

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 184**

Introduced By: Carlson, 38; Adams, 24; Christensen, 44; Dubas, 34;  
Hansen, 42; Stuthman, 22; Wallman, 30; Wightman, 36

Read first time: January 9, 2007

Committee: Natural Resources

A BILL

1       FOR AN ACT relating to hunting and fishing permits; to amend  
2               section 37-405, Reissue Revised Statutes of Nebraska, and  
3               sections 37-420, 37-421, and 37-421.01, Revised Statutes  
4               Cumulative Supplement, 2006; to change provisions relating  
5               to hunting and fishing permits for Nebraska residents in  
6               active military service and veterans; to harmonize  
7               provisions; and to repeal the original sections.

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

1           Section 1. Section 37-405, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           37-405. (1) The commission shall provide for the issuance of  
4 permits to hunt, fish, or harvest fur. Application for such permits  
5 shall be made to the commission or its agents and shall contain such  
6 information as may be prescribed by the commission. All applications  
7 for permits to harvest fur shall include the applicant's social  
8 security number. A permit shall authorize the person to whom it is  
9 issued to hunt, fish, or harvest fur-bearing animals as provided by  
10 the Game Law during the period for which the permit is issued.

11           (2) If the holder of a hunting permit is a hunter of  
12 migratory game birds, he or she shall be required to declare himself  
13 or herself as such and provide information regarding his or her  
14 migratory game bird hunting activity to the commission. Documentation  
15 of such a declaration shall be made on the hunting permit or a  
16 separate document which shall become a part of the permit. Costs to  
17 the commission of implementing such declaration and documentation and  
18 for participation in a federal program designed to obtain survey  
19 information on migratory bird hunting activity shall be funded from  
20 the State Game Fund. For purposes of this subsection, migratory bird  
21 has the definition found in 50 C.F.R. part 10, subpart B, section  
22 10.12, and migratory game bird has the definition found in 50 C.F.R.  
23 part 20, subpart B, section 20.11(a).

24           (3) All permits shall expire at midnight on December 31 in  
25 the year for which the permit is issued, except as otherwise provided  
26 in sections 37-415, 37-420, ~~and 37-421,~~ and 37-421.01.

27           (4) A person who is hunting, fur harvesting, or fishing

1 shall present evidence of having a permit immediately upon demand to  
2 any officer or person whose duty it is to enforce the Game Law. Any  
3 person hunting, fishing, or fur harvesting in this state without such  
4 evidence shall be deemed to be without such permit.

5 (5) The commission shall adopt and promulgate rules and  
6 regulations necessary to carry out this section.

7 Sec. 2. Section 37-420, Revised Statutes Cumulative  
8 Supplement, 2006, is amended to read:

9 37-420. (1) Any veteran who is a legal resident of the State  
10 of Nebraska and who was discharged or separated with a  
11 characterization of honorable or general (under honorable conditions)  
12 shall be exempt from the payment of any fees provided by the laws of  
13 the State of Nebraska and established by the commission pursuant to  
14 section 37-327 for the privilege of fishing or hunting in Nebraska.  
15 ~~if the veteran:~~

16 ~~(a) Is rated by the United States Department of Veterans~~  
17 ~~Affairs as fifty percent or more disabled as a result of service in~~  
18 ~~the armed forces of the United States; or~~

19 ~~(b) Is receiving a pension from the department as a result~~  
20 ~~of total and permanent disability, which disability was not incurred~~  
21 ~~in the line of duty in the military service.~~

22 (2) The exemption described in subsection (1) of this  
23 section shall not extend to the privilege of commercial fishing,  
24 trapping of fur-bearing animals, or hunting for deer, antelope, wild  
25 turkey, or any other species of fish and game on which the open season  
26 is limited to a restricted number of permits or to special permits for  
27 a restricted area or game management unit.

1           (3) If disabled persons are unable by reason of physical  
2 infirmities to hunt and fish in the normal manner, the commission may  
3 issue special permits without cost to those persons to hunt and fish  
4 from a vehicle, but such permits shall not authorize any person to  
5 shoot from any public highway.

6           (4) All permits issued without the payment of any fees  
7 pursuant to this section shall be perpetual and become void only upon  
8 termination of eligibility as provided in this section.

9           (5) The commission may adopt and promulgate rules and  
10 regulations necessary to carry out this section.

11           (6) Permits issued under subdivision (3) of this section as  
12 it existed prior to January 1, 2006, shall not expire as provided in  
13 section 37-421.

