

LEGISLATIVE BILL 1169

Approved by the Governor February 18, 1972

Introduced by J. James Waldron, 42nd District

AN ACT to amend sections 81-815.37 and 81-815.38, Reissue Revised Statutes of Nebraska, 1943, sections 81-815.39 and 81-1204, Revised Statutes Supplement, 1969, and section 81-805, Revised Statutes Supplement, 1971, relating to tourism; to transfer the powers, duties and functions regarding tourism to the Department of Economic Development from the Game and Parks Commission as prescribed; to provide authority for the Game and Parks Commission; and to repeal the original sections.

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

Section 1. That section 81-805, Revised Statutes Supplement, 1971, be amended to read as follows:

81-805. Except as herein otherwise provided, the Game and Parks Commission shall have sole charge of state parks, game and fish, recreation grounds, and all things pertaining thereto. All funds rendered available by law, including funds already collected for said purposes, may be used by the commission in administering and developing such resources. The commission shall adopt and carry into effect plans to replenish and stock the state with game and whenever it is in the best interest of the public to do so, to stock the streams, lakes, and ponds, whether public or private, of this state with fish. It may plan such extensions and additions to existing hatcheries and such new plants as may be necessary to supply fully the state with game and fish, and cause said plans to be executed, after ascertaining the cost thereof. With the consent of the Governor, it may by purchase, when funds on hand or appropriated therefor are sufficient, or by gift, devise, or otherwise, acquire title in the name of the State of Nebraska to sites therein situated outside organized municipalities, for additional state parks, hatcheries, recreation grounds, game farms, game refuges, and public shooting grounds, and may enter into appropriate contracts with reference thereto, all within the limits of amounts that may be appropriated, contributed, or available therefor. For these purposes, the commission may enter into appropriate contracts, leases, or lease-purchase agreements. The commission, with the consent of the Governor, is authorized to take, receive, and hold, either in the name of the state or in trust for the state, exempt from

taxation, any grant or devise of lands and any gift or bequest of money or other personal property made in furtherance of the purposes contemplated by this section, and shall have such funds, or the proceeds of such property, invested. Such invested funds shall be known as the State Park and Game Refuge Fund, and shall be used and expended under the direction of the commission. Any money in the State Park and Game Refuge Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259. The commission is authorized to make a survey of all lands and areas in the state which are suitable for state parks, game refuges, or other similar purposes contemplated by this section, and to locate and designate any or all of such lands or areas, or parts thereof, and to take such action as may tend to preserve or conserve the same. The commission shall publish such informational material as it deems necessary and may, at its discretion, charge appropriate fees therefor. The commission is authorized and empowered to adopt and promulgate rules and regulations, under the procedures set forth in sections 84-901 to 84-919, governing the administration and use of all property, real and personal, under its ownership or control, and the commission is charged with the duty and responsibility of adopting such regulations as it shall deem necessary to administer the following activities and facilities:

(1) The commission may adopt regulations to designate camping areas on appropriate lands under its ownership or control and to permit camping thereon. As a condition to such permission, the commission may prescribe such rules and regulations as are reasonable and proper governing public use of such camping areas including, but not limited to, access to camping areas, area capacity, sanitation, opening and closing hours, public safety, fires, establishment and collection of fees where appropriate, protection of property, and zoning of activities, such rules and regulations to be posted on appropriate signs at the areas; Provided, that any person who camps on lands owned or controlled by the commission not designated as a camping area by the commission, or any person who fails to observe the conditions of occupancy, use, or access, posted as provided in this section, shall not have permission. Any person violating the provisions of the regulations above authorized shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(2) The commission may adopt regulations permitting any type of fire, including the smoking of tobacco in any form, and providing for the size,

