

LEGISLATIVE BILL 928

Approved by the Governor April 17, 2012

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

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

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

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

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

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

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

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

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

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

(2) The depredation season may commence not less than five days after the first public announcement that the depredation season has been established. Permits shall be issued in an impartial manner at a location determined by the secretary. The commission shall, pursuant to section 37-327, establish and charge a fee of not more than twenty-five dollars for a special depredation season permit. The commission shall use the income from the sale of special depredation season permits for abatement of damage caused by deer. The commission shall also provide for an unlimited number of free permits for the taking of antlerless deer upon request to any person owning or operating at least twenty acres of farm or ranch land within the geographic area in which hunting will be permitted and to any member of the immediate family of any such person as defined in subdivision (2)(a) of section 37-455. A free permit shall be valid only within such area and only during the designated deer depredation season. Receipt of a depredation season permit shall not in any way affect a person's eligibility for a regular season permit.

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

37-452 (1) No person shall hunt antelope, elk, ~~or~~ mountain sheep, or

mountain lions unless such person is at least twelve years of age, and any person who is twelve through fifteen years of age shall only hunt antelope, elk, ~~or mountain sheep~~, or mountain lions when supervised by a person nineteen years of age or older having a valid hunting permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Meat processors shall accept the entire field-dressed carcass of a donated deer according to the terms of their respective contracts with the commission and shall not assess any fees or costs to donors, recipients, or participants. Information from the donor is required for each donated deer and shall be submitted on forms provided by the commission. Payment shall not be made to a meat processor without this information.

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

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

(5) The commission shall not be liable for the safety, quality, or

condition of deer accepted by meat processors or recipients or consumed by participants in the program.

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

Sec. 14. The Hunters Helping the Hungry Cash Fund is created. The fund shall include amounts designated for the fund pursuant to section 8 of this act and revenue received from gifts, grants, bequests, donations, other similar donation arrangements, or other contributions from public or private sources intended for the fund. The fund shall be administered by the commission to carry out the program. The annual expenditures from the fund shall be limited only by the available balance of the fund. The commission shall not be obligated to provide payments from the fund or pay any other expenses in excess of the available balance in the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

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

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

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

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