

ANIMAL DAMAGE CONTROL STATUTES

- Administration: Sections 81-2,236 to 81-2,238 are administered by the Nebraska Department of Agriculture, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska 68509. Telephone: (402) 471-2341.
- Revisions: These statutes were last revised during the 2012 session of the Nebraska Legislature. This reproduction was prepared following that session.
- Cooperation: Cooperation in the administration of 81-2,236 to 81-2,238 is provided by the Animal and Plant Health Inspection Service of the United States Department of Agriculture.
- Rules: No regulations have been promulgated under these statutes.

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23-358. Control program; county board; powers; requirements.

For the purpose of carrying on an organized animal damage control program within their respective counties, the county boards may cooperate with the Animal and Plant Health Inspection Service of the United States Department of Agriculture, state agencies, private associations, and individuals in the control of coyotes, 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. 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.

Source: Laws 1945, c. 53, § 1, p. 237; Laws 1959, c. 148, § 1, p. 563; Laws 1987, LB 102, § 1.

23-358.01. Control service; availability; payment.

It is the intent of sections 23-358 to 23-361 and 81-2,236 that 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 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 and controlling the animals, birds, or wildlife listed in 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 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 that the portion supplied by each county shall not exceed fifty percent of the total animal damage control program cost, unless such county elects to bear the entire program cost under sections 23-358 to 23-361. The total animal damage control program portion paid by the individual user or users may include, but shall not be limited to, any funds levied under 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 section 23-360.

A county desiring to cooperate with another county or counties for the establishment of 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 81-2,236.

Source: Laws 1967, c. 124, § 1, p. 398; Laws 1969, c. 160, § 1, p. 733; Laws 1987, LB 102, § 2.

23-359. County board; expenditures authorized.

In order to perform animal damage control, the county board of each county may make necessary expenditures from any funds of the county as are available for such purpose.

Source: Laws 1945, c. 53, § 2, p. 238; Laws 1987, LB 102, § 3.

23-360. Program; tax levy; use.

The county board of each county in this state may levy upon every dollar of the taxable value of all the taxable property in such county, for the use of the county board in carrying out the animal damage control program, such amount as may be determined to be necessary therefor. The entire fund derived from such levy shall be set apart in a separate fund and expended only for animal damage control as defined by sections 23-358 to 23-360.

Source: Laws 1945, c. 53, § 3, p. 238; Laws 1953, c. 287, § 46, p. 958; Laws 1979, LB 187, § 117; Laws 1987, LB 102, § 4; Laws 1992, LB 719A, § 103; Laws 1996, LB 1114, § 46.

23-361. Additional tax on sheep and cattle; conditions.

In order to provide additional means for carrying on an animal damage control program for the management and control of coyotes, bobcats, foxes, and other predatory animals destructive of sheep and cattle, county boards 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 percent of the owners of the sheep, the cattle, or the sheep and cattle in the county as of January 1 of each year, be filed with the board on or before July 1; and

(2) That a planned program for 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 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.

Source: Laws 1957, c. 68, § 1, p. 292; Laws 1972, LB 1048, § 2; Laws 1987, LB 102, § 5.

81-2,236. Director; contract and cooperate with federal government; expenditure of funds.

The Director of Agriculture may contract and cooperate with the Animal and Plant Health Inspection Service of the United States Department of Agriculture in the management and control of (1) coyotes, bobcats, foxes, and other predatory animals listed in section 23-358 in this state that are injurious to livestock, poultry, and game animals and the public health, (2) black-tailed prairie dogs and other injurious commensal and field rodents, and (3) nuisance birds or other nuisance wildlife in accordance with organized and systematic plans of the Animal and Plant Health Inspection Service of the United States Department of Agriculture for the management and control of such animals. Supervision of the program shall be by the local representative of the 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 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 and control of such predatory animals, black-tailed prairie dogs and other injurious commensal and field rodents, nuisance birds, or other nuisance wildlife.

Source: Laws 1965, c. 96, § 1, p. 413; Laws 1967, c. 124, § 2, p. 399; R.S.1943, (1983), § 23-609; Laws 1987, LB 102, § 6; Laws 2012, LB473, § 11.

Cross References

- **County animal damage control program**, see sections 23-358 to 23-361.

81-2,237. Animal Damage Control Cash Fund; created; investment.

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 81-2,236. 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.

Source: Laws 1987, LB 102, § 7; Laws 1995, LB 7, § 102.

Cross References

- **Nebraska Capital Expansion Act**, see section 72-1269.
- **Nebraska State Funds Investment Act**, see section 72-1260.

81-2,238. Director; cooperation with state agencies; receipt of funds.

The Director of Agriculture may cooperate with and receive funds from other agencies or departments of the state for the purposes of section 81-2,236 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.

Source: Laws 1987, LB 102, § 8.