

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1059

Introduced by Lautenbaugh, 18.

Read first time January 18, 2008

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to deer; to amend section 37-448, Reissue
2 Revised Statutes of Nebraska, and sections 37-201 and
3 37-447, Revised Statutes Supplement, 2007; to change
4 fees for permits to hunt deer; to change provisions
5 relating to special deer depredation seasons; to provide
6 for donation of deer to food banks; to create a fund;
7 to harmonize provisions; and to repeal the original
8 sections.

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

1 Section 1. Section 37-201, Revised Statutes Supplement,
2 2007, is amended to read:

3 37-201 Sections 37-201 to 37-811 and sections 4 to 15 of
4 this act shall be known and may be cited as the Game Law.

5 Sec. 2. Section 37-447, Revised Statutes Supplement,
6 2007, is amended to read:

7 37-447 (1) The commission may issue permits for the
8 hunting of deer and prescribe and establish regulations and
9 limitations for the hunting, transportation, and possession
10 of deer. The commission may offer multiple-year permits or
11 combinations of permits at reduced rates. The commission
12 may specify by regulation the information to be required on
13 applications for such permits. Regulations and limitations for the
14 hunting, transportation, and possession of deer may include, but
15 not be limited to, regulations and limitations as to the type,
16 caliber, and other specifications of firearms and ammunition used
17 and specifications for bows and arrows used. Such regulations and
18 limitations may further specify and limit the method of hunting
19 deer and may provide for dividing the state into management units
20 or areas, and the commission may enact different deer hunting
21 regulations for the different management units pertaining to sex,
22 species, and age of the deer hunted.

23 (2) The number of such permits may be limited as provided
24 by the rules and regulations of the commission, and except as
25 provided in section 37-454, the permits shall be disposed of in

1 an impartial manner. Whenever the commission deems it advisable to
2 limit the number of permits issued for any or all management units,
3 the commission shall, by rules and regulations, determine who shall
4 be eligible to obtain such permits. In establishing eligibility,
5 the commission may give preference to persons who did not receive a
6 permit during the previous year or years.

7 (3) Such permits may be issued to allow deer hunting in
8 the Nebraska National Forest and other game reserves and such other
9 areas as the commission may designate whenever the commission deems
10 that permitting such hunting will not be detrimental to the proper
11 preservation of wildlife in Nebraska in such forest, reserves, or
12 areas.

13 (4) The commission shall, pursuant to section 37-327,
14 establish and charge a fee of not more than twenty-nine dollars
15 for residents and not more than two hundred fourteen dollars for
16 nonresidents for each permit issued under this section, except
17 that the fee for a statewide buck-only permit shall be two and
18 one-half times the amount of a regular deer permit. In addition,
19 the commission shall charge a one-dollar fee for each permit issued
20 under this section to be remitted to the State Treasurer for credit
21 to the Help Us Stop Hunger Cash Fund.

22 (5) The commission may issue nonresident permits after
23 preference has been given for the issuance of resident permits as
24 provided in rules and regulations adopted and promulgated by the
25 commission. The commission may require a predetermined application

1 period for permit applications in specified management units. Such
2 permits shall be issued after a reasonable period for making
3 application, as established by the commission, has expired. When
4 more valid applications are received for a designated management
5 unit than there are permits available, such permits shall be
6 allocated on the basis of a random drawing. All valid applications
7 received during the predetermined application period shall be
8 considered equally in any such random drawing without regard to
9 time of receipt of such applications by the commission.

10 Sec. 3. Section 37-448, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 37-448 (1) Subject to rules and regulations adopted and
13 promulgated by the commission, the secretary of the commission
14 may designate special deer depredation seasons by executive order.
15 The secretary may designate a depredation season whenever he or
16 she determines that deer are causing excessive property damage.
17 The secretary shall specify the number of permits to be issued,
18 shooting hours, the length of the depredation season, and the
19 geographic area in which hunting will be permitted. Each such
20 permit shall give the holder the right to take one deer for
21 personal use and up to four deer for donation in accordance with
22 sections 4 to 14 of this act. Hunting during a special depredation
23 season shall be limited to residents and shall be restricted to
24 firearms which are permissible for use during the regular deer
25 season.

1 (2) The depredation season may commence not less than
2 five days after the first public announcement that the depredation
3 season has been established. Permits shall be issued beginning
4 not less than three days after the first public announcement of
5 the depredation season and shall be issued in an impartial manner
6 at a location determined by the secretary. The commission shall,
7 pursuant to section 37-327, establish and charge a fee of not less
8 than twenty dollars and not more than twenty-five dollars for a
9 special depredation season permit. Fifty percent of the fee shall
10 be paid by the commission to a landowner or operator within the
11 designated area upon satisfactory proof a deer was killed upon his
12 or her farm or ranch during the special depredation season. One
13 dollar of the remaining fifty percent of the fee shall be credited
14 to the Help Us Stop Hunger Cash Fund. Receipt of a depredation
15 season permit shall not in any way affect a person's eligibility
16 for a regular season permit.

17 Sec. 4. The purpose of sections 4 to 14 of this act is
18 to establish procedures for the administration of the deer donation
19 program and to encourage hunters, during periods of excessive
20 deer populations, to harvest more deer than needed for personal
21 consumption and to donate those deer to a program to feed residents
22 of Nebraska who are in need.

