

**FIFTY-FOURTH DAY - MARCH 29, 2011**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SECOND LEGISLATURE**  
**FIRST SESSION**  
**FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 29, 2011

**PRAYER**

The prayer was offered by Senator Nelson.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Wightman who was excused; and Senators Ashford, Harms, Lathrop, Lautenbaugh, and Pankonin who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-third day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 558.** Committee AM728, found on page 847 and considered on page 985, was renewed.

The committee amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.

**ANNOUNCEMENT**

The Chair announced today is Senator Krist's birthday.

**GENERAL FILE**

**LEGISLATIVE BILL 512.** Title read. Considered.

**SENATOR GLOOR PRESIDING**

Committee AM225, found on page 781, was considered.

Senator Lautenbaugh renewed his amendment, AM976, found on page 986, to the committee amendment.

The Lautenbaugh amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 337.** Title read. Considered.

Committee AM275, found on page 618, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 628.** Title read. Considered.

Senator Lautenbaugh offered the following amendment:  
AM977

- 1 1. Insert the following new sections:
- 2 Section 1. Section 23-3104, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 23-3104 As used in the County Purchasing Act, unless the
- 5 context otherwise requires:
- 6 (1) Mobile equipment ~~shall mean~~ means all vehicles
- 7 propelled by any power other than muscular, including, but
- 8 not limited to, motor vehicles, off-road designed vehicles,
- 9 motorcycles, passenger cars, self-propelled mobile homes,
- 10 truck-tractors, trucks, cabin trailers, semitrailers, trailers,
- 11 utility trailers, and road and general-purpose construction and
- 12 maintenance machinery not designed or used primarily for the
- 13 transportation of persons or property, including, but not limited
- 14 to, ditchdigging apparatus, asphalt spreaders, bucket loaders,
- 15 leveling graders, earthmoving carryalls, power shovels, earthmoving
- 16 equipment, and crawler tractors;

17 (2) Personal property ~~shall include, but not be includes,~~  
 18 but is not limited to, supplies, materials, mobile equipment, and  
 19 equipment used by or furnished to any county officer, office,  
 20 department, institution, board, or other agency of the county  
 21 government. Personal property ~~shall does~~ not include election  
 22 ballots;

23 (3) Services ~~shall mean means~~ any and all services except  
 1 telephone, telegraph, postal, and electric light and power service,  
 2 other similar services, and election contractual services; and

3 (4) Purchasing or purchase ~~shall mean means~~ the obtaining  
 4 of personal property or services by sale, lease, or other  
 5 contractual means. Purchase ~~shall also include includes~~ contracting  
 6 with sheltered workshops for products or services as provided in  
 7 Chapter 48, article 15.

8 Sec. 2. Section 23-3107, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 23-3107 The county board or purchasing agent, subject  
 11 to the approval of the county board, shall: (1) Prescribe the  
 12 manner in which personal property shall be purchased, delivered,  
 13 and distributed; (2) prescribe dates for making estimates, the  
 14 future period which they are to cover, the form in which they  
 15 are submitted, and the manner of their authentication; (3) revise  
 16 forms from time to time as conditions warrant; (4) provide for the  
 17 transfer to and between county departments and agencies of personal  
 18 property which is surplus with one department or agency but which  
 19 may be needed by another or others; (5) dispose of by sale personal  
 20 property which has been declared by the county board to be surplus  
 21 and which is obsolete or not usable by the county. ~~Such Except~~  
 22 as otherwise provided in subsection (2) of section 23-3115, such  
 23 property with a value of less than two thousand five hundred  
 24 dollars may be sold without competitive bidding. ~~Property Except as~~  
 25 otherwise provided in subsection (2) of section 23-3115, property  
 26 with a value of two thousand five hundred dollars or more shall  
 27 be sold through competitive bidding; (6) prescribe the amount of  
 1 cash deposit or bond to be submitted with a bid on a contract and  
 2 the amount of deposit or bond to be given for the performance of  
 3 a contract, if the amount of the bond is not specifically provided  
 4 by law; and (7) prescribe the manner in which claims for personal  
 5 property or services delivered to any department or agency of the  
 6 county shall be submitted, approved, and paid.

7 Sec. 3. Section 23-3115, Reissue Revised Statutes of  
 8 Nebraska, is amended to read:

9 23-3115 (1) The county board or the purchasing agent,  
 10 with the approval of the county board, may authorize a county  
 11 official or employee to sell surplus personal property, other  
 12 than mobile equipment, which is obsolete or not usable by the  
 13 county, ~~other than mobile equipment, having~~ and which has a value  
 14 of less than two thousand five hundred dollars. In making such  
 15 authorization, the county board or purchasing agent may place any

16 restriction on the type or value of property to be sold, restrict  
 17 such authority to a single transaction or to a period of time, or  
 18 make any other appropriate restrictions or conditions.

