

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 305

Introduced by Larson, 40; Avery, 28; Brasch, 16; Carlson, 38;
Christensen, 44; Dubas, 34; Hansen, 42; Louden, 49;
Schilz, 47; Schumacher, 22; Wallman, 30.

Read first time January 12, 2011

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 54-857 and
2 54-1901, Reissue Revised Statutes of Nebraska; to state
3 intent to implement a state meat and poultry inspection
4 program under federal law; to provide powers and duties
5 to the Department of Agriculture; to create a fund and
6 transfer funds; to harmonize provisions; and to repeal
7 the original sections.

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

1 Section 1. Section 54-857, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 54-857 All money received pursuant to the Commercial Feed
4 Act shall be remitted by the director to the State Treasurer for
5 credit to the Commercial Feed Administration Cash Fund which is
6 hereby created. Such fund shall be used by the department to aid in
7 defraying the expenses of administering the act, except that
8 transfers may be made from the fund to the General Fund at the
9 direction of the Legislature. On each of October 1, 2011, and October
10 1, 2012, the State Treasurer shall transfer one hundred thousand
11 dollars from the Commercial Feed Administration Cash Fund to the
12 Cooperative State Meat and Poultry Inspection Cash Fund. Any money in
13 the Commercial Feed Administration Cash Fund available for investment
14 shall be invested by the state investment officer pursuant to the
15 Nebraska Capital Expansion Act and the Nebraska State Funds
16 Investment Act.

17 Sec. 2. Section 54-1901, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 54-1901 Sections 54-1901 to 54-1915 and sections 3 and 4
20 of this act may be cited as the Nebraska Meat and Poultry Inspection
21 Law.

22 Sec. 3. (1) It is the intent of the Legislature that, on
23 or before January 1, 2013, the director shall implement a program of
24 state inspection at establishments which process meat, poultry, or
25 meat and poultry products for human consumption that qualifies as a

1 cooperative state inspection program under the Federal Meat
2 Inspection Act, 21 U.S.C. 661, and the Poultry Products Inspection
3 Act, 21 U.S.C. 454.

4 (2) The department may employ a program administrator who
5 shall be responsible for developing, implementing, and operating a
6 state meat inspection program. Such administrator, on behalf of the
7 director, shall coordinate activities necessary, including
8 cooperation and consultation with the United States Department of
9 Agriculture, in order to prepare a state performance plan that
10 includes provisions for ante mortem and post mortem inspection,
11 reinspection, sanitation, and program management at least equal to
12 those imposed under the Federal Meat Inspection Act, 21 U.S.C. 601 et
13 seq., and the Poultry Products Inspection Act, 21 U.S.C. 451 et seq.

14 (3) On or before November 15, 2011, the director shall
15 provide a report to the Legislature which enumerates and describes
16 any actions necessary to implement a state program of meat and
17 poultry inspection described in this section. The report shall
18 identify necessary revisions of the Nebraska Meat and Poultry
19 Inspection Law, other revisions to statutory authority of the
20 department, and any rules and regulations promulgated thereto in
21 order to effect the purposes of this section. The report shall
22 include a detailed description of anticipated resources required to
23 develop and maintain such program of meat and poultry inspection. The
24 report shall recommend a fee schedule that ensures revenue produced
25 from the licensure and inspection of establishments which process

1 meat, poultry, or meat and poultry products for human consumption
2 sufficient to fund the state program of meat and poultry inspection,
3 including the implementation of a fee-for-service system in
4 conducting inspections.

5 Sec. 4. The Cooperative State Meat and Poultry Inspection
6 Cash Fund is created. The fund may be used to carry out the purposes
7 of section 3 of this act. The State Treasurer shall credit to the
8 fund any funds transferred pursuant to section 54-857, any funds
9 appropriated to the fund by the Legislature, and funds received as
10 gifts or grants or other private or public funds obtained for the
11 purposes set forth in section 3 of this act. Any money in the fund
12 available for investment shall be invested by the state investment
13 officer pursuant to the Nebraska Capital Expansion Act and the
14 Nebraska State Funds Investment Act.

15 Sec. 5. Original sections 54-857 and 54-1901, Reissue
16 Revised Statutes of Nebraska, are repealed.