

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 425

Introduced by Bostelman, 23.

Read first time January 13, 2023

Committee: Natural Resources

1 A BILL FOR AN ACT relating to game and parks; to amend sections 37-104,
2 37-451, 37-453, 37-457, 37-492, and 37-708, Reissue Revised Statutes
3 of Nebraska, and sections 37-407, 37-447, 37-448, and 37-449,
4 Revised Statutes Cumulative Supplement, 2022; to change a quorum
5 requirement for a Game and Parks Commission meeting; to change
6 provisions relating to fees charged and permits issued by the Game
7 and Parks Commission as prescribed; to change provisions related to
8 prohibited acts in game refuges; and to repeal the original
9 sections.

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

1 Section 1. Section 37-104, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 37-104 Regular meetings of the Game and Parks Commission shall be
4 held quarterly. Special meetings may be held upon call of the chairperson
5 or pursuant to a call signed by three other members, of which the
6 chairperson shall have three days' written notice. No official action
7 shall be taken except at a public meeting at the headquarters of the
8 commission or at a public meeting at a location within the state as
9 determined by a majority of members of the commission. Five ~~Four~~ members
10 of the commission shall constitute a quorum for the transaction of
11 business.

12 All regular meetings held in Lincoln, Nebraska, shall be held in
13 suitable offices to be provided under the authority of Chapter 72,
14 article 14. The Game and Parks Commission is authorized to enter into an
15 agreement with the city of Lincoln providing for the supplying by the
16 city of Lincoln to the State of Nebraska for the commission of a
17 headquarters office building and related buildings and facilities
18 therefor, including the parking of motor vehicles, to be located on real
19 estate which is north of Holdrege Street and east of 33rd Street.

20 Sec. 2. Section 37-407, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 37-407 (1) The commission may offer multiple-year permits or
23 combinations of permits at reduced rates and may establish fees pursuant
24 to section 37-327 to be paid to the state for resident and nonresident
25 annual hunting permits, annual fishing permits, three-day fishing
26 permits, one-day fishing permits, combination hunting and fishing
27 permits, fur-harvesting permits, and nonresident two-day hunting permits
28 issued for periods of two consecutive days, as provided in this section.

29 (2) The fee for a multiple-year permit shall be established by the
30 commission pursuant to section 37-327 and shall not be more than the
31 number of years the permit will be valid times the fee required for an

1 annual permit as provided in subsection (3) or (4) of this section.
2 Payment for a multiple-year permit shall be made in a lump sum at the
3 time of application. A replacement multiple-year permit may be issued
4 under section 37-409 if the original is lost or destroyed.

5 (3) Resident fees shall be (a) not more than eighteen dollars for an
6 annual hunting permit, (b) not more than twenty-four dollars for an
7 annual fishing permit, (c) not more than fifteen dollars for a three-day
8 fishing permit, (d) not more than nine dollars for a one-day fishing
9 permit, (e) not more than thirty-nine dollars for an annual fishing and
10 hunting permit, and (f) not more than twenty dollars for an annual fur-
11 harvesting permit.

12 (4) Nonresident fees shall be (a) not more than two hundred sixty
13 dollars for a period of time specified by the commission for fur
14 harvesting one thousand or less fur-bearing animals and not more than
15 seventeen dollars and fifty cents additional for each one hundred or part
16 of one hundred fur-bearing animals harvested, (b)(i) for persons sixteen
17 years of age and older, not more than one hundred ~~thirty-eight~~ six
18 dollars for an annual hunting permit and (ii) for persons under sixteen
19 years of age, not less than the fee required pursuant to subdivision (3)
20 (a) of this section for an annual hunting permit, (c) not more than
21 ~~ninety-five~~ seventy-three dollars for a two-day hunting permit plus the
22 cost of a habitat stamp, (d) not more than ~~fifteen~~ twelve dollars for a
23 one-day fishing permit, (e) not more than ~~twenty-nine~~ twenty-two dollars
24 for a three-day fishing permit, (f) not more than ~~eighty-six~~ sixty-six
25 dollars for an annual fishing permit, and (g)(i) for persons sixteen
26 years of age and older, not more than ~~two hundred seven~~ one hundred
27 ~~fifty-nine~~ dollars for an annual fishing and hunting permit and (ii) for
28 persons under sixteen years of age, not less than the fee required
29 pursuant to subdivision (3)(e) of this section for an annual fishing and
30 hunting permit.

