

LEGISLATIVE BILL 102

Approved by the Governor March 30, 1987

Introduced by Rogers, 41; R. Johnson 34; Moore, 24

AN ACT relating to agriculture; to amend sections 23-358 to 23-361 and 23-609, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to predatory animals; to provide powers and duties relating to animal damage control; to authorize a levy on cattle as prescribed; to change provisions relating to a levy on sheep; to create a fund; to authorize certain agreements; to eliminate provisions relating to predator control aides; to harmonize provisions; and to repeal the original sections, and also sections 2-2901 to 2-2908, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 23-358, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-358. For the purpose of carrying on an organized ~~predatory~~ animal damage control program within their respective counties, the county boards are hereby ~~authorized to~~ may cooperate with the Fish and Wildlife Service of the Department of the Interior of the United States and Animal and Plant Health Inspection Service of the United States Department of Agriculture, state agencies, private associations, and individuals in the control and destruction of coyotes, weaves, bobcats, foxes, badgers, opossums, raccoons, skunks, and other predatory animals in this state that are injurious to livestock, poultry, and game animals and the public health, in accordance with organized and systematic plans of such Fish and Wildlife Service and state agencies, covering the control and destruction of such predatory animals. The county boards may also undertake the control of commensal and field rodents, nuisance birds, and other nuisance wildlife if such rodents, birds, or wildlife are causing or are about to cause property damage or represent a human health threat. All control efforts shall be in accordance with the organized and systematic plans of the United States Department of Agriculture and state agencies covering

the management and control of animals, birds, and wildlife.

Sec. 2. That section 23-358.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-358.01. It is the intent of sections ~~23-358.01~~ 23-358 to 23-361 and 23-609 section 6 of this act that predator animal damage control service shall be available to every individual citizen or group of citizens of the state and that employment of such service shall be initiated by the individual or individuals desiring the control of wolves; wildeats; foxes; coyotes; gophers; ground squirrels and rats or nuisance crows; starlings or magpies; in their area the animals, birds, or wildlife listed in section 23-358 which are causing a problem for such individual or individuals.

In order to support the cost of managing ~~or destroying and controlling the animals, birds, or wildlife destructive predators, birds, and rodents as listed in this section 23-358,~~ each county shall match funds supplied by any resident individual or group of individuals either living within the county or owning property therein, up to a maximum of one thousand dollars annually for any specific ~~predator or nuisance bird animal damage control program,~~ and may furnish such additional money as the county board shall deem necessary for the funding of such programs. The county board of each county is authorized to make necessary expenditures from the general fund of the county, except ~~PROVIDED,~~ that the portion supplied by each county shall not exceed fifty per cent of the total ~~predator or nuisance bird animal damage control program cost,~~ unless such county elects to bear the entire ~~predator control or nuisance bird program cost under the provisions of sections 23-358 to 23-361.~~ The total ~~predator or nuisance bird animal damage control program~~ portion paid by the individual user or users may include, but shall not be limited to, any funds levied under the ~~provisions of section 23-361~~ by each county board, but nothing in this section shall be construed to exempt any user from a general levy made by the county board under the ~~provisions of section 23-360.~~

A county desiring to cooperate with another county or counties for the establishment of ~~predator animal damage control services as are set forth in sections 23-358 to 23-361,~~ may enter into agreements and match funds for the establishment of an area program with the state or federal government pursuant to the

terms and limitations set forth in section 23-609 6 of this act.

Sec. 3. That section 23-359, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-359. In order to perform such predatory animal damage control, the county board of each county is authorized to ~~may~~ make necessary expenditures from such any funds of the county as are available for such purpose.

Sec. 4. That section 23-360, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-360. In addition to levies now authorized by law, the county board of each county in this state is authorized to ~~may~~ levy upon each and every dollar of the actual value of all the taxable property in such county, except intangible property, for the use of the county board in carrying out the predatory animal damage control program herein, such amount as may be determined to be necessary therefor, but not to exceed one cent on each one hundred dollars upon the actual value of all the taxable property in such county, except intangible property such actual value. The entire fund derived from such levy shall be set apart in a separate fund and expended only for predatory animal damage control, as defined by sections 23-358 to 23-360.

Sec. 5. That section 23-361, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-361. In order to provide additional means for carrying on a an animal damage control program for eradication the management and control of coyotes, bobcats, foxes, and other predatory animals destructive of sheep and cattle, county boards are hereby authorized to ~~may~~ levy in any year a tax of not to exceed twenty cents per head on sheep and cattle on the following conditions:

(1) That a petition to the county board requesting such levy, signed by sixty-seven per cent of the owners of at least seventy-five per cent of the sheep, the cattle, or the sheep and cattle assessed in the county for that as of January 1 of each year, be filed with the board on or before July 1; and

(2) That a planned program for eradication the management and control of such predatory animals be approved by the county board each year in which such levy is to be made. Such planned program may include entry in the animal damage control program authorized by

section 23-358, or any other program approved by the board and designed to manage and control or eradicate such predatory animals. The proceeds of such levy shall be placed in a separate fund and shall be applied exclusively to carrying out the program adopted. For each year in which such a levy is deemed necessary, a petition shall be presented to the county board for approval as provided in this section.

Sec. 6. That section 23-609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-609- The Director of Agriculture may contract and cooperate with the United States Department of the Interior, Fish and Wildlife Service, Animal and Plant Health Inspection Service of the United States Department of Agriculture in the management or destruction and control of (1) coyotes, weaves, bobcats, and foxes, and other predatory animals listed in section 23-358 in this state; that are injurious to livestock, poultry, and game animals and birds; and in the management or destruction of the public health, (2) injurious commensal and field rodents, and (3) in the management or destruction of depredatory nongame nuisance birds or other nuisance animals; wildlife in accordance with organized and systematic plans of the United States Department of the Interior Animal and Plant Health Inspection Service of the United States Department of Agriculture for the management or destruction and control of such animals. Supervision of the program shall be by the local representative of the United States Department of the Interior Animal and Plant Health Inspection Service of the United States Department of Agriculture. Expenditure of funds appropriated by the Legislature may not be made without the approval in writing by the director. The director in cooperation with the Fish and Wildlife Service Animal and Plant Health Inspection Service of the United States Department of Agriculture may enter into agreements with other governmental agencies and with counties, associations, corporations, or individuals when such cooperation is deemed to be necessary to promote the management or destruction and control of such predatory animal and animals, injurious commensal and field rodents, depredatory nongame nuisance birds, or other nuisance animals wildlife.

Sec. 7. There is hereby created the Animal Damage Control Cash Fund. Such fund shall be administered by the Department of Agriculture. The fund shall consist of funds received from any source to carry

out the animal damage control program pursuant to section 6 of this act. Any money in the Animal Damage Control Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 8. The Director of Agriculture may cooperate with and receive funds from other agencies or departments of the state for the purposes of section 6 of this act and may accept from any political subdivision of the state, private association, or other source such funds, contributions, payments, gifts, or bequests as may be given or paid under contractual agreement to the department. Such funds shall be deposited in the Animal Damage Control Cash Fund.

Sec. 9. That original sections 23-358 to 23-361 and 23-609, Reissue Revised Statutes of Nebraska, 1943, and also sections 2-2901 to 2-2908, Reissue Revised Statutes of Nebraska, 1943, are repealed.