19 (2) The county board or the purchasing agent, with the  
 20 approval of the county board, may authorize a county official or  
 21 employee to sell surplus mobile equipment which is obsolete or  
 22 not usable by the county and which has a value of less than five  
 23 thousand dollars. Surplus mobile equipment which is obsolete or not  
 24 usable by the county and which has a value of five thousand dollars  
 25 or more shall be sold through competitive bidding.

26 ~~(2)-(3)~~ Any county official or employee granted the  
 27 authority to sell surplus personal property which is obsolete or  
 1 not usable by the county as prescribed in subsection (1) or (2) of  
 2 this section shall make a written report to the county board within  
 3 thirty days after the end of the fiscal year reflecting, for each  
 4 transaction, the item sold, the name and address of the purchaser,  
 5 the price paid by the purchaser for each item, and the total amount  
 6 paid by the purchaser.

7 ~~(3)-(4)~~ The money generated by any sales authorized by  
 8 this section shall be payable to the county treasurer and shall be  
 9 credited to the funds of the department, office, or agency to which  
 10 the property belonged.

11 ~~(4)-(5)~~ No person authorized by the county board or  
 12 purchasing agent to make such sales shall be authorized to make or  
 13 imply any warranty of any kind whatsoever as to the nature, use,  
 14 condition, or fitness for a particular purpose of any property sold  
 15 pursuant to this section. Any person making sales authorized by  
 16 this section shall inform the purchaser that such property is being  
 17 sold as is without any warranty of any kind whatsoever.

18 Sec. 5. Original sections 23-3104, 23-3107, and 23-3115,  
 19 Reissue Revised Statutes of Nebraska, are repealed.

20 2. Renumber the remaining section accordingly.

The Lautenbaugh amendment was adopted with 30 ayes, 0 nays, 13 present  
 and not voting, and 6 excused and not voting.

Senator Cook moved for a call of the house. The motion prevailed with 28  
 ayes, 0 nays, and 21 not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 6 present  
 and not voting, and 6 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 95.** Committee AM704, found on page 813 and considered on page 928, was renewed.

Senator Janssen renewed his amendment, AM753, found on page 879 and considered on page 928, to the committee amendment.

The Janssen amendment was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Coash renewed his amendment, AM922, found on page 932, to the committee amendment.

Senator Coash withdrew and refiled his amendment, AM922.

Pending.

### COMMITTEE REPORT

Revenue

**LEGISLATIVE BILL 162.** Placed on General File.

(Signed) Abbie Cornett, Chairperson

### AMENDMENTS - Print in Journal

Senator Fischer filed the following amendment to LB84:  
AM1025

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 5 of this act shall be known and
- 4 may be cited as the Build Nebraska Act.
- 5 Sec. 2. For purposes of the Build Nebraska Act:
- 6 (1) Department means the Department of Roads;
- 7 (2) Fund means the State Highway Capital Improvement
- 8 Fund; and
- 9 (3) Surface transportation project means (a) expansion or
- 10 reconstruction of a road or highway which is part of the state
- 11 highway system, (b) expansion or reconstruction of a bridge which
- 12 is part of the state highway system, or (c) construction of a new
- 13 road, highway, or bridge which, if built, would be a part of the
- 14 state highway system.
- 15 Sec. 3. (1) The State Highway Capital Improvement Fund
- 16 is created. The fund shall consist of money credited to the fund
- 17 pursuant to section 77-27,132 and any other money as determined by
- 18 the Legislature.
- 19 (2) The department may create or direct the creation
- 20 of accounts within the fund as the department determines to be
- 21 appropriate and useful in administering the fund.

22 (3) Any money in the fund available for investment  
 23 shall be invested by the state investment officer pursuant to  
 1 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 2 Investment Act. Investment earnings from investment of money in the  
 3 fund shall be credited to the fund.

4 Sec. 4. The fund shall be used as follows:

5 (1) At least thirty million dollars of the money credited  
 6 to the fund pursuant to section 77-27,132 each fiscal year shall  
 7 be used, as determined by the department, for construction of the  
 8 expressway system and federally designated high priority corridors;  
 9 and

10 (2) The remaining money credited to the fund pursuant to  
 11 section 77-27,132 each fiscal year shall be used to pay for surface  
 12 transportation projects of the highest priority as determined by  
 13 the department.

