

LEGISLATIVE BILL 583

Approved by the Governor May 24, 1995

Introduced by Natural Resources Committee: Beutler, 28, Chairperson;
Avery, 3; Bromm, 23; Elmer, 44; Jones, 43; Preister, 5

AN ACT relating to game and parks; to amend section 37-204, Reissue Revised Statutes of Nebraska, and section 37-215, Revised Statutes Supplement, 1994; to change certain nonresident permit fees to hunt and fish; to provide an operative date; and to repeal the original sections.

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

Section 1. Section 37-204, Reissue Revised Statutes of Nebraska, is amended to read:

37-204. (1) The commission shall establish fees pursuant to section 81-814.02 to be paid to the state for resident and nonresident hunting permits, annual fishing permits, three-day fishing permits, combined fishing and hunting permits, and fur-harvesting permits, as follows:

(a) Resident fees shall be (i) not less than eight dollars and fifty cents and not more than eleven dollars for hunting, (ii) not less than eleven dollars and fifty cents and not more than fifteen dollars for fishing, (iii) not less than seven dollars and fifty cents and not more than ten dollars for a three-day fishing permit, (iv) not less than nineteen dollars and fifty cents and not more than twenty-five dollars for both fishing and hunting, and (v) not less than fifteen dollars and not more than twenty dollars for fur harvesting; and

(b) Nonresident fees shall be (i) not less than two hundred dollars and not more than two hundred sixty dollars for a period of time specified by the commission for fur harvesting one thousand or less fur-bearing animals and not less than ten dollars additional and not more than fifteen dollars additional for each one hundred or part of one hundred fur-bearing animals harvested, (ii) not less than ~~forty fifty-five~~ fifty-five dollars and not more than ~~fifty-five seventy-two~~ seventy-two dollars for hunting, (iii) not less than ~~seven dollars and fifty cents~~ ten dollars and seventy-five cents and not more than ~~ten fourteen~~ fourteen dollars for a three-day fishing permit, and (iv) not less than ~~twenty-five thirty-five~~ thirty-five dollars and not more than ~~thirty-five forty-five~~ forty-five dollars for an annual fishing permit.

(2) Any resident of the United States who has resided in this state continuously for a period of ninety days before making an application for a permit under the Game Law and who has a bona fide intention of becoming a legal resident of this state, supported by documentary proof, shall be deemed to be a resident and may be issued a resident permit under the Game Law. The issuance of a hunter's permit to anyone known to be physically or mentally unfit to carry or use firearms is hereby prohibited. All nonresident hunters and fur harvesters regardless of age shall be required to obtain a permit, and all nonresident anglers under sixteen years of age shall be accompanied by a person possessing a valid fishing permit. The commission may limit the number of days for which a permit is issued and the number of fish or game birds taken on one permit and may issue coupons which are attached to nonresident permits for the purpose of tagging and identification. Nonresident fur-harvesting permits may be issued only to residents of states which sell similar permits to residents of Nebraska. No hunting permit or fur-harvesting permit shall be required of any nonresident entering this state solely to participate in scheduled dog trials for which an entry fee is charged. For purposes of this subsection, scheduled dog trials shall mean events in which hunting dogs and their owners or handlers compete and are judged under controlled conditions in various feats of skill and performance in the hunting or retrieving of birds and animals when such events are conducted under the written authorization of the commission.

Sec. 2. Section 37-215, Revised Statutes Supplement, 1994, is amended to read:

37-215. (1)(a) The commission may issue permits for the hunting and killing of deer and 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, 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 pertain pertaining to sex, species, and age of the deer harvested.

(b) The number of such permits may be limited, as provided by the rules and regulations of the commission, and except as provided in section 37-215.04 the permits shall be disposed of in an impartial manner. Whenever the commission deems 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.

(c) 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 deems that permitting such killing will not be detrimental to the proper preservation of wildlife in Nebraska in such forest, reserves, or areas.

(d) The commission shall, pursuant to section 81-814.02, establish and charge a fee of not less than twenty dollars and not more than twenty-five dollars for residents and not less than one hundred fifty dollars and not more than one hundred thirty two hundred dollars for nonresidents for each permit issued under this subsection.

(e) The commission may issue nonresident permits only after a reasonable period has first been provided solely for issuance of resident permits, and if the commission issues 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 commission.

(f) No person shall be issued a permit to kill deer, antelope, or elk unless such person is at least fourteen years of age, except that any person who is fourteen or fifteen years of age shall only hunt deer, antelope, or elk when accompanied by a person twenty-one years of age or over.

(2) The commission may issue permits for the hunting and 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, pursuant to section 81-814.02, establish and charge a fee of not less than twenty dollars and not more than twenty-five dollars for residents and not less than one hundred dollars and not more than one hundred thirty dollars for nonresidents for each permit issued under this subsection. 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.

(3) The commission may issue permits for the hunting and killing of elk 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. Permits to hunt and kill elk issued pursuant to this subsection shall not be issued to nonresidents. The commission shall, pursuant to section 81-814.02, establish and charge a nonrefundable application fee of not less than five dollars and not more than seven dollars and a fee of not less than one hundred dollars and not more than one hundred thirty dollars for each elk permit issued. A person may obtain only one elk permit in his or her lifetime, except that an applicant for a limited permit to hunt elk pursuant to section 37-215.03 may obtain such limited permit once every five years. 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 elk permits.

(4)(a) Subject to rules and regulations adopted and promulgated by the commission, the secretary of the commission may designate special deer depredation seasons by executive order. The secretary may designate a depredation season whenever he or she determines that deer are causing excessive property damage. The secretary shall specify the number of permits to be issued, shooting hours, the length of the depredation season, and the geographic area in which hunting will be permitted. Each such permit shall

give the holder the right to take one deer. Hunting during a special depredation season shall be limited to residents and shall be restricted to firearms which are permissible for use during the regular deer season.

(b) The depredation season may commence not less than five days after the first public announcement that the depredation season has been established. Permits shall be issued beginning not less than three days after the first public announcement of the depredation season and shall be issued in an impartial manner at a location determined by the secretary. The commission shall, pursuant to section 81-814.02, establish and charge a fee of not less than twenty dollars and not more than twenty-five dollars for a special depredation season permit. Fifty percent of the fee shall be paid by the commission to a landowner or operator within the designated area upon satisfactory proof a deer was killed upon his or her farm or ranch during the special depredation season. Receipt of a depredation season permit shall not in any way affect a person's eligibility for a regular season permit.

Sec. 3. This act becomes operative on January 1, 1996.

Sec. 4. Original section 37-204, Reissue Revised Statutes of Nebraska, and section 37-215, Revised Statutes Supplement, 1994, are repealed.