaty shall be recorded on a Brucellosis Test Record (VS Form 4-54 or VS Form 4-33), attached to these regulations as Appendix A and Appendix B and incorporated herein by reference. The Brucellosis Test Record shall be completed by or under the supervision of the person who has conducted the test. The form shall be completed as fully as possible and shall include the following information: name and address of owner of livestock; number age, breed, sex and all identification of livestock; the date, place and reason for the test; the type of test and tube numbers; the test results, unless they are to be determined by the Livestock Disease Control Laboratory; the name of the person running the test; and the certificate number of the person running the test. When the person running the test is a veterinarian, the certificate number and the person's Vet Code Number will be the same. A copy of the Brucellosis Test Record shall accompany all blood samples sent into the Livestock Disease Control Laboratory.

005 Brucellosis Eradication Program.

005.01 Statutory Reference. Neb. Rev. Stat. §54-1370.

005.02 Eligible Animals Defined. For purposes of the brucellosis eradication program, the term eligible animals shall have the meanings set forth below, depending upon the relevant circumstances:

TITLE 23
Chapter 3

005.02A Exposed Animals or Herd. In cases involving exposed animals or an exposed herd, eligible animals shall mean all non-spayed female cattle and bulls over 24 months of age, and all heifers over 18 months of age unless they are official calfhood vaccinates and are not parturient or post parturient.

005.02B Infected Animals or Herd. In cases involving infected animals or an infected herd, eligible animals shall mean all cattle over 6 months of age except steers, spayed heifers, official calfhood vaccinates of the dairy breeds under 20 months of age, and official calfhood vaccinates of the beef breeds under 24 months of age (as evidenced by the presence of the first pair of permanent incisor teeth) which are not parturient or post parturient.

005.02C Imported Animals. In cases involving animals imported into Nebraska in violation of the importation or brucellosis laws or regulations, eligible animals shall mean:

005.02C1. Female feeder cattle over 18 months of age that are not vaccinated,

005.02C2. Official vaccinates of the dairy breeds over 20 months of age, unless they are parturient or post parturient,

005.02C3. Official vaccinates of the beef breeds over 24 months of age unless they are parturient or post parturient, and

005.02C4. Bulls over 18 months of age.

005.02D Dairy Herds. In dairy herds, eligible animals shall also mean animals in herds that have been tested suspicious or positive to a brucellosis ring test.

005.03 Testing Required. All eligible animals shall be tested for brucellosis in the manner prescribed herein.

005.04 Time of Quarantining. Eligible animals as described under 005.02A and D shall be quarantined within 30 days following knowledge of the exposure. Eligible animals as described under 005.02B, and 005.02C shall be quarantined immediately. When the testing requirements set out under 005.05 are satisfactorily completed, the quarantine shall be released.

005.05 Time of Testing.

TITLE 23
Chapter 3

005.05A. Except as provided under 005.05B, below, eligible animals as described under 005.02A, C and D shall be tested within 30 days of issuance of the quarantine. If, in the course of the testing, a reactor is disclosed, the herd shall be treated as an infected herd under 005.05C, below.

005.05B. Eligible cattle from a Class B state which are not official calfhood vaccinates, and which are of the type described under 005.02C, above, shall be quarantined, tested and retested within 45 and 120 days. If, in the course of the testing, a reactor is disclosed, the herd shall be treated as an infected herd under 005.05C, below.

005.05C. Eligible animals as described under 005.02B shall be tested within 30 days of the knowledge of the infection and at 30 to 60 day intervals thereafter until there has been a negative test. After the first negative test, testing will be at 90 day intervals. If the next test discloses reactors, testing will return to 30 to 60 day intervals. For the quarantine to be released, two consecutive negative tests are required. The second consecutive negative test must be not less than 180 days after the last reactor has been removed from the herd. In herds that have had a Brucella field strain isolate, clinical symptoms, or evidence of spread of infection during or immediately prior to the quarantine period, a third negative test shall be required not less than 300 days nor more than 360 days after the last reactor has been removed. The quarantine shall be released, however, after the second negative test, whether or not a third negative test is required in the herd.