14 Sec. 5. The department may adopt and promulgate rules and  
 15 regulations to carry out the Build Nebraska Act.

16 Sec. 6. Section 77-27,132, Reissue Revised Statutes of  
 17 Nebraska, is amended to read:

18 77-27,132 (1) There is hereby created a fund to be  
 19 designated the Revenue Distribution Fund which shall be set apart  
 20 and maintained by the Tax Commissioner. Revenue not required to be  
 21 credited to the General Fund or any other specified fund may be  
 22 credited to the Revenue Distribution Fund. Credits and refunds of  
 23 such revenue shall be paid from the Revenue Distribution Fund. The  
 24 balance of the amount credited, after credits and refunds, shall be  
 25 allocated as provided by the statutes creating such revenue.

26 (2) The Tax Commissioner shall pay to a depository bank  
 27 designated by the State Treasurer all amounts collected under the  
 1 Nebraska Revenue Act of 1967. The Tax Commissioner shall present  
 2 to the State Treasurer bank receipts showing amounts so deposited  
 3 in the bank, and of the amounts so deposited the State Treasurer  
 4 shall

5 (a) Credit ~~credit~~ to the Highway Trust Fund all of the  
 6 proceeds of the sales and use taxes derived from the sale or  
 7 lease for periods of more than thirty-one days of motor vehicles,  
 8 trailers, and semitrailers, except that the proceeds equal to any  
 9 sales tax rate provided for in section 77-2701.02 that is in excess  
 10 of five percent derived from the sale or lease for periods of more  
 11 than thirty-one days of motor vehicles, trailers, and semitrailers  
 12 shall be credited to the Highway Allocation Fund; and-

13 (b) For transactions occurring on or after July 1, 2013,  
 14 and before July 1, 2033, of the proceeds of the sales and use taxes  
 15 derived from transactions other than those listed in subdivision  
 16 (2)(a) of this section from any sales tax rate provided for in  
 17 section 77-2701.02 that is in excess of five percent, credit  
 18 eighty-four percent to the State Highway Capital Improvement Fund  
 19 and sixteen percent to the Highway Allocation Fund. No more than  
 20 one hundred twenty-five million dollars in total may be credited

21 to such funds under subdivision (2)(b) of this section during any  
 22 fiscal year.

23 The balance of all amounts collected under the Nebraska  
 24 Revenue Act of 1967 shall be credited to the General Fund.

25 Sec. 7. Original section 77-27,132, Reissue Revised  
 26 Statutes of Nebraska, is repealed.

Senator Pirsch filed the following amendment to LR40CA:  
 AM886

1 1. On page 1, strike lines 8 through 10 and insert: XV-25  
 2 The citizens of Nebraska have the right to hunt, to fish, and  
 3 to harvest wildlife, including by the use of traditional methods,  
 4 subject only to laws, rules, and regulations that promote wildlife  
 5 conservation and management and that preserve the future of hunting  
 6 and fishing. Public hunting and fishing shall be a preferred means  
 7 of managing and controlling wildlife. This section shall not be  
 8 construed to modify any provision of law relating to trespass or  
 9 property rights.

### **CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Smith has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

### **WITHDRAW - Cointroducer**

Senator Pahls withdrew his name as cointroducer to LB315.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Coash asked unanimous consent to add his name as cointroducer to LB600. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 10 fourth-grade students and teacher from St. Stanislaus Elementary, Omaha; 11 seventh- and eighth-grade students, teacher, and sponsor from Johnson-Brock, Johnson; and 38 fourth-grade students and teachers from Lincoln Elementary, Beatrice.

### **RECESS**

At 12:01 p.m., on a motion by Senator Schumacher, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Wightman who was excused; and Senators Christensen and Utter who were excused until they arrive.

**AMENDMENT - Print in Journal**

Senator Harms filed the following amendment to LB95:  
AM1035

(Amendments to Standing Committee amendments, AM704)

- 1 1. On page 1, line 11, strike "may" and insert "shall".

**SELECT FILE**

**LEGISLATIVE BILL 544.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 100.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 230.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 387.** ER57, found on page 912, was adopted.

Senator Hadley renewed his amendment, AM897, found on page 987.

The Hadley amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 387A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 329.** ER55, found on page 913, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 90.** Advanced to Enrollment and Review for Engrossment.



**LEGISLATIVE BILL 90A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 509.** ER60, found on page 956, was adopted.

Senator Nordquist renewed his amendment, AM1013, found on page 984.

