

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1173

Introduced by Erdman, 47.

Read first time January 23, 2020

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to hunting; to amend sections 37-410, 37-447,
2 37-449, 37-450, 37-456, and 37-560, Reissue Revised Statutes of
3 Nebraska, and section 37-455, Revised Statutes Supplement, 2019; to
4 provide for limited transferable permits to hunt either antelope,
5 deer, or elk as prescribed; to provide duties for the Game and Parks
6 Commission; to harmonize provisions; and to repeal the original
7 sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 37-410, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 37-410 (1) It shall be unlawful (a) for any person who has been
4 issued a permit under the Game Law to lend or transfer his or her permit
5 to another or for any person to borrow or use the permit of another
6 except as otherwise provided for limited transferable permits to hunt
7 either antelope, deer, or elk pursuant to subsection (6) of section
8 37-455, (b) for any person to procure a permit under an assumed name or
9 to falsely state the place of his or her legal residence or make any
10 other false statement in securing a permit, (c) for any person to
11 knowingly issue or aid in securing a permit under the Game Law for any
12 person not legally entitled thereto, (d) for any person disqualified for
13 a permit to hunt, fish, or harvest fur with or without a permit during
14 any period when such right has been forfeited or for which his or her
15 permit has been revoked by the commission, or (e) for any nonresident
16 under the age of sixteen years to receive a permit to harvest fur from
17 any fur-bearing animal under the Game Law without presenting a written
18 request therefor signed by his or her father, mother, or guardian.

19 (2) All children who are residents of the State of Nebraska and are
20 under sixteen years of age shall not be required to have a permit to
21 hunt, harvest fur, or fish.

22 (3) Any person violating subdivision (1)(a), (b), (c), or (d) of
23 this section shall be guilty of a Class II misdemeanor and, upon
24 conviction, shall be fined at least one hundred dollars for violations
25 involving a fishing permit, at least one hundred fifty dollars for
26 violations involving a small game, fur-harvesting, paddlefish, or deer
27 permit, at least two hundred fifty dollars for violations involving an
28 antelope permit, at least five hundred dollars for violations involving
29 an elk permit, and at least one thousand dollars for violations involving
30 a mountain sheep permit. Any person violating subdivision (1)(e) of this
31 section shall be guilty of a Class III misdemeanor and shall be fined at

1 least seventy-five dollars. Any permits purchased or used in violation of
2 this section shall be confiscated by the court.

3 Sec. 2. Section 37-447, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 37-447 (1) The commission may issue permits for the hunting of deer
6 and adopt and promulgate rules and regulations and pass commission orders
7 pursuant to section 37-314 to prescribe limitations for the hunting,
8 transportation, and possession of deer. The commission may offer
9 multiple-year permits or combinations of permits at reduced rates. The
10 commission may specify by rule and regulation the information to be
11 required on applications for such permits. Rules and regulations for the
12 hunting, transportation, and possession of deer may include, but not be
13 limited to, rules and regulations as to the type, caliber, and other
14 specifications of firearms and ammunition used and specifications for
15 bows and arrows used. Such rules and regulations may further specify and
16 limit the method of hunting deer and may provide for dividing the state
17 into management units or areas, and the commission may enact different
18 deer hunting regulations for the different management units pertaining to
19 sex, species, and age of the deer hunted.

20 (2) The number of such permits may be limited as provided by the
21 rules and regulations of the commission, and except as provided in
22 section 37-454, the permits shall be allocated in an impartial manner.
23 Whenever the commission deems it advisable to limit the number of permits
24 issued for any or all management units, the commission shall, by rules
25 and regulations, determine eligibility to obtain such permits. In
26 establishing eligibility, the commission may give preference to persons
27 who did not receive a permit or a specified type of permit during the
28 previous year or years.

29 (3) Such permits may be issued to allow deer hunting in the Nebraska
30 National Forest and other game reserves and such other areas as the
31 commission may designate whenever the commission deems that permitting

1 such hunting will not be detrimental to the proper preservation of
2 wildlife in Nebraska in such forest, reserves, or areas.