location, and the conditions under which a fire may be established on any area under its ownership or control. The commission may enact regulations permitting the possession, or use, of any type of fireworks not prohibited by law on any areas under its ownership or control. The commission may adopt regulations authorizing management personnel to temporarily revoke permission by the posting of appropriate signs for all fires of any kind whatsoever, including smoking and the use of fireworks, in any area under its ownership or control, when such posting is in the interest of public health, safety, and welfare, or for the preservation of property; Provided, that any person who shall light any type of fire, who shall use any fireworks, or who shall smoke tobacco in any form, or who shall leave, unattended and unextinguished, any fire of any type in any location, in any area under the ownership or control of the commission, unless the commission shall have given permission, which permission shall not have been revoked, to such type of fire, use or possession of fireworks, or to such smoking of tobacco, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(3) The commission may adopt regulations permitting pets, domestic animals, and poultry, to be brought upon, possessed, grazed, maintained, or run at large, on any area, or portion of any area, under its ownership or control; Provided, that any person who brings upon, possesses, grazes, maintains, or permits to run at large his pets, domestic animals, or poultry on any area, or portion of any area, under the ownership or control of the commission, unless the commission shall have permitted such bringing upon, possession, grazing, maintaining, or running at large, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(4) The commission is authorized to enact regulations, temporarily or permanently, permitting hunting, fishing, or the public use of firearms, bow and arrow, or any other projectile weapons or devices on any area or any portion of any area under its ownership or control. The commission is authorized to enact special regulations permitting trapping on any such area or areas; Provided, that any person who shall, without the permission of the commission, hunt, fish, trap, or use firearms, bow and arrow, or any other projectile weapon or device on any area or any portion of any area under the ownership or control of the commission, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(5) The commission is authorized to enact regulations permitting swimming, bathing, boating, wading, water skiing, and the use of any floatation device on all or any portion of any area under its ownership or control. Such regulations may include permission for swimming, bathing, boating, water skiing, wading, or the use of floatation devices, and all other water-related recreational activities in all areas, or any portion of any specific area, under the ownership or control of the commission, and may provide for special general conditions for specific swimming, water skiing, boating, bathing, or wading areas, which shall be posted at such areas; Provided, that any person who shall swim, bathe, boat, wade, water ski, or use any floatation device on all or any portion of any area under the ownership or control of the commission, unless the commission shall have given permission for such activity in the specific area or portion thereof, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(6) The commission may enact regulations relating to the protection, use or removal of, any public real or personal property on any area under its ownership or control, and may regulate or prohibit the construction or installation of any privately-owned structure on such area. The commission may close all or any portion of any area under its ownership or control to any form of public use or access with the erection of proper signs, without the enactment of formal written regulations; Provided, that any person who shall, without the permission of the commission, construct or install any privately-owned structure, or who shall use or remove any public real or personal property, on any area under the ownership or control of the commission, or who shall enter or remain upon all or any portion of any area under the ownership or control of the commission, where proper signs or public notices prohibiting the same have been erected or displayed, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(7) Any person who shall abandon any motor vehicle, trailer, or other conveyance, in any area under the ownership or control of the commission, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(8) The commission is authorized to enact regulations permitting the sale, trade, or vending of any goods, products or commodities of any type in any area under its ownership or control; Provided, that any person

who shall sell, trade, or vend any goods, products or commodities of any type, in any area under the ownership or control of the commission, without having received the prior permission of the commission for such activity, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(9) Where the permission of the commission is required as a prerequisite to any activity set out in sections 39-736 to 39-738 and this section, such permission shall be established by resolution of the commission; Provided, that such resolution may set out the circumstances under which the supervisor or managing official in charge of any area under the ownership or control of the commission may give such permission in emergency situations, and such resolutions may further provide for the revocation of such permission by the secretary of the commission, or by the supervisor or managing official of any area under the ownership and control of the commission. Any law enforcement official, including any conservation officer or deputy conservation officer, is authorized to enforce the provisions of sections 39-736 to 39-738 and this section. Where a violation has occurred in or on any area under the ownership or control of the commission any conservation officer or deputy conservation officer may arrest and detain any person committing such violation, or committing any misdemeanor or felony as provided by the laws of this state until a legal warrant can be obtained. Any person guilty of a misdemeanor as set forth in sections 39-736 to 39-738 and this section shall, upon conviction thereof, be punished by a fine of not less than ten dollars, nor more than one hundred dollars, or by imprisonment in the county jail not to exceed thirty days, or both such fine and imprisonment.

The commission is authorized to issue, regardless of any other requirements or qualifications of law, without cost, special fishing permits to wards of the state, on a group basis, for therapeutic purposes, when application has been made to the commission by the head of the appropriate state institution involved. The commission is further authorized to enter into agreements with other states bordering on the Missouri River providing for reciprocal recognition of licenses, permits, and laws of the agreeing states. ~~The commission is also authorized and shall have the duty, when funds have been made available, to advertise and promote the scenic, historic and outdoor recreational values and attractions of the state, and to do such things pertaining thereto as will attract nonresident trade to Nebraska.~~ The commission may disseminate information on

the state park system and the wildlife resources of the state so as to inform the public of the outdoor recreation opportunities to be found in Nebraska.