005.05D. Eligible animals as described under 005.02D shall be tested within 30 days of completion of the brucellosis ring test. If the test is negative, the quarantine shall be released. If reactors are disclosed, the herd shall be treated as an infected herd under 005.05C, above.

005.05E. The time frames for testing set out above, may be modified under extenuating circumstances, with the written permission of the Bureau.

005.06 Responsibility for Testing. The testing required under 005.05, above, shall be the responsibility of the owner of the cattle.

005.07 Approved Tests.

005.07A. If requested by the owner of the cattle to be tested, the cattle will be tested in the field by

TITLE 23
Chapter 3

the card test. This test is not official, but is for the sole purpose of identifying reactors.

005.07B. All cattle will be tested using the protocol established by the designated brucellosis epidemiologist. Cattle tested under this protocol will be classified as negatives, suspects, or reactors through the use of supplemental tests approved by the United States Department of Agriculture and prescribed in its Uniform Methods and Rules for Brucellosis Eradication.

005.07C. The Brucellosis Ring Test is an official test for the purpose of identifying negative herds only. Brucellosis ring tests shall be performed four times per year on milk and cream samples from all dairy herds in the state. If any results are suspicious or positive, further testing shall be required.

005.08 Sample Handling. All blood samples sent to the Livestock Disease Control Laboratory for testing shall be sent in within 72 hours following the taking of the samples. Reasonable care shall be taken to protect the samples to secure their usefulness.

005.09 Certification of Persons Conducting Tests.

005.09A. All testing under the Brucellosis Eradication Program shall be performed by State or Federal regulatory personnel or persons acting at the direction of such personnel. Except for field tests requested by cattle owners, all tests shall be performed at the Livestock Disease Control Laboratory.

005.09B. All persons conducting brucellosis testing under the Brucellosis Eradication Program shall be certified in the manner prescribed in 004.08, above, which provisions shall be fully applicable under this program.

005.10 Test Results. In the case of animals tested positive to the card and Cite® Test, and later classified based upon the results of supplemental tests, the classification arrived at through the epidemiological evaluation of the Bureau shall be deemed to be official.

005.11 Herd Additions. Female cattle other than natural herd additions (born into the herd) shall not be allowed in a quarantined herd.

005.12 Quarantine Modifications. The Bureau shall be authorized to modify the terms of any quarantine issued by it when:

TITLE 23
Chapter 3

005.12A. It is in the best interests of the livestock industry, and

005.12B. To do so is consistent with sound animal health practices.

005.13 Area Testing. The Bureau shall be authorized to conduct area brucellosis testing in specifically defined geographic areas when a herd or multiple infected herds have been disclosed within the area, thus constituting a threat to the health of the overall livestock population of the area.

006 Handling of Animals to be Tested.

006.01 Statutory Reference. Neb. Rev. Stat. §54-1371.

006.02 Penalty. The penalty for conviction of a Class IV Misdemeanor under the above-referenced section of the Act is a fine of not less than \$100 nor more than \$500.

006.03 Penalty Fees. The penalty assessed under subsection (3) of the above-referenced section of the Act shall be 25% of the amount due for each 30 days of delinquency.

007 Branding of Reactors and Movement to Slaughter.

007.01 Statutory Reference. Neb. Rev. Stat. §54-1372.

007.02 Properly Branded. For cattle to be deemed to have been properly branded, they must be hot branded on the left jaw with the letter B of a minimum size of 2 inches by 2 inches. The cattle shall be branded by or at the direction of the owner of the cattle, and under the supervision of a representative of the Bureau. The branding shall be performed within 15 days of the date of completion of the official test unless a written extension of time is granted by the Bureau under extenuating circumstances. Extensions must be applied for in writing, and must demonstrate good cause for needing the extension. No extension shall exceed an additional 15 days.

007.03 Promptly Moved. Cattle shall be moved to slaughter within 15 days after being properly branded. Extensions may be obtained hereunder in the manner prescribed under 007.02, above.

007.04 Handling of Reactors. All reactor cattle shall be kept isolated.

008 Moving Exposed Cattle in Commerce.

008.01 Statutory Reference. Neb. Rev. Stat. §54-1373.

008.02 Movement to Slaughter from Infected Herds. When exposed cattle from an infected herd are moved to slaughter or to a quarantined feedlot, they must either move in sealed trucks or be branded. When moving, the cattle must be accompanied by a properly completed form known as a VS 1-27 attached to these regulations as Appendix C and incorporated herein by reference. It is the responsibility of the owner of the cattle to see that the inspecting veterinarian or regulatory personnel completes the form and causes copies to be distributed and filed as required.