3 (4)(a) The commission may, pursuant to section 37-327, establish and
4 charge a nonrefundable application fee of not more than seven dollars for
5 deer permits in those management units awarded on the basis of a random
6 drawing. The commission shall, pursuant to section 37-327, establish and
7 charge a fee of not more than thirty-nine dollars for residents and not
8 more than two hundred eighty-four dollars for nonresidents for each
9 permit issued under this section except as otherwise provided in
10 subdivision (b) of this subsection and subsection (6) of this section.

11 (b) The fee for a statewide buck-only permit limited to white-tailed
12 deer shall be no more than two and one-half times the amount of a regular
13 deer permit. The fee for a statewide buck-only deer permit that allows
14 harvest of mule deer shall be no more than five times the amount of a
15 regular deer permit.

16 (5)(a) The commission may issue nonresident permits after preference
17 has been given for the issuance of resident permits as provided in rules
18 and regulations adopted and promulgated by the commission.

19 (b) In management units specified by the commission, the commission
20 may issue nonresident permits after resident preference has been provided
21 by allocating at least eighty-five percent of the available permits to
22 residents. The commission may require a predetermined application period
23 for permit applications in specified management units. Such permits shall
24 be issued after a reasonable period for making application, as
25 established by the commission, has expired. When more valid applications
26 are received for a designated management unit than there are permits
27 available, such permits shall be allocated on the basis of a random
28 drawing. All valid applications received during the predetermined
29 application period shall be considered equally in any such random drawing
30 without regard to time of receipt of such applications by the commission.

31 (6) Whenever deer cause damage to property or crops, the landowner

1 or leaseholder may apply to the commission for a limited transferable
2 permit to hunt deer pursuant to subsection (6) of section 37-455.

3 ~~(7)~~ (6) The commission shall, pursuant to section 37-327, establish
4 and charge a fee of not more than twenty-five dollars for residents and
5 not more than forty-five dollars for nonresidents for a youth deer
6 permit.

7 ~~(8)~~ (7) Any person violating the rules and regulations adopted and
8 promulgated or commission orders passed pursuant to this section shall be
9 guilty of a Class II misdemeanor and shall be fined at least one hundred
10 dollars upon conviction.

11 Sec. 3. Section 37-449, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 37-449 (1) The commission may issue permits for hunting antelope and
14 may adopt and promulgate separate and, when necessary, different rules
15 and regulations therefor within the limitations prescribed in sections
16 37-447 and 37-452 for hunting deer. The commission may offer multiple-
17 year permits or combinations of permits at reduced rates.

18 (2) The commission may, pursuant to section 37-327, establish and
19 charge a nonrefundable application fee of not more than seven dollars.
20 The commission shall, pursuant to section 37-327, establish and charge a
21 fee of not more than thirty-nine dollars for residents and not more than
22 one hundred ninety-eight dollars for nonresidents for each permit issued
23 under this section except as provided in subsection (4) of this section.

24 (3) The provisions for the distribution of deer permits and the
25 authority of the commission to determine eligibility of applicants for
26 permits as described in sections 37-447 and 37-452 shall also apply to
27 the distribution of antelope permits.

28 (4) Whenever antelope cause damage to property or crops, the
29 landowner or leaseholder may apply to the commission for a limited
30 transferable permit to hunt antelope pursuant to subsection (6) of
31 section 37-455.

1 ~~(5) (4)~~ The commission shall, pursuant to section 37-327, establish
2 and charge a fee of not more than twenty-five dollars for residents and
3 not more than forty-five dollars for nonresidents for a youth antelope
4 permit.

5 ~~(6) (5)~~ Any person violating the rules and regulations adopted and
6 promulgated pursuant to this section shall be guilty of a Class II
7 misdemeanor and shall be fined at least one hundred dollars upon
8 conviction.

9 Sec. 4. Section 37-450, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 37-450 (1) The commission may issue permits for hunting elk and may
12 adopt and promulgate separate and, when necessary, different rules and
13 regulations therefor within the limitations prescribed in sections 37-447
14 and 37-452 for hunting deer.

15 (2) The commission shall, pursuant to section 37-327, establish and
16 charge (a) a nonrefundable application fee of not more than twelve
17 dollars for a resident elk permit and not to exceed three times such
18 amount for a nonresident elk permit and (b) a fee of not more than one
19 hundred ninety-eight dollars for each resident elk permit issued and
20 three times such amount for each nonresident elk permit issued.