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

24 (1) Deer means any wild deer legally taken in Nebraska
25 and deer confiscated as legal evidence if the confiscated carcass

1 is considered by a conservation officer to be in good condition for
2 donation;

3 (2) Distributor means the food bank or such other venison
4 distribution service provider as designated by contract with the
5 commission;

6 (3) Field dressed means properly bled and cleaned of the
7 internal organs;

8 (4) Food bank means a private, nonprofit charitable
9 organization incorporated in Nebraska, whose mission is to
10 alleviate hunger and reduce food waste in Nebraska; and

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

15 Sec. 6. Deer is the only species of wildlife covered by
16 sections 4 to 14 of this act. To be accepted, the entire deer
17 carcass shall be donated, but the hunter may keep the antlers,
18 head, and cape.

19 Sec. 7. (1) The commission shall set a fair price for the
20 donation of deer. To set a fair market price, the commission shall
21 consider prices for similar services paid by retail customers in
22 Nebraska and nearby states and shall establish an annual per-deer
23 processing payment to be made to meat processors.

24 (2) The commission shall establish an annual per-deer
25 administrative payment to be made to the food bank. The food bank

1 shall provide information to assist in this determination.

2 (3) The commission shall adopt and promulgate rules and
3 regulations establishing standards for participating lockers to
4 meet relating to deer processing.

5 Sec. 8. During periods of excessive deer populations,
6 the commission shall promote the harvest of deer by hunters and
7 the donation of deer at meat processors participating in the
8 program established pursuant to sections 4 to 14 of this act.
9 During periods of nonexcessive deer populations, the commission may
10 continue with less emphasis on promotion to hunters.

11 Sec. 9. The commission shall enlist as many meat
12 processors as available to participate in sections 4 to 14
13 of this act and shall enter into uniform agreements with meat
14 processors. The commission shall provide forms for donation of
15 deer by hunters, posters for meat processors to advertise their
16 participation, venison pickup receipts and invoices, and two-pound
17 freezer bags for use by meat processors that are participants. The
18 commission shall provide informational and promotional materials to
19 meat processors regarding sections 4 to 14 of this act.

20 Sec. 10. The commission shall enter into an annual
21 agreement with the food bank or other service providers designated
22 by contract to carry out the duties described in sections 4
23 to 14 of this act. The commission shall pay the distributor a
24 per-deer rate of payment for administrative services provided. The
25 commission shall make such payments to the distributor as described

1 in the annual agreement for the purpose of making payments to
2 participating meat processors.

3 Sec. 11. In order to continue participation in sections
4 4 to 14 of this act, the distributor shall enter into an
5 annual agreement with the commission for venison pickup from
6 meat processors and distribution throughout Nebraska and for the
7 administration of financial accounts with meat processors. The
8 distributor shall make reports to the commission. The distributor
9 shall be compensated by the commission at a rate per deer as
10 determined annually by the commission.

11 Sec. 12. (1) The distributor shall cause timely pickup of
12 venison from meat processors and distribution of the venison to the
13 distributor's member social service agencies.

14 (2) The distributor shall make payments to meat
15 processors at the rate set by the commission. Prior to receiving
16 payment, a meat processor shall be required to provide the
17 following: A record of each donated deer that includes information
18 required by the commission, an invoice from the meat processor,
19 a copy of a completed donor form, and a supporting record of
20 the venison pickup. If funding is available from the commission,
21 payments shall be made to meat processors within thirty days after
22 submittal of a complete and accurate record.

23 (3) The distributor shall keep accurate records of the
24 amount of venison picked up from meat processors and distributed
25 to qualified agencies, including copies of receipts and invoices

1 from venison pickups, and by April 1 of each year shall provide the
2 commission a report of each donated deer for which payment was made
3 to a meat processor.

4 (4) If any funding provided for sections 4 to 14 of this
5 act is unused for venison processing or administrative costs, all
6 unused funds shall be refunded to the commission by May 1 of each
7 year.

8 Sec. 13. (1) To participate in sections 4 to 14 of
9 this act, each meat processor shall enter into a uniform annual
10 agreement with the commission which details the meat processor's
11 participation. The agreement shall be signed by the meat processor
12 and the commission by August 1 prior to the coming deer season.

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

19 (3) Meat processors shall accept a donated deer if the
20 meat processor determines the venison is in acceptable condition.
21 Deer shall be processed into pure ground venison with no additives,
22 put into two-pound bags provided by the commission, and frozen
23 prior to being received by a representative of the food bank or
24 another designated distributor. Venison pickup shall be initiated
25 by the meat processor by contacting the meat processor's designated

1 pickup person.

2 (4) At the time of venison pickup, the meat processor
3 shall provide accurate information and an official signature on a
4 form provided by the commission. The meat processor shall retain
5 one copy of the form for billing purposes and one copy for the meat
6 processor's business records.

7 (5) To receive payment for venison processing, the
8 meat processor shall submit to the distributor a copy of the
9 venison pickup and invoice form, the commission form that provides
10 information on each donated deer, and any additional information
11 that is required by the commission on the form provided.

12 Sec. 14. The commission, at its own discretion, may
13 enter into agreements with other organizations for the purpose of
14 expanding the deer donation program. The commission may include
15 the offer of matching grants to pay for deer processing to
16 organizations that acquire funding from sources other than the
17 state.

18 Sec. 15. The Help Us Stop Hunger Cash Fund is created.
19 The fund shall be administered by the commission to fund the
20 program established by sections 4 to 14 of this act. Any money in
21 the fund available for investment shall be invested by the state
22 investment officer pursuant to the Nebraska Capital Expansion Act
23 and the Nebraska State Funds Investment Act.

24 Sec. 16. Original section 37-448, Reissue Revised
25 Statutes of Nebraska, and sections 37-201 and 37-447, Revised

LB 1059

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1 Statutes Supplement, 2007, are repealed.