008.03 Movement to Slaughter from Herds Not Known to be Infected. When exposed cattle from herds not known to be infected are moved to slaughter or to a quarantined feedlot, they must be identified by either backtags or eartags. The animals shall be accompanied by a VS 1-27 completed as prescribed under 008.02, above.

008.04 Branding. When cattle are to be branded under 008.02, above, they shall be hot branded with the letter "S", at least 2 inches by 2 inches in size, on either the left jaw or high on the tailhead. The branding shall be by or at the direction of the owner of the cattle, and under the supervision of a representative of the Bureau.

008.05 Other Movements of Exposed Cattle. When exposed cattle are moving in commerce other than to slaughter or to a quarantined feedlot, the following requirements shall apply:

008.05A Interstate Movement. For movements out of state, the cattle shall move on a VS 1-27 if permission for the movement has been obtained from the animal health officials of the state of destination. If the movement is from a market, the market veterinarian shall properly complete the VS 1-27. In all other movements, the form shall be completed by the Bureau.

008.05B Intrastate Movement. For movements within the state, the cattle shall move on a quarantine. If the movement is from a market, the market veterinarian shall properly issue the quarantine. In all other movements, the quarantine shall be issued by the Bureau.

008.06 Handling. Whenever exposed cattle are moving in commerce, they shall not be mingled with nonexposed animals.

TITLE 23
Chapter 3

008.07 Identification. Whenever exposed cattle are moving in commerce, they shall be identified by eartag or backtag. The identification shall be clearly and completely recorded on the pertinent movement documents.

009 Movement of Suspect Animals.

009.01 Statutory Reference. Neb. Rev. Stat. §54-1382.

009.02 Interstate. All suspects shall move on a form VS 1-27, properly identified with an "S" brand.

009.03 Intrastate. All suspects shall move on a form VS 1-27, being identified with either an "S" brand or a suspect tag.

010 Cleaning and Disinfecting.

010.01 Statutory Reference. Neb. Rev. Stat. §54-1374.

010.02 Requirement. Except as provided in 010.03, below, all premises where reactor cattle have been held shall be cleaned and disinfected by and at the expense of the owner of the cattle within 15 days following the removal of the reactors. Compliance with this requirement will be verified by the conduct of an inspection at the time of or shortly after completion of the work. Only disinfecting solutions approved by the Environmental Protection Agency or the Bureau may be used, and the use must be in accordance with all label directions.

010.03 Exceptions. The provisions of 010.02, above, shall not apply to pastures or large yard areas.

011 Official Brucellosis Calfhod Vaccination Program.

011.01 Statutory Reference. Neb. Rev. Stat. §54-1375.

011.02 Requirement. In order for an animal to be deemed to be an official vaccinate under the brucellosis program, the vaccination of the animal must be in conformity with the following provisions:

011.02A. The animals must be female, and between the ages of 4 and 12 months.

011.02B. The animal must be vaccinated with an approved Brucella Vaccine. The handling, storage and administration of the vaccine, including the dosage, shall be in conformity with the instructions on or accompanying the vaccine.

011.02C. The vaccinations must be administered by Nebraska licensed and accredited veterinarians.

011.02D. The vaccinations shall be recorded and reported on the form VS 4-26, attached to these regulations as Appendix D and incorporated herein by reference. The form must be filed with the Bureau within 15 days following administration of the vaccine.

011.02E. The vaccinated animals must be identified as follows:

011.02E1. All animals shall be permanently identified by an official vaccination tattoo in the right ear, in a manner conforming with the provisions of the Uniform Methods and Rules for Brucellosis Eradication.

011.02E2. In addition to the identification required under 011.02E1, above, registered animals shall be further identified by an official eartag or a vaccination tag in the right ear, or a registration tattoo.

011.02E3. In addition to the identification required under 011.02E1, above, non-registered animals shall be further identified by an official eartag, or a vaccination tag in the right ear.