21 (3) An applicant shall not be issued a resident elk permit that
22 allows the harvest of an antlered elk more than once every five years. A
23 person may only harvest one antlered elk in his or her lifetime except
24 when harvesting an antlered elk with a limited permit to hunt elk
25 pursuant to subdivision (1)(b) of section 37-455, a limited transferable
26 permit to hunt elk pursuant to subsection (6) of section 37-455, or an
27 auction or lottery permit pursuant to section 37-455.01.

28 (4) The provisions for the distribution of deer permits and the
29 authority of the commission to determine eligibility of applicants for
30 permits as described in sections 37-447 and 37-452 shall also apply to
31 the distribution of elk permits.

1 (5) Whenever elk cause damage to property or crops, the landowner or
2 leaseholder may apply to the commission for a limited transferable permit
3 to hunt elk pursuant to subsection (6) of section 37-455.

4 (6) ~~(5)~~ Any person violating the rules and regulations adopted and
5 promulgated pursuant to this section shall be guilty of a Class III
6 misdemeanor and shall be fined at least two hundred dollars upon
7 conviction.

8 Sec. 5. Section 37-455, Revised Statutes Supplement, 2019, is
9 amended to read:

10 37-455 (1) The commission may issue a limited permit for deer,
11 antelope, wild turkey, or elk to a person who is a qualifying landowner
12 or leaseholder or a member of such person's immediate family as described
13 in this section or a limited transferable permit to hunt either antelope,
14 deer, or elk to a qualifying landowner or leaseholder upon confirmation
15 pursuant to subsection (2) of section 37-560 of damage caused by such
16 species. The commission may issue nonresident landowner limited permits
17 after preference has been given for the issuance of resident permits as
18 provided in rules and regulations adopted and promulgated by the
19 commission. Except as provided in subsection (6) of this section for a
20 limited transferable permit to hunt either antelope, deer, or elk, a A
21 permit shall be valid during the predetermined period established by the
22 commission pursuant to sections 37-447 to 37-450, 37-452, 37-456, or
23 37-457. Upon receipt of an application in proper form as prescribed by
24 the rules and regulations of the commission, the commission may issue (a)
25 a limited deer, antelope, or wild turkey permit valid for hunting on all
26 of the land which is owned or leased by the qualifying landowner or
27 leaseholder if such lands are identified in the application, ~~or~~ (b) a
28 limited elk permit valid for hunting on the entire elk management unit of
29 which the land of the qualifying landowner or leaseholder included in the
30 application is a part, or (c) a limited transferable permit to hunt
31 either antelope, deer, or elk valid for hunting on all of the land which

1 is owned or leased by the qualifying landowner or leaseholder if such
2 lands are identified in the application.

3 (2)(a) The commission shall adopt and promulgate rules and
4 regulations prescribing procedures and forms and create requirements for
5 documentation by an applicant or permitholder ~~permittee~~ to determine
6 whether the applicant or permitholder ~~permittee~~ is a Nebraska resident
7 and is a qualifying landowner or leaseholder of the described property or
8 is a member of the immediate family of such qualifying landowner or
9 leaseholder. The commission may adopt and promulgate rules and
10 regulations that create requirements for documentation to designate one
11 qualifying landowner among partners of a partnership or officers or
12 shareholders of a corporation that owns or leases eighty acres or more of
13 farm or ranch land for agricultural purposes and among beneficiaries of a
14 trust that owns or leases eighty acres or more of farm or ranch land for
15 agricultural purposes. Only a person who is a qualifying landowner or
16 leaseholder may apply for a limited transferable permit to hunt either
17 antelope, deer, or elk pursuant to subsection (6) of this section. Only a
18 person who is a qualifying landowner or leaseholder or a member of such
19 person's immediate family may apply for all other a limited permits
20 pursuant to this section ~~permit~~. Except for applicants applying for both
21 a limited permit to hunt either antelope, deer, or elk and a limited
22 transferable permit to hunt the same species, an ~~An~~ applicant may apply
23 for no more than one permit per species per year except as otherwise
24 provided in the rules and regulations of the commission. For purposes of
25 this section, member of a person's immediate family means and is limited
26 to the spouse of such person, any child or stepchild of such person or of
27 the spouse of such person, any spouse of any such child or stepchild, any
28 sibling of such person sharing ownership in the property, and any spouse
29 of any such sibling.

