

AMENDMENTS TO LB 928

Introduced by Fulton

1 1. Insert the following new sections:

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

4 37-448 (1) Subject to rules and regulations adopted and
5 promulgated by the commission, the secretary of the commission
6 may designate special deer depredation seasons or extensions of
7 existing deer hunting seasons by executive order. The secretary
8 may designate a depredation season or an extension of an existing
9 deer hunting season whenever he or she determines that deer are
10 causing excessive property damage. The secretary shall specify the
11 number of permits to be issued, the species of deer allowed to be
12 taken, the bag limit for such species including deer for donation
13 in accordance with the deer donation program established pursuant
14 to sections 5 to 14 of this act, the beginning and ending dates for
15 the depredation season or hunting season extension, shooting hours,
16 the length of the depredation season or hunting season extension,
17 and the geographic area in which hunting will be permitted. Hunting
18 during a special depredation season or hunting season extension
19 shall be limited to residents, and the rules and regulations shall
20 allow use of any weapon permissible for use during the regular deer
21 season.

22 (2) The depredation season may commence not less than
23 five days after the first public announcement that the depredation

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

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

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

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

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

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

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

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

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

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

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

25 Sec. 10. The commission shall promote the harvesting
26 of deer by hunters and the donation of deer at meat processors
27 participating in the program to the extent that money is available

1 in the Hunters Helping the Hungry Cash Fund.

2 Sec. 11. The commission may enlist as many meat
3 processors as available to participate in the program and shall
4 enter into contracts with meat processors as described in section
5 12 of this act subject to available funding in the Hunters
6 Helping the Hungry Cash Fund. The commission shall provide
7 forms for donation of deer by hunters and posters for meat
8 processors to advertise their participation. The commission shall
9 provide informational and promotional materials to meat processors
10 regarding the program.

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

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

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

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

1 of their respective contracts with the commission.

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

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

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

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

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

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

5 2. On page 2, line 3, strike "section 2" and insert
6 "sections 2 and 5 to 14".

7 3. On page 3, strike beginning with "and" in line 15
8 through "are" in line 16 and insert "is".

9 4. Renumber the remaining sections accordingly.