The Nordquist amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 389.** ER43, found on page 817, was adopted.

Senator Cornett renewed her amendment, AM762, found on page 857.

The Cornett amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Senator Cornett renewed her amendment, AM766, found on page 888.

The Cornett amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 389A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 546.** ER44, found on page 817, was adopted.

Senator Krist renewed his amendment, AM748, found on page 866.

**SENATOR COASH PRESIDING**

Senator Krist moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Krist requested a record vote on his amendment.

Voting in the affirmative, 14:

Bloomfield	Council	Karpisek	Louden	Nordquist
Conrad	Harr, B.	Krist	McGill	Wallman
Cook	Howard	Lathrop	Mello	

Voting in the negative, 25:

Adams	Carlson	Flood	Langemeier	Schilz
Ashford	Coash	Haar, K.	Lautenbaugh	Schumacher
Avery	Cornett	Hansen	McCoy	Smith
Brasch	Dubas	Harms	Pankonin	Sullivan
Campbell	Fischer	Heidemann	Price	Utter

Present and not voting, 8:

Fulton	Hadley	Larson	Pahls
Gloor	Janssen	Nelson	Pirsch

Excused and not voting, 2:

Christensen    Wightman

The Krist amendment lost with 14 ayes, 25 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 421.** ER45, found on page 845, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 541.** Senator Campbell renewed her amendment, AM988, found on page 984.

The Campbell amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 465.** Senator Council requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 28 ayes, 5 nays, 15 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 468.** ER56, found on page 912, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 20.** ER11, found on page 461, was adopted.

Senator Flood renewed his amendment, AM657, found on page 786.

**SENATOR GLOOR PRESIDING**

The Flood amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Senator Lautenbaugh offered the following amendment:

AM1027

(Amendments to Standing Committee amendments, AM64)

- 1 1. Strike section 6 and insert the following new section:
- 2 Sec. 6. A seller utilizing in good faith sections 3 to 7
- 3 of this act shall be immune from any civil cause of action based
- 4 upon an act or omission in carrying out the act.

The Lautenbaugh amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 41.** ER46, found on page 845, was adopted.

Senator Coash renewed his amendment, AM737, found on page 871.

The Coash amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 45.** ER52, found on page 855, was adopted.

Senator Fulton renewed his amendment, AM795, found on page 902.

The Fulton amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 204.** Placed on Select File with amendment. ER64 is available in the Bill Room.

**LEGISLATIVE BILL 204A.** Placed on Select File with amendment.  
ER63

- 1 1. On page 1, strike beginning with the semicolon in line
- 2 3 through "emergency" in line 4.

**LEGISLATIVE BILL 431.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORTS**  
Health and Human Services

**LEGISLATIVE BILL 494.** Placed on General File.

**LEGISLATIVE BILL 456.** Placed on General File with amendment.  
AM994

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 68-906, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 68-906 For purposes of paying medical assistance under
- 6 the Medical Assistance Act and sections 68-1002 and 68-1006, the
- 7 State of Nebraska accepts and assents to all applicable provisions
- 8 of Title XIX and Title XXI of the federal Social Security Act.
- 9 Any reference in the Medical Assistance Act to the federal Social
- 10 Security Act or other acts or sections of federal law shall be to
- 11 such federal acts or sections as they existed on January 1, ~~2010~~.
- 12 2011.
- 13 Sec. 2. Original section 68-906, Revised Statutes
- 14 Cumulative Supplement, 2010, is repealed.
- 15 Sec. 3. Since an emergency exists, this act takes effect
- 16 when passed and approved according to law.

(Signed) Kathy Campbell, Chairperson

**AMENDMENT - Print in Journal**

Senator Coash filed the following amendment to LB544:  
FA12

Strike the enacting clause.

**GENERAL FILE**

**LEGISLATIVE BILL 156.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 95.** Committee AM704, found on page 813 and considered on page 928 and in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 34 ayes, 3 nays, 10 present and not voting, and 2 excused and not voting.

Senator Howard moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Howard requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 35:

Adams	Christensen	Flood	Janssen	Mello
Ashford	Conrad	Gloor	Karpisek	Nordquist
Avery	Cook	Haar, K.	Krist	Pahls
Bloomfield	Cornett	Hadley	Langemeier	Pirsch
Brasch	Council	Harms	Lathrop	Schumacher
Campbell	Dubas	Harr, B.	Louden	Sullivan
Carlson	Fischer	Howard	McGill	Wallman

Voting in the negative, 7:

Coash	Hansen	Lautenbaugh	Schilz
Fulton	Larson	Nelson	

Present and not voting, 4:

Heidemann	McCoy	Price	Utter
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Excused and not voting, 3:

Pankonin	Smith	Wightman
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Advanced to Enrollment and Review Initial with 35 ayes, 7 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 112.** Title read. Considered.