30 (b) Except as otherwise provided in subsection (6) of this section,
31 the ~~The~~ conditions applicable to permits issued pursuant to sections

1 37-447 to 37-450, 37-452, 37-456, or 37-457, whichever is appropriate,
2 shall apply to limited permits issued pursuant to this section, except
3 that the commission may pass commission orders for species harvest
4 allocation pertaining to the sex and age of the species harvested which
5 are different for a limited permit than for other hunting permits. For
6 purposes of this section, white-tailed deer and mule deer shall be
7 treated as one species.

8 (3)(a) To qualify for a limited permit to hunt deer or antelope, the
9 applicant shall be a Nebraska resident who (i) owns or leases eighty
10 acres or more of farm or ranch land for agricultural purposes or a member
11 of such person's immediate family or (ii) is the partner, officer,
12 shareholder, or beneficiary designated as the qualifying landowner by a
13 partnership, corporation, or trust as provided in the rules and
14 regulations under subdivision (2)(a) of this section or a member of the
15 immediate family of the partner, officer, shareholder, or beneficiary.
16 The number of limited permits issued annually per species for each farm
17 or ranch shall not exceed the total acreage of the farm or ranch divided
18 by eighty. The fee for a limited permit to hunt deer or antelope shall be
19 one-half the fee for the regular permit for such species.

20 (b) A nonresident of Nebraska who owns three hundred twenty acres or
21 more of farm or ranch land in the State of Nebraska for agricultural
22 purposes or a member of such person's immediate family may apply for a
23 limited deer or antelope permit. The number of limited permits issued
24 annually per species for each farm or ranch shall not exceed the total
25 acreage of the farm or ranch divided by three hundred twenty. The fee for
26 such a permit to hunt deer or antelope shall be one-half the fee for a
27 nonresident permit to hunt such species.

28 (c) The commission may adopt and promulgate rules and regulations
29 providing for the issuance of an additional limited deer permit to a
30 qualified individual for the taking of a deer without antlers at a fee
31 equal to or less than the fee for the original limited permit.

1 (4)(a) To qualify for a limited permit to hunt wild turkey, the
2 applicant shall be a Nebraska resident who (i) owns or leases eighty
3 acres or more of farm or ranch land for agricultural purposes or a member
4 of such person's immediate family or (ii) is the partner, officer,
5 shareholder, or beneficiary designated as the qualifying landowner by a
6 partnership, corporation, or trust as provided in the rules and
7 regulations under subdivision (2)(a) of this section or a member of the
8 immediate family of the partner, officer, shareholder, or beneficiary.
9 The number of limited permits issued annually per season for each farm or
10 ranch shall not exceed the total acreage of the farm or ranch divided by
11 eighty. An applicant may apply for no more than one limited permit per
12 season. The fee for a limited permit to hunt wild turkey shall be one-
13 half the fee for the regular permit to hunt wild turkey.

14 (b) A nonresident of Nebraska who owns three hundred twenty acres or
15 more of farm or ranch land in the State of Nebraska for agricultural
16 purposes or a member of such person's immediate family may apply for a
17 limited permit to hunt wild turkey. Only one limited wild turkey permit
18 per three hundred twenty acres may be issued annually for each wild
19 turkey season under this subdivision. The fee for such a permit to hunt
20 shall be one-half the fee for a nonresident permit to hunt wild turkey.

21 (5) To qualify for a limited permit to hunt elk, (a) the applicant
22 shall be (i) a Nebraska resident who owns three hundred twenty acres or
23 more of farm or ranch land for agricultural purposes, (ii) a Nebraska
24 resident who leases six hundred forty acres or more of farm or ranch land
25 for agricultural purposes or has a leasehold interest and an ownership
26 interest in farm or ranch land used for agricultural purposes which when
27 added together totals at least six hundred forty acres, (iii) a
28 nonresident of Nebraska who owns at least one thousand two hundred eighty
29 acres of farm or ranch land for agricultural purposes, or (iv) a member
30 of such owner's or lessee's immediate family and (b) the qualifying farm
31 or ranch land of the applicant shall be within an area designated as an

1 elk management zone by the commission in its rules and regulations. An
2 applicant shall not be issued a limited bull elk permit more than once
3 every three years, and the commission may give preference to a person who
4 did not receive a limited elk permit or a specified type of limited elk
5 permit during the previous years. The fee for a resident landowner
6 limited permit to hunt elk shall not exceed one-half the fee for the
7 regular permit to hunt elk. The fee for a nonresident landowner limited
8 permit to hunt elk shall not exceed three times the cost of a resident
9 elk permit. The number of applications allowed for limited elk permits
10 for each farm or ranch shall not exceed the total acreage of the farm or
11 ranch divided by the minimum acreage requirements established for the
12 property. No more than one person may qualify for the same described
13 property.

14 (6)(a) To qualify for a limited transferable permit to hunt either
15 antelope, deer, or elk, the qualifying landowner or leaseholder shall (i)
16 be a resident or nonresident who owns or leases three hundred twenty
17 acres or more of agricultural, horticultural, or wasteland land in
18 Nebraska and (ii) have a likelihood of damage caused by such species on
19 such property confirmed pursuant to subsection (2) of section 37-560 in
20 the six months immediately preceding the date of application.

21 (b) Upon receiving a qualifying application pursuant to this
22 subsection, the commission shall have fifteen days from the date of
23 application to issue a limited transferable permit to hunt either
24 antelope, deer, or elk of either sex to the applicant or deny the
25 application. If the commission fails to respond to the applicant within
26 fifteen days, the landowner or leaseholder may kill or take any animal of
27 such species believed to be responsible for causing damage to the
28 property. The landowner or leaseholder shall then have three days to
29 report the killing or taking of such animal to the commission. A limited
30 transferable permit to hunt either antelope, deer, or elk shall be issued
31 without charge and shall be valid any time during the remainder of the

1 calendar year and may be renewed annually upon a showing of a likelihood
2 of continuing damage on such property caused by such species as reported
3 pursuant to subsection (2) of section 37-560.

4 (c) The holder of a limited transferable permit to hunt either
5 antelope, deer, or elk may transfer such permit to hunt on such property
6 to any resident or nonresident who is qualified to apply for a regular
7 permit to hunt such species whether or not any compensation is received
8 by the original permitholder for the transfer of such permit.

9 (d) No more than one applicant may qualify for a permit under this
10 subsection for the same species on the described property. Application
11 for a limited transferable permit to hunt either antelope, deer, or elk
12 shall not preclude the same person from also hunting pursuant to section
13 37-403 if qualified or from obtaining any other hunting permit pursuant
14 to the Game Law or this section.

15 Sec. 6. Section 37-456, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 37-456 The issuance of limited antelope permits pursuant to section
18 37-455 in any management unit shall not exceed fifty percent of the
19 regular permits authorized for such antelope management unit. The
20 issuance of limited elk permits pursuant to subsection (5) of section
21 37-455 in any management unit shall not exceed fifty percent of the
22 regular permits authorized for such elk management unit.

23 Sec. 7. Section 37-560, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 37-560 (1) The commission is authorized, when written request has
26 been filed by the property owner, to remove by any means at any time any
27 deer, antelope, or elk causing damage to real or personal property. If it
28 is necessary to kill any such deer, antelope, or elk to remove the same,
29 the carcass thereof shall first be offered for human consumption. If
30 human consumption is not possible, such carcass may be sold or disposed
31 of in any other manner. The commission may adopt and promulgate rules and

1 regulations to carry out this section.

2 (2) A landowner or leaseholder may file a report with the commission
3 detailing damage to real or personal property caused by either antelope,
4 deer, or elk and apply for a limited transferable permit to hunt such
5 species pursuant to subsection (6) of section 37-455. The commission
6 shall inspect such damage and confirm or deny the likelihood that such
7 damage was caused by such species. The filing of a report of damage
8 pursuant to this subsection shall not be construed as a written request
9 to remove any animal of such species, and the commission shall not be
10 authorized to remove any animal of such species from such property
11 pursuant to subsection (1) of this section without the filing of a
12 subsequent written request by such landowner or leaseholder.

13 Sec. 8. Original sections 37-410, 37-447, 37-449, 37-450, 37-456,
14 and 37-560, Reissue Revised Statutes of Nebraska, and section 37-455,
15 Revised Statutes Supplement, 2019, are repealed.