

E AND R AMENDMENTS TO LB 928

Introduced by Larson, 40, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Section 37-201, Revised Statutes Cumulative  
4 Supplement, 2010, is amended to read:

5           37-201 Sections 37-201 to 37-811 and sections 2 and 5 to  
6 14 of this act shall be known and may be cited as the Game Law.

7           Sec. 2. (1) The commission may issue permits for hunting  
8 mountain lions and may adopt and promulgate rules and regulations  
9 therefor within the limitations prescribed in subsection (1) of  
10 section 37-447 and section 37-452 for hunting deer. Any authorized  
11 permits shall be issued to residents of Nebraska, except that  
12 permits issued by auction may be issued to nonresidents.

13           (2) The commission shall, pursuant to section 37-327,  
14 establish and charge a nonrefundable application fee of not more  
15 than twenty-five dollars for permits issued only to residents. Any  
16 number of resident-only permits, as authorized by the commission,  
17 shall be awarded by random drawing to eligible applicants. No  
18 permit fee shall be charged in addition to the nonrefundable  
19 application fee.

20           (3) No more than one additional permit may be authorized  
21 and issued pursuant to an auction open to residents and  
22 nonresidents. The auction shall be conducted according to rules and  
23 regulations prescribed by the commission. Any money derived from

1 the sale of permits by auction shall be used only for perpetuation  
2 and management of mountain lions.

3           Sec. 3. Section 37-448, Revised Statutes Cumulative  
4 Supplement, 2010, is amended to read:

5           37-448 (1) Subject to rules and regulations adopted and  
6 promulgated by the commission, the secretary of the commission  
7 may designate special deer depredation seasons or extensions of  
8 existing deer hunting seasons by executive order. The secretary  
9 may designate a depredation season or an extension of an existing  
10 deer hunting season whenever he or she determines that deer are  
11 causing excessive property damage. The secretary shall specify the  
12 number of permits to be issued, the species of deer allowed to be  
13 taken, the bag limit for such species including deer for donation  
14 in accordance with the deer donation program established pursuant  
15 to sections 5 to 14 of this act, the beginning and ending dates for  
16 the depredation season or hunting season extension, shooting hours,  
17 the length of the depredation season or hunting season extension,  
18 and the geographic area in which hunting will be permitted. Hunting  
19 during a special depredation season or hunting season extension  
20 shall be limited to residents, and the rules and regulations shall  
21 allow use of any weapon permissible for use during the regular deer  
22 season.

23           (2) The depredation season may commence not less than  
24 five days after the first public announcement that the depredation  
25 season has been established. Permits shall be issued in an  
26 impartial manner at a location determined by the secretary.  
27 The commission shall, pursuant to section 37-327, establish and

1 charge a fee of not more than twenty-five dollars for a special  
2 depredation season permit. The commission shall use the income from  
3 the sale of special depredation season permits for abatement of  
4 damage caused by deer. The commission shall also provide for an  
5 unlimited number of free permits for the taking of antlerless deer  
6 upon request to any person owning or operating at least twenty  
7 acres of farm or ranch land within the geographic area in which  
8 hunting will be permitted and to any member of the immediate family  
9 of any such person as defined in subdivision (2)(a) of section  
10 37-455. A free permit shall be valid only within such area and  
11 only during the designated deer depredation season. Receipt of a  
12 depredation season permit shall not in any way affect a person's  
13 eligibility for a regular season permit.

14           Sec. 4. Section 37-452, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           37-452 (1) No person shall hunt antelope, elk, ~~or~~  
17 mountain sheep, or mountain lions unless such person is at least  
18 twelve years of age, and any person who is twelve through fifteen  
19 years of age shall only hunt antelope, elk, ~~or~~ mountain sheep, or  
20 mountain lions when supervised by a person nineteen years of age or  
21 older having a valid hunting permit.

22           (2) No person shall hunt deer unless such person is at  
23 least ten years of age, and any person who is ten through fifteen  
24 years of age shall only hunt deer when supervised by a person  
25 nineteen years of age or older having a valid hunting permit.

26           (3) A person nineteen years of age or older having a  
27 valid hunting permit shall not supervise more than two persons

1 while hunting deer, antelope, elk, ~~or~~ mountain sheep, or mountain  
2 lions at the same time.

3 Sec. 5. The purpose of sections 5 to 14 of this act is  
4 to establish procedures for the administration of a deer donation  
5 program and to encourage hunters to harvest deer to donate to a  
6 program to feed residents of Nebraska who are in need.

7 Sec. 6. For purposes of sections 5 to 14 of this act:

8 (1) Deer means any wild deer legally taken in Nebraska  
9 and deer confiscated as legal evidence if the confiscated carcass  
10 is considered by a conservation officer to be in good condition for  
11 donation under the program;

12 (2) Field dressed means properly bled and cleaned of the  
13 internal organs;

14 (3) Meat processor means any business that is licensed to  
15 process meat for retail customers by the Department of Agriculture,  
16 the United States Department of Agriculture, or a neighboring  
17 state's department that is similar to Nebraska's; and

18 (4) Program means the deer donation program established  
19 pursuant to sections 5 to 14 of this act.

