

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 928**

Final Reading

Introduced by Louden, 49; Dubas, 34; Fulton, 29; Harms, 48;  
Lautenbaugh, 18; Schilz, 47; Wallman, 30.

Read first time January 10, 2012

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Game Law; to amend section 37-452, Reissue  
2 Revised Statutes of Nebraska, and sections 37-201 and  
3 37-448, Revised Statutes Cumulative Supplement, 2010; to  
4 provide for permits for hunting mountain lions; to  
5 provide for fees; to provide age requirements; to change  
6 provisions relating to special deer depredation seasons;  
7 to provide for donation of deer; to create a fund; to  
8 harmonize provisions; to provide operative dates; to  
9 repeal the original sections; and to declare an  
10 emergency.

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

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

3           37-201 Sections 37-201 to 37-811 and sections 2 and 5 to  
4 14 of this act shall be known and may be cited as the Game Law.

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

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

17           (3) No more than one additional permit may be authorized  
18 and issued pursuant to an auction open to residents and nonresidents.  
19 The auction shall be conducted according to rules and regulations  
20 prescribed by the commission. Any money derived from the sale of  
21 permits by auction shall be used only for perpetuation and management  
22 of mountain lions.

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

25           37-448 (1) Subject to rules and regulations adopted and

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

17 (2) The depredation season may commence not less than  
18 five days after the first public announcement that the depredation  
19 season has been established. Permits shall be issued in an impartial  
20 manner at a location determined by the secretary. The commission  
21 shall, pursuant to section 37-327, establish and charge a fee of not  
22 more than twenty-five dollars for a special depredation season  
23 permit. The commission shall use the income from the sale of special  
24 depredation season permits for abatement of damage caused by deer.  
25 The commission shall also provide for an unlimited number of free

1 permits for the taking of antlerless deer upon request to any person  
2 owning or operating at least twenty acres of farm or ranch land  
3 within the geographic area in which hunting will be permitted and to  
4 any member of the immediate family of any such person as defined in  
5 subdivision (2)(a) of section 37-455. A free permit shall be valid  
6 only within such area and only during the designated deer depredation  
7 season. Receipt of a depredation season permit shall not in any way  
8 affect a person's eligibility for a regular season permit.

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

11           37-452 (1) No person shall hunt antelope, elk, ~~or~~  
12 mountain sheep, or mountain lions unless such person is at least  
13 twelve years of age, and any person who is twelve through fifteen  
14 years of age shall only hunt antelope, elk, ~~or~~ mountain sheep, or  
15 mountain lions when supervised by a person nineteen years of age or  
16 older having a valid hunting permit.

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

21           (3) A person nineteen years of age or older having a  
22 valid hunting permit shall not supervise more than two persons while  
23 hunting deer, antelope, elk, ~~or~~ mountain sheep, or mountain lions at  
24 the same time.

25           Sec. 5. The purpose of sections 5 to 14 of this act is to

1 establish procedures for the administration of a deer donation  
2 program and to encourage hunters to harvest deer to donate to a  
3 program to feed residents of Nebraska who are in need.

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

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

9 (2) Field dressed means properly bled and cleaned of the  
10 internal organs;

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

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

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

21 Sec. 8. On or before July 1, 2012, the commission shall  
22 provide each applicant the option on the application for any type of  
23 hunting permit authorizing the taking of deer to indicate that the  
24 applicant may designate an amount in addition to the permit fee to be  
25 credited to the Hunters Helping the Hungry Cash Fund.

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

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

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

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

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

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

1 carcass of a donated deer according to the terms of their respective  
2 contracts with the commission and shall not assess any fees or costs  
3 to donors, recipients, or participants. Information from the donor is  
4 required for each donated deer and shall be submitted on forms  
5 provided by the commission. Payment shall not be made to a meat  
6 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 be  
10 required to provide to the commission a record of each donated deer  
11 that includes information required by the commission. Payments shall  
12 be made to meat processors within forty-five days after submittal of  
13 a complete and accurate invoice according to the terms of their  
14 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 the  
23 program.

24 Sec. 14. The Hunters Helping the Hungry Cash Fund is  
25 created. The fund shall include amounts designated for the fund

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

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

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

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

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