31 (5) The commission may offer permits or combinations of permits at

1 temporarily reduced rates for specific events or during specified
2 timeframes.

3 Sec. 3. Section 37-447, Revised Statutes Cumulative Supplement,
4 2022, is 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 permits
9 or combinations of permits at temporarily reduced rates for specific
10 events or during specified timeframes. The commission may specify by rule
11 and regulation the information to be required on applications for such
12 permits. Rules and regulations for the hunting, transportation, and
13 possession of deer may include, but not be limited to, rules and
14 regulations as to the type, caliber, and other specifications of firearms
15 and ammunition used and specifications for bows and arrows used. Such
16 rules and regulations may further specify and limit the method of hunting
17 deer and may provide for dividing the state into management units or
18 areas, and the commission may enact different deer hunting regulations
19 for the different management units pertaining to sex, species, and age of
20 the deer hunted.

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

30 (3) Such permits may be issued to allow deer hunting in the Nebraska
31 National Forest and other game reserves and such other areas as the

1 commission may designate whenever the commission deems that permitting
2 such hunting will not be detrimental to the proper preservation of
3 wildlife in Nebraska in such forest, reserves, or areas.

4 (4)(a) The commission may, pursuant to section 37-327, establish and
5 charge a nonrefundable application fee of not more than seven dollars for
6 deer permits in those management units awarded on the basis of a random
7 drawing. The commission shall, pursuant to section 37-327, establish and
8 charge a fee of not more than thirty-nine dollars for residents and not
9 more than three ~~two~~ hundred sixty-nine ~~eighty-four~~ dollars for
10 nonresidents for each permit issued under this section except as
11 otherwise provided in subdivision (b) of this subsection and subsection
12 (6) of this section. The commission may, pursuant to section 37-327,
13 establish and charge a fee of not more than twenty-four dollars for
14 residents and not more than seventy-two dollars for nonresidents for the
15 issuance of a preference point, in addition to any application fee, in
16 lieu of entering the draw for a deer permit during the application period
17 for the random drawing.

18 (b) The fee for a statewide buck-only permit limited to white-tailed
19 deer shall be no more than two and one-half times the amount of a regular
20 deer permit. The fee for a statewide buck-only deer permit that allows
21 harvest of mule deer shall be no more than five times the amount of a
22 regular deer permit.

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

26 (b) In management units specified by the commission, the commission
27 may issue nonresident permits after resident preference has been provided
28 by allocating at least eighty-five percent of the available permits to
29 residents. The commission may require a predetermined application period
30 for permit applications in specified management units. Such permits shall
31 be issued after a reasonable period for making application, as

1 established by the commission, has expired. When more valid applications
2 are received for a designated management unit than there are permits
3 available, such permits shall be allocated on the basis of a random
4 drawing. All valid applications received during the predetermined
5 application period shall be considered equally in any such random drawing
6 without regard to time of receipt of such applications by the commission.

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

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

14 Sec. 4. Section 37-448, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

16 37-448 (1) Subject to rules and regulations adopted and promulgated
17 by the commission, the secretary of the commission may designate, by
18 order, special deer, antelope, and elk depredation seasons or extensions
19 of existing hunting seasons. The secretary may designate a depredation
20 season or an extension of an existing hunting season whenever he or she
21 determines that deer, antelope, or elk are causing excessive property
22 damage. The secretary shall specify the number of permits to be issued,
23 the species, sex, and number or quota of animals allowed to be taken, the
24 bag limit for such species, the beginning and ending dates for the
25 depredation season or hunting season extension, only limitations on
26 nonresident permits, shooting hours, the length of the depredation season
27 or hunting season extension, and the geographic area in which hunting
28 will be permitted. The rules and regulations shall allow use of any
29 weapon permissible for use during the regular deer, antelope, or elk
30 season.