011.03 Sale of Vaccine. All sales of approved Brucella Vaccine to persons administering vaccinations shall be by animal biologics firms duly licensed by the United States Department of Agriculture, Veterinary Services, and the legitimate distributors of such firms. The vaccine can only be sold to and used by Nebraska licensed and accredited veterinarians. All persons distributing vaccine to veterinarians shall keep sales records for two years, showing the names and addresses of the buyers, the dates of sale, the quantities sold, and the serial numbers of the vaccine.

012 Identification.

012.01 Statutory Reference. Neb. Rev. Stat. §54-1376.

012.02 Backtags. Test eligible cattle as defined in 003.05 above moving through a market or dealer concentration point must be backtagged upon arrival, by a representative of the market or dealer, with an official backtag issued by the United States Department of Agriculture, Veterinary Services. When such cattle are leaving the market or concentration point destined for slaughter, the backtag must remain in place and unaltered. When market livestock are leaving the market or

TITLE 23
Chapter 3

concentration point not destined for slaughter, the animals must be tested, identified by eartag or purebred registration tattoo, and the backtag is to be painted yellow. The backtag is to remain in place so long as the animals are moving in commerce. The backtagging of cattle is to be reported to the Bureau within seven days on a form NB 52, attached to these regulations as Appendix E and incorporated herein by reference.

012.03 Reactor Tags. When an animal has been disclosed to be a reactor on a brucellosis test, it is the responsibility of the owner of the animal to see that the inspecting veterinarian or regulatory personnel place a reactor tag, issued by the Bureau, in the animals' left ear. The tag is to be recorded on the brucellosis test chart.

012.04 Identification Tags. Whenever cattle are tested for brucellosis, an official identification tag shall be placed in the right ear, unless there is already a usable official tag in the ear.

012.05 Suspect Tags. When an animal has been disclosed to be a suspect following brucellosis testing, it is the responsibility of the owner of the animal to see that the inspecting veterinarian or regulatory personnel place a suspect tag, issued by the Bureau, in the animal's left ear. The tag is to be recorded on the brucellosis test chart.

013 Permits.

013.01 Statutory Reference. Neb. Rev. Stat. §54-1378.

013.02 General. Whenever required by the provisions of the Act or these regulations, or whenever a person desires approval to engage in an activity prohibited or restricted by the Act or these regulations, a permit may be sought from the Bureau. Applications for permits shall specifically, completely, and accurately describe the need for the permit, and may either be by telephone, in person, or in writing. All permits issued will be in writing, although applicants may be advised in advance by telephone or in person that a permit will be issued. Permits may be issued only when it is in the best interests of the livestock industry to do so and when it is consistent with sound animal health practice. Permits may be conditioned in any manner deemed appropriate by the Bureau, and may be withdrawn or revoked for violation by the holder of said conditions, the Act, or these regulations.

014 Uniform Methods and Rules.

014.01 Statutory Reference. Neb. Rev. Stat. §54-1379.

TITLE 23
Chapter 3

014.02 Adoption. In order to facilitate the interstate shipment of livestock and to insure the efficient and effective operation of the Brucellosis program, the Bureau is authorized to apply those portions of the Uniform Methods and Rules for Brucellosis Eradication which are not inconsistent with the Act or these regulations. Copies of the current Uniform Methods and Rules for Brucellosis Eradication shall accompany these regulations and be available upon request at the office of the Bureau. The Uniform Methods and Rules for Brucellosis Eradication are attached hereto as Appendix F and incorporated herein by reference.

014.03 Area Designation and Herd Certification. Those portions of the Uniform Methods and Rules for Brucellosis Eradication applicable to the federal designation of brucellosis areas and the certification of herds for brucellosis status are hereby expressly adopted, and shall be fully applicable within Nebraska.

015 Publications Adopted. See Appendix.

016 Annotation. Neb. Rev. Stat. §§54-1367 to 54-1384.

TITLE 23
Chapter 3

APPENDIX

- A. VS Form 4-33
- B. VS Form 4-54
- C. VS Form 1-27
- D. VS Form 4-26
- E. NB-52
- F. Brucellosis Eradication (Uniform Method and Rules)
effective May 6, 1992, edition

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