14           Sec. 3. Section 37-421, Revised Statutes Cumulative  
15 Supplement, 2006, is amended to read:

16           37-421. (1) The commission may issue an annual combination  
17 fishing and hunting permit upon application and payment of a fee of  
18 five dollars to ~~(a) any Nebraska resident who is a veteran, who is~~  
19 ~~sixty-four years of age or older, and who was discharged or separated~~  
20 ~~with a characterization of honorable or general (under honorable~~  
21 ~~conditions) or (b) any Nebraska resident who is sixty-nine years of~~  
22 age or older. A person who is issued a permit under this section  
23 shall be exempt from the payment of any additional fees provided by  
24 the laws of the State of Nebraska and established by the commission  
25 pursuant to section 37-327 for the privilege of fishing or hunting in  
26 Nebraska, except that such exemption shall not extend to the privilege  
27 of commercial fishing, trapping of fur-bearing animals, or hunting for

1 deer, antelope, wild turkey, or any other species of fish and game on  
2 which the open season is limited to a restricted number of permits or  
3 to special permits for a restricted area or game management unit.

4 (2) A permit issued as provided in this section shall expire  
5 as provided in section 37-405. Permits issued under this section as it  
6 existed before January 1, 2006, shall not expire as provided in  
7 section 37-405.

8 (3) If disabled persons are unable by reason of physical  
9 infirmities to hunt and fish in the normal manner, the commission may  
10 issue special permits without cost to those persons to hunt and fish  
11 from a vehicle, but such permits shall not authorize any person to  
12 shoot from any public highway.

13 (4) The commission may adopt and promulgate rules and  
14 regulations necessary to carry out this section.

15 Sec. 4. Section 37-421.01, Revised Statutes Cumulative  
16 Supplement, 2006, is amended to read:

17 ~~37-421.01. Notwithstanding any provision of section 37-407~~  
18 ~~to the contrary, a Nebraska resident who purchased a hunting, fishing,~~  
19 ~~or combination hunting and fishing permit and who was deployed out of~~  
20 ~~state with a branch of the United States military shall be entitled~~  
21 ~~to receive a discounted permit on a one-time basis upon returning to~~  
22 ~~the state if the resident:~~

23 ~~(a) Provides to the commission satisfactory proof of~~  
24 ~~purchase of the original permit and evidence of the resident's~~  
25 ~~deployment out of state during the period of the original permit;~~  
26 ~~and~~

27 ~~(b) Was deployed out of state for more than one-half of the~~

1 ~~period of the original permit.~~

2 (1)(a) Any Nebraska resident who is in active military  
3 service in the National Guard or the armed forces of the United States  
4 shall be exempt from the payment of any fees provided by the laws of  
5 the State of Nebraska and established by the commission pursuant to  
6 section 37-327 for the privilege of fishing or hunting in Nebraska.

7 (b) The exemption described in this subsection shall not  
8 extend to the privilege of commercial fishing, trapping of fur-bearing  
9 animals, or hunting for deer, antelope, wild turkey, or any other  
10 species of fish and game on which the open season is limited to a  
11 restricted number of permits or to special permits for a restricted  
12 area or game management unit.

13 (c) All permits issued without the payment of any fees  
14 pursuant to this subsection shall be perpetual and become void only  
15 upon termination of eligibility as provided in this subsection.

16 (2)(a) Notwithstanding any provision of section 37-447,  
17 37-449, 37-450, 37-451, or 37-457 to the contrary, a Nebraska resident  
18 who purchased a big game permit and who was deployed out of state with  
19 a branch of the United States military for the entire season of the  
20 hunt and who was unable to use the permit shall be entitled to receive  
21 a discounted permit on a one-time basis upon returning to the state if  
22 the resident provides to the commission satisfactory proof of purchase  
23 of the original permit and evidence of the resident's deployment.  
24 Alternatively, the member of the military may request a refund of the  
25 amount paid for a big game permit and the commission shall pay such  
26 amount.

27 (b) For purposes of this subsection, big game means

1 antelope, deer, elk, mountain sheep, and wild turkeys.

2 ~~(3)~~ (c) The commission shall establish a fee of five  
3 dollars for the discounted permits authorized in this ~~section.~~  
4 subsection. The commission may authorize electronic issuance of the  
5 discounted permits.

6 ~~(4)~~ (d) The commission may adopt and promulgate rules  
7 and regulations that set forth the procedures for applying for, and  
8 the issuance of, the discounted permits authorized in this section.

9 Sec. 5. Original section 37-405, Reissue Revised Statutes of  
10 Nebraska, and sections 37-420, 37-421, and 37-421.01, Revised Statutes  
11 Cumulative Supplement, 2006, are repealed.