Committee AM361, found on page 574, was considered.

Senator Lautenbaugh renewed his amendment, AM908, found on page 932, to the committee amendment.

Senator Lautenbaugh withdrew and refiled his amendment, AM908.

The committee amendment was adopted with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

### AMENDMENT - Print in Journal

Senator Larson filed the following amendment to LB305:  
AM1039

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following sections:  
 3 Section 1. Section 54-857, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 54-857 All money received pursuant to the Commercial Feed  
 6 Act shall be remitted by the director to the State Treasurer for  
 7 credit to the Commercial Feed Administration Cash Fund which is  
 8 hereby created. Such fund shall be used by the department to aid  
 9 in defraying the expenses of administering the act, ~~except that~~  
 10 ~~transfers to aid in defraying the expenses related to a cooperative~~  
 11 agreement with the United States Department of Agriculture Market  
 12 News reporting program, and to provide resources to conduct the  
 13 investigation and feasibility study for implementing a state meat  
 14 and poultry inspection program as identified in section 2 of this  
 15 act. Transfers may be made from the fund to the General Fund at  
 16 the direction of the Legislature. Any money in the Commercial Feed  
 17 Administration Cash Fund available for investment shall be invested  
 18 by the state investment officer pursuant to the Nebraska Capital  
 19 Expansion Act and the Nebraska State Funds Investment Act.  
 20 Sec. 2. On or before November 15, 2011, the Director  
 21 of Agriculture shall provide a report to the Legislature which  
 22 enumerates and describes any actions necessary to implement a  
 23 state program of meat and poultry inspection at establishments  
 1 which process meat, poultry, or meat and poultry products for  
 2 human consumption that qualifies as a cooperative state inspection  
 3 program under the Federal Meat Inspection Act, 21 U.S.C. 661,  
 4 and the Poultry Products Inspection Act, 21 U.S.C. 454. The  
 5 report shall identify necessary revisions of the Nebraska Meat and  
 6 Poultry Inspection Law, other revisions to statutory authority of  
 7 the department, and any rules and regulations promulgated thereto  
 8 in order to effect the purposes of this section. The report  
 9 shall include a detailed description of anticipated resources  
 10 required to develop and maintain such program of meat and  
 11 poultry inspection. The report shall recommend a fee schedule  
 12 that ensures revenue produced from the licensure and inspection  
 13 of establishments which process meat, poultry, or meat and poultry  
 14 products for human consumption sufficient to fund the state program  
 15 of meat and poultry inspection, including the implementation of a  
 16 fee-for-service system in conducting inspections.

17 Sec. 3. Original section 54-857, Reissue Revised Statutes  
18 of Nebraska, is repealed.

## RESOLUTION

**LEGISLATIVE RESOLUTION 143.** Introduced by Howard, 9.

WHEREAS, the Nebraska Legislative League was founded in 1913 as the Ladies Legislative League; and

WHEREAS, today the Nebraska Legislative League is an organization of more than one hundred spouses of current and former legislators, past and present senators, Supreme Court justices and judges, and constitutional officers; and

WHEREAS, many members live in Lincoln during the legislative session and maintain homes in their districts; and

WHEREAS, members share strong bonds because the support and friendship of the Nebraska Legislative League is critical to successfully managing this difficult duality; and

WHEREAS, the Nebraska Legislative League regularly holds social, religious, and volunteer activities; and

WHEREAS, the Nebraska Legislative League provides critical volunteer services, including sewing quilts and blankets, book donation, and other volunteer activities for organizations such as Saint Elizabeth Regional Medical Center and Epworth Village.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the Nebraska Legislative League for nearly a century of commitment to public service.

2. That a copy of this resolution be sent to the Nebraska Legislative League.

Laid over.

## UNANIMOUS CONSENT - Add Cointroducer

Senator Utter asked unanimous consent to add his name as cointroducer to LB397. No objections. So ordered.

## VISITORS

Visitors to the Chamber were former Senator Bob Kremer and his wife Bev.

The Doctor of the Day was Dr. Randy Kohl from Firth.

**ADJOURNMENT**

At 4:00 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, March 30, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature