

LEGISLATIVE BILL 767

Approved by the Governor March 1, 1974

Introduced by Syas, 13

AN ACT to amend sections 37-215 and 37-215.03, Revised Statutes Supplement, 1972, relating to game and fish; to provide for limiting permits to kill deer or antelope; to provide for determining eligibility of applicants for permits; to raise the fee for permits; to change provisions for special permits; to repeal the original sections, and also section 37-215.04, Revised Statutes Supplement, 1972; and to declare an emergency.

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

Section 1. That section 37-215, Revised Statutes Supplement, 1972, be amended to read as follows:

37-215. (1) The Game and Parks Commission is authorized to issue permits for the killing of deer and to prescribe and establish regulations and limitations for the hunting, killing, transportation, and possession of deer. The commission may specify by regulation the information to be required on applications for such permits. Regulations and limitations for the hunting, killing, transportation and possession of deer may include, but not be limited to, regulations and limitations as to the type and caliber, and other specifications of firearms and ammunition used, and specifications for bows and arrows used. Such regulations and limitations may further specify and limit the method of hunting deer, and may provide for dividing the state into management units or areas and the commission may enact different deer harvest regulations for the different management units as pertains to sex, species and age of the deer harvested. The number of such permits may be limited, as provided by the regulations of the commission, but the permits shall be disposed of in an impartial manner. Whenever the commission shall deem it advisable to limit the number of permits issued for any or all management units, the commission shall, by rules and regulations, determine who shall be eligible to apply for such permits. In establishing eligibility, the commission shall give preference to persons who did not receive a permit during the previous year or years. Such permits may be issued to allow killing of deer in the Nebraska National Forest and other game reserves and such other areas in the State of Nebraska as the commission may designate whenever the

commission shall deem that permitting such killing will not be detrimental to the proper preservation of wildlife in Nebraska in such forest, reserves, or areas. The commission shall charge a fee for each permit so issued in the sum of ~~ten fifteen~~ dollars for residents and ~~thirty thirty-five~~ dollars for nonresidents; Provided, that the commission may issue nonresident permits only after a reasonable period has first been provided solely for issuance of resident permits; and provided further, that should the commission issue nonresident permits the issuance of resident permits shall continue until permit quotas have been filled or a reasonable cutoff date reached. No permit shall be issued until after a reasonable period for making application, as established by the commission, has expired. When more valid applications are received for any management unit than there are permits available, such permits shall be allocated on the basis of a public drawing. All valid applications received during the predetermined application period shall be considered equally in any such public drawing without regard to time of receipt of such applications by the Game and Parks Commission. No person shall be issued a permit to kill deer or antelope unless he is at least fourteen years of age; Provided, that any person aged fourteen or fifteen shall only hunt deer with a person aged twenty-one years or over who also possesses a current deer permit for the management unit in which both hunters are hunting.

(2) The Game and Parks Commission may also issue permits for the killing of antelope and may establish separate, and, when necessary different, regulations therefor within the limitations prescribed in subsection (1) of this section for the taking of deer. The commission shall charge a fee for each antelope permit so issued in the sum of ~~ten fifteen~~ dollars for residents and ~~thirty thirty-five~~ dollars for nonresidents. The provisions for the distribution of deer permits and the authority of the commission to determine eligibility of applicants for permits as described in subsection (1) of this section shall also apply to the distribution of antelope permits, ~~except that no person who applied for and received a Nebraska antelope permit in the preceding year may apply for an antelope permit until the predetermined period for making application for antelope permits described in subsection (1) of this section and established by the Game and Parks Commission has expired.~~

Sec. 2. That section 37-215.03, Revised Statutes Supplement, 1972, be amended to read as follows:

37-215.03. Whenever any bona fide farmer or rancher who owns or leases farm or ranch land, and who

actually resides on such land, or a member of his immediate family also residing on such land, makes application for a permit to kill deer during the predetermined period established by the commission pursuant to section 37-215, and is refused such permit for the reason that all available permits have been issued, such person may then apply for a limited deer permit. Upon receipt of an application in proper form as prescribed by the Game and Parks Commission, the commission shall issue a limited permit which shall be restricted to the killing of deer only on the home farm or ranch, and shall not apply to the land of other persons or on land owned by the farmer or rancher if located more than ~~five~~ ten miles from the land upon which the farmer or rancher actually resides. For the purposes of ~~sections 37-215.03 and 37-215.04~~ this section, the term immediate family shall mean and be limited to husband and wife and their children, and all the conditions applicable to permits issued pursuant to section 37-215 shall apply to limited permits issued pursuant to ~~sections 37-215.03 and 37-215.04~~ this section. Only one such permit shall be issued for each farm or ranch.

Sec. 3. That original sections 37-215 and 37-215.03, Revised Statutes Supplement, 1972, and also section 37-215.04, Revised Statutes Supplement, 1972, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.