31 (2) The depredation season may commence not less than five days

1 after the first public announcement that the depredation season has been
2 established. Permits shall be issued in an impartial manner at a location
3 determined by the secretary. The commission shall, pursuant to section
4 37-327, establish and charge a fee of not more than twenty-five dollars
5 for a resident special depredation season permit and a fee of not more
6 than seventy-five dollars for a nonresident special depredation season
7 permit. The commission shall, pursuant to section 37-327, establish and
8 charge a fee of not more than ten dollars for a landowner special
9 depredation season permit for the taking of deer and antelope for any
10 person owning or operating at least twenty acres of farm or ranch land
11 within the geographic area in which hunting will be permitted and to any
12 member of the immediate family of any such person as defined in
13 subdivision (2)(a) of section 37-455, and for the taking of elk for any
14 person owning or operating at least eighty acres of farm or ranch land
15 within the geographic area in which hunting will be permitted and to any
16 member of the immediate family of such person as defined in subdivision
17 (2)(a) of section 37-455. A special depredation season permit shall be
18 valid only within such area and only during the designated depredation
19 season. The commission shall use the income from the sale of special
20 depredation season permits for abatement of damage caused by deer,
21 antelope, and elk. Receipt of a depredation season permit shall not in
22 any way affect a person's eligibility for a permit issued under section
23 37-447, 37-449, 37-450, or 37-455.

24 Sec. 5. Section 37-449, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 37-449 (1) The commission may issue permits for hunting antelope and
27 may adopt and promulgate separate and, when necessary, different rules
28 and regulations therefor within the limitations prescribed in sections
29 37-447 and 37-452 for hunting deer. The commission may offer permits or
30 combinations of permits at reduced rates for specific events or during
31 specified timeframes.

1 (2) The commission may, pursuant to section 37-327, establish and
2 charge a nonrefundable application fee of not more than seven dollars for
3 antelope permits in those management units awarded on the basis of a
4 random drawing. The commission shall, pursuant to section 37-327,
5 establish and charge a fee of not more than thirty-nine dollars for
6 residents and not more than two ~~one~~ hundred fifty-seven ~~ninety-eight~~
7 dollars for nonresidents for each permit issued under this section except
8 as provided in subsection (4) of this section. The commission may,
9 pursuant to section 37-327, establish and charge a fee of not more than
10 twenty-four dollars for residents and not more than seventy-two dollars
11 for nonresidents for the issuance of a preference point, in addition to
12 any application fee, in lieu of entering the draw for an antelope permit
13 during the application period for the random drawing.

14 (3) The provisions for the distribution of deer permits and the
15 authority of the commission to determine eligibility of applicants for
16 permits as described in sections 37-447 and 37-452 shall also apply to
17 the distribution of antelope permits.

18 (4) The commission shall, pursuant to section 37-327, establish and
19 charge a fee of not more than twenty-five dollars for residents and not
20 more than forty-five dollars for nonresidents for a youth antelope
21 permit.

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

26 Sec. 6. Section 37-451, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 37-451 (1) The commission may issue permits for hunting mountain
29 sheep and may adopt and promulgate separate and, when necessary,
30 different rules and regulations therefor within the limitations
31 prescribed in subsection (1) of section 37-447 and section 37-452 for

1 hunting deer. Such rules and regulations shall include provisions
2 allowing persons who find dead mountain sheep, or any part of a mountain
3 sheep, to turn over to the commission such mountain sheep or part of a
4 mountain sheep. The commission may dispose of such mountain sheep or part
5 of a mountain sheep as it deems reasonable and prudent. Except as
6 otherwise provided in this section, the permits shall be issued to
7 residents of Nebraska.

8 (2) The commission shall, pursuant to section 37-327, establish and
9 charge a nonrefundable application fee of not more than thirty-four
10 dollars for permits issued only to residents. Any number of resident-only
11 permits, as authorized by the commission, shall be awarded by random
12 drawing to eligible applicants. No permit fee shall be charged in
13 addition to the nonrefundable application fee.

14 (3) No more than one additional permit may be authorized and issued
15 pursuant to an auction open to residents and nonresidents. The auction
16 shall be conducted according to rules and regulations prescribed by the
17 commission. Any money derived from the sale of permits by auction shall
18 be used only for perpetuation and management of mountain sheep, elk, and
19 deer.

20 (4) If the commission determines to limit the number of permits
21 issued for any or all management units, the commission shall by rule and
22 regulation determine eligibility requirements for the permits.

23 (5) A person may obtain only one mountain sheep permit in his or her
24 lifetime, except that an auction permit issued in accordance with
25 subsection (3) of this section to harvest a mountain sheep shall not
26 count against such total.

27 (6) Any person violating the rules and regulations adopted and
28 promulgated pursuant to this section shall be guilty of a Class III
29 misdemeanor and shall be fined at least five hundred dollars upon
30 conviction.

