

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1163**

Introduced by Fulton, 29.

Read first time January 19, 2012

Committee:

A BILL

1 FOR AN ACT relating to deer; to amend sections 37-201 and 37-448,  
2 Revised Statutes Cumulative Supplement, 2010; to change  
3 provisions relating to special deer depredation seasons;  
4 to provide for donation of deer; to create a fund; to  
5 harmonize provisions; and to repeal the original  
6 sections.

7 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 3 to 12 of  
4 this act shall be known and may be cited as the Game Law.

5           Sec. 2. Section 37-448, Revised Statutes Cumulative  
6 Supplement, 2010, is amended to read:

7           37-448 (1) Subject to rules and regulations adopted and  
8 promulgated by the commission, the secretary of the commission may  
9 designate special deer depredation seasons or extensions of existing  
10 deer hunting seasons by executive order. The secretary may designate  
11 a depredation season or an extension of an existing deer hunting  
12 season whenever he or she determines that deer are causing excessive  
13 property damage. The secretary shall specify the number of permits to  
14 be issued, the species of deer allowed to be taken, the bag limit for  
15 such species including deer for donation in accordance with sections  
16 3 to 12 of this act, the beginning and ending dates for the  
17 depredation season or hunting season extension, shooting hours, the  
18 length of the depredation season or hunting season extension, and the  
19 geographic area in which hunting will be permitted. Hunting during a  
20 special depredation season or hunting season extension shall be  
21 limited to residents, and the rules and regulations shall allow use  
22 of any weapon permissible for use during the regular deer 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 impartial

1 manner at a location determined by the secretary. The commission  
2 shall, pursuant to section 37-327, establish and charge a fee of not  
3 more than twenty-five dollars for a special depredation season  
4 permit. The commission shall use the income from the sale of special  
5 depredation season permits for abatement of damage caused by deer.  
6 The commission shall also provide for an unlimited number of free  
7 permits for the taking of antlerless deer upon request to any person  
8 owning or operating at least twenty acres of farm or ranch land  
9 within the geographic area in which hunting will be permitted and to  
10 any member of the immediate family of any such person as defined in  
11 subdivision (2)(a) of section 37-455. A free permit shall be valid  
12 only within such area and only during the designated deer depredation  
13 season. Receipt of a depredation season permit shall not in any way  
14 affect a person's eligibility for a regular season permit.

15           Sec. 3. The purpose of sections 3 to 12 of this act is to  
16 establish procedures for the administration of a deer donation  
17 program and to encourage hunters to harvest deer to donate to a  
18 program to feed inmates in Nebraska and residents of Nebraska who are  
19 in need.

20           Sec. 4. For purposes of sections 3 to 12 of this act:

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

25           (2) Field dressed means properly bled and cleaned of the

1 internal organs; and

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

6 Sec. 5. Deer is the only species of wildlife covered by  
7 sections 3 to 12 of this act. To be accepted, the entire deer carcass  
8 shall be donated, but the hunter may keep the antlers, head, and  
9 cape.

10 Sec. 6. The commission shall provide each applicant the  
11 option on the application for any type of hunting permit authorizing  
12 the taking of deer to indicate that a portion of the permit fee will  
13 be credited to the Hunters Helping the Hungry Cash Fund. The  
14 commission shall annually determine what portion of each fee will be  
15 credited to the fund if an applicant makes such indication on the  
16 application.

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

24 (2) The commission shall adopt and promulgate rules and  
25 regulations establishing standards for participating meat processors

1 relating to deer processing.

2           Sec. 8. The commission shall promote the harvesting of  
3 deer by hunters and the donation of deer at meat processors  
4 participating in the deer donation program established pursuant to  
5 sections 3 to 12 of this act to the extent that money is available in  
6 the Hunters Helping the Hungry Cash Fund.

7           Sec. 9. The commission may enlist as many meat processors  
8 as available to participate in the deer donation program established  
9 pursuant to sections 3 to 12 of this act and shall enter into  
10 contracts with meat processors as described in section 10 of this act  
11 subject to available funding in the Hunters Helping the Hungry Cash  
12 Fund. The commission shall provide forms for donation of deer by  
13 hunters and posters for meat processors to advertise their  
14 participation. The commission shall provide informational and  
15 promotional materials to meat processors regarding the deer donation  
16 program.

17           Sec. 10. (1) To participate in the deer donation program  
18 established pursuant to sections 3 to 12 of this act, each meat  
19 processor shall enter into an annual contract with the commission  
20 which details the meat processor's participation.

21           (2) Meat processors shall accept the entire field-dressed  
22 carcass of a donated deer and shall not assess any fees or costs to  
23 donors. Information from the donor is required for each donated deer  
24 and shall be submitted on forms provided by the commission. Payment  
25 shall not be made to a meat processor without this information.

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

3           (4) Prior to receiving payment, a meat processor shall be  
4 required to provide to the commission a record of each donated deer  
5 that includes information required by the commission. If funding is  
6 available from the Hunters Helping the Hungry Cash Fund, payments  
7 shall be made to meat processors within thirty days after submittal  
8 of a complete and accurate record.

9           Sec. 11. The commission, at its own discretion, may enter  
10 into contracts with other organizations for the purpose of expanding  
11 the deer donation program. The commission may include the offer of  
12 matching grants to pay for deer processing to organizations that  
13 acquire funding from sources other than the state.

14           Sec. 12. The Hunters Helping the Hungry Cash Fund is  
15 created. The fund shall include amounts designated for the fund  
16 pursuant to section 6 of this act and revenue received from gifts,  
17 grants, bequests, donations, other similar donation arrangements, or  
18 other contributions from public or private sources. The fund shall be  
19 administered by the commission to carry out the deer donation program  
20 established by sections 3 to 12 of this act. If the money in the fund  
21 is not sufficient to carry out the deer donation program, the  
22 commission shall continue existing contracts and activities before  
23 entering into new contracts or activities. Any money in the fund  
24 available for investment shall be invested by the state investment  
25 officer pursuant to the Nebraska Capital Expansion Act and the

1 Nebraska State Funds Investment Act.

2                   Sec. 13. Original sections 37-201 and 37-448, Revised

3 Statutes Cumulative Supplement, 2010, are repealed.