20 Sec. 7. Deer is the only species of wildlife covered by  
21 the program. To be accepted, the entire field-dressed deer carcass  
22 shall be donated, but the hunter may keep the antlers, head, and  
23 cape.

24 Sec. 8. On or before July 1, 2012, the commission shall  
25 provide each applicant the option on the application for any type  
26 of hunting permit authorizing the taking of deer to indicate that  
27 the applicant may designate an amount in addition to the permit fee

1 to be credited to the Hunters Helping the Hungry Cash Fund.

2           Sec. 9. (1) The commission shall set a fair market price  
3 for the processing cost of deer donated to the program. To set a  
4 fair market price, the commission shall consider prices for similar  
5 deer processing services paid by retail customers in Nebraska and  
6 nearby states and shall establish an annual per-deer processing  
7 payment to be made to meat processors to the extent that money is  
8 available in the Hunters Helping the Hungry Cash Fund.

9           (2) The commission shall adopt and promulgate rules and  
10 regulations necessary to carry out the program.

11           Sec. 10. The commission shall promote the harvesting  
12 of deer by hunters and the donation of deer at meat processors  
13 participating in the program to the extent that money is available  
14 in the Hunters Helping the Hungry Cash Fund.

15           Sec. 11. The commission may enlist as many meat  
16 processors as available to participate in the program and shall  
17 enter into contracts with meat processors as described in section  
18 12 of this act subject to available funding in the Hunters  
19 Helping the Hungry Cash Fund. The commission shall provide  
20 forms for donation of deer by hunters and posters for meat  
21 processors to advertise their participation. The commission shall  
22 provide informational and promotional materials to meat processors  
23 regarding the program.

24           Sec. 12. (1) To participate in the program, each meat  
25 processor shall enter into an annual contract with the commission  
26 which details the meat processor's participation.

27           (2) Meat processors shall accept the entire field-dressed

1 carcass of a donated deer according to the terms of their  
2 respective contracts with the commission and shall not assess any  
3 fees or costs to donors, recipients, or participants. Information  
4 from the donor is required for each donated deer and shall be  
5 submitted on forms provided by the commission. Payment shall not be  
6 made to a meat processor without this information.

7 (3) Meat processors shall accept a donated deer if the  
8 meat processor determines the venison is in acceptable condition.

9 (4) Prior to receiving payment, a meat processor shall  
10 be required to provide to the commission a record of each donated  
11 deer that includes information required by the commission. Payments  
12 shall be made to meat processors within forty-five days after  
13 submittal of a complete and accurate invoice according to the terms  
14 of their respective contracts with the commission.

15 (5) The commission shall not be liable for the safety,  
16 quality, or condition of deer accepted by meat processors or  
17 recipients or consumed by participants in the program.

18 Sec. 13. The commission, at its own discretion, may enter  
19 into contracts with other entities for purposes of executing or  
20 expanding the program. The commission may include the offer of  
21 matching grants to pay for deer processing to entities that acquire  
22 funding from sources other than the state to pay for expenses of  
23 the program.

24 Sec. 14. The Hunters Helping the Hungry Cash Fund is  
25 created. The fund shall include amounts designated for the fund  
26 pursuant to section 8 of this act and revenue received from gifts,  
27 grants, bequests, donations, other similar donation arrangements,

1 or other contributions from public or private sources intended for  
2 the fund. The fund shall be administered by the commission to carry  
3 out the program. The annual expenditures from the fund shall be  
4 limited only by the available balance of the fund. The commission  
5 shall not be obligated to provide payments from the fund or pay any  
6 other expenses in excess of the available balance in the fund. Any  
7 money in the fund available for investment shall be invested by the  
8 state investment officer pursuant to the Nebraska Capital Expansion  
9 Act and the Nebraska State Funds Investment Act.

10           Sec. 15. Sections 2, 4, and 16 of this act become  
11 operative three calendar months after the adjournment of this  
12 legislative session. The other sections of this act become  
13 operative on their effective date.

14           Sec. 16. Original section 37-452, Reissue Revised  
15 Statutes of Nebraska, is repealed.

16           Sec. 17. Original sections 37-201 and 37-448, Revised  
17 Statutes Cumulative Supplement, 2010, are repealed.

18           Sec. 18. Since an emergency exists, this act takes effect  
19 when passed and approved according to law.

20           2. On page 1, strike beginning with "mountain" in line 1  
21 through line 6 and insert "the Game Law; to amend section 37-452,  
22 Reissue Revised Statutes of Nebraska, and sections 37-201 and  
23 37-448, Revised Statutes Cumulative Supplement, 2010; to provide  
24 for permits for hunting mountain lions; to provide for fees; to  
25 provide age requirements; to change provisions relating to special  
26 deer depredation seasons; to provide for donation of deer; to  
27 create a fund; to harmonize provisions; to provide operative dates;

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1 to repeal the original sections; and to declare an emergency.".