31 Sec. 7. Section 37-453, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 37-453 Applications for the special permits provided for in section
3 37-447 or 37-449 shall be made individually or on a unit basis. If such
4 application is made on a unit basis, not more than six ~~two~~ applicants may
5 apply for such permit in one application. If such application is granted,
6 such special permits shall be issued to the persons so applying. If any
7 one of the persons so applying shall be ineligible to receive such
8 special permit, the entire group so applying shall be disqualified. No
9 person applying for such special permit on a unit basis shall also apply
10 individually.

11 Sec. 8. Section 37-457, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 37-457 (1) The commission may issue permits for hunting wild turkey
14 and prescribe and establish regulations and limitations for the hunting,
15 transportation, and possession of wild turkey. The commission may offer
16 multiple-year permits or combinations of permits at reduced rates. The
17 number of such permits may be limited as provided by the regulations of
18 the commission, but the permits shall be disposed of in an impartial
19 manner. Such permits may be issued to allow wild turkey hunting in the
20 Nebraska National Forest and other game reserves and such other areas as
21 the commission may designate whenever the commission deems that
22 permitting such hunting would not be detrimental to the proper
23 preservation of wildlife in such forest, reserves, or areas.

24 (2) The commission shall, pursuant to section 37-327, establish and
25 charge a fee of not more than thirty-one dollars for residents and not
26 more than one hundred sixty-four ~~twenty-six~~ dollars for nonresidents for
27 each permit issued under this section except as provided in subsection
28 (5) of this section.

29 (3) The commission may issue nonresident permits after preference
30 has been given for the issuance of resident permits as provided in rules
31 and regulations adopted and promulgated by the commission. The commission

1 may require a predetermined application period for permit applications in
2 specified management units.

3 (4) The provisions of section 37-447 for the distribution of deer
4 permits also may apply to the distribution of wild turkey permits. No
5 permit to hunt wild turkey shall be issued without payment of the fee
6 required by this section.

7 (5) The commission shall, pursuant to section 37-327, establish and
8 charge a fee of not more than twenty-five dollars for residents and not
9 more than forty-five dollars for nonresidents for a youth wild turkey
10 permit.

11 Sec. 9. Section 37-492, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 37-492 The commission may adopt and promulgate rules and regulations
14 and pass commission orders for carrying out, administering, and enforcing
15 the provisions of sections 37-484 to 37-496. The commission shall limit
16 the number of areas proposed for licensing so that the total acreage
17 licensed for game breeding and controlled shooting areas in any one
18 county does not exceed five ~~two~~ percent of the total acreage of the
19 county in which the areas are sought to be licensed. The commission shall
20 not require distances between boundaries of game breeding and controlled
21 shooting areas to be greater than two miles. No license shall be issued
22 for any area whereon mallard ducks are shot or to be shot if the area
23 lies within three miles of any river or within three miles of any lake
24 with an area exceeding three acres, except that a license may be issued
25 for such area for the shooting of upland game birds only, and the rearing
26 or shooting of mallard ducks thereon is prohibited.

27 Sec. 10. Section 37-708, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 37-708 (1) It shall be unlawful within the boundaries of the state
30 game refuges designated in section 37-706 for any person (a) to hunt or
31 chase with dogs any game birds, game animals, or other birds or animals

1 of any kind or description whatever, (b) to carry firearms of any kind,
2 or (c) from October 15 through January 15 each year to operate a
3 motorboat as defined in section 37-1204.

4 (2) This section shall not prevent highway or railroad transport of
5 firearms or dogs across the refuge, retrieval of game birds lawfully
6 killed from such refuge, or the taking of fur-bearing animals by the use
7 of traps during lawful open seasons on the refuge.

8 (3) This section shall not prevent the commission from issuing such
9 permits as may be necessary for the killing of animal or bird predators
10 that may endanger game birds or game animals or the domestic property of
11 adjacent landowners or from issuing permits as provided in sections
12 37-447 to 37-452 for the taking of deer or elk from such refuges whenever
13 the number of deer or elk on such refuges is deemed detrimental to
14 habitat conditions on the refuges or to adjacent privately owned real or
15 personal property.

16 (4) This section shall not prevent the owners of land or dwellings
17 or their relatives or invitees from operating any motorboat within the
18 boundaries of the refuge for purposes of access by the most direct route
19 to and from such land or dwellings.

20 Sec. 11. Original sections 37-104, 37-451, 37-453, 37-457, 37-492,
21 and 37-708, Reissue Revised Statutes of Nebraska, and sections 37-407,
22 37-447, 37-448, and 37-449, Revised Statutes Cumulative Supplement, 2022,
23 are repealed.