The commission is authorized to grant easements across real estate under its control for purposes that are in the public interest and do not negate the primary purpose for which the real estate is owned or controlled by the commission.

Sec. 2. That section 81-815.37, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~81-815.37:~~ In order to promote the tourist potential of the State of Nebraska and provide a regularly established method whereby private interests may contribute to the promotion of such tourist potential, the ~~Game,--Forestation--and--Parks--Commission~~ Department of Economic Development, or a successor to such commission department, is hereby authorized to issue and charge for Nebraska Tourist Promotion Stamps. Such stamps may be purchased by any individual, partnership or corporation, and may be used, and affixed entirely on a voluntary basis, on any menu, map, bill, paper, brochure, envelope or other printed material of any business or promotional nature, or any other nature whatsoever. The purchase and use of such stamps will serve to indicate that the individual, partnership or corporation believes in and tangibly supports the promotion of the tourist potential of the State of Nebraska.

Sec. 3. That section 81-815.38, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~81-815.38:~~ The ~~Game,--Forestation--and--Parks~~ Commission Department of Economic Development, or a successor to such commission department, may design and price such stamps as it may, in the best interests of the program, so desire. It is the intent of sections ~~81-815.37 to 81-815.39~~ 2 to 4 of this act that such stamps shall be available in an attractive color and design and be sold at such rates as will promote wide use and distribution.

Sec. 4. That section 81-815.39, Revised Statutes Supplement, 1969, be amended to read as follows:

~~81-815.39:~~ All funds obtained from the sale of Nebraska Tourist Promotion Stamps shall be deposited in the state treasury to the credit of the Tourist Promotion Fund, which is hereby established. All expenses of

printing and distribution of the stamps shall be expended from such fund, and the balance of such fund shall be expended by the ~~Game-and-Parks-Commission~~ Department of Economic Development, or a successor thereto, to promote the tourist potential of this state. Any money in the Tourist Promotion Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 5. That section 81-1204, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1204. The Department of Economic Development shall have the following powers and duties:

(1) To conduct, supervise, and direct surveys in cooperation with the State Office of Planning and Programming and report to the Governor with recommendations for legislation, or other appropriate action as it may deem necessary, with respect to the following matters insofar as they are or may be related to the future development:

- (a) Industrial materials and facilities,
- (b) Production and manufacturing facilities,
- (c) Agriculture, food supply and land use,
- (d) Labor supply and training, labor relations and human resources, professions, trades and skills,
- (e) Housing and related facilities,
- (f) Finance, and
- (g) Urban and rural affairs;

(2) To furnish information to agricultural and industrial associations, to public, private, and civic agencies, and to individuals as regards the possibilities of future development in Nebraska;

(3) To cooperate with similar departments, commissions, or councils in the federal government and in other states;

(4) To adopt, amend, and repeal rules, regulations, and by-laws governing its procedure and activities;

(5) To create committees to aid in the discharge of its powers and duties;

(6) To direct the cooperation and assistance of state and local governmental agencies and officials on matters relating to community and economic development;

(7) To provide staff services to urban renewal authorities for cities of the first class, second class, and villages on a contractual basis;

(8) To cooperate with and provide technical assistance to counties, municipalities, official organizations of elected officials, planning commissions, parks or recreation boards, urban renewal agencies, community development groups, and similar organizations;

(9) To assist the Governor in coordinating the activities of state agencies which have an impact on the solution of community development problems and the implementation of community and county plans and programs;

(10) To encourage and, when requested, assist the efforts of local governments to develop mutual and cooperative solutions to their common problems;

(11) To study existing legal provisions that affect the structure and financing of local government and those state activities which involve significant relations with local government units; and recommend to the Governor and the Legislature such changes in these provisions and activities as may seem necessary to strengthen local government;

(12) To serve as a clearing house for information, data, and other materials which may be helpful or necessary to local governments to discharge their responsibilities;

(13) To conduct continuing studies and analyses of the problems faced by communities within the state and develop such recommendation for administrative or legislative action as appear necessary;

(14) To develop and test model or demonstration programs and projects, contract to administer certain functions or services within a community of the state for such purposes, or otherwise provide a program of practical research in the solution of community problems;

(15) To submit and adopt all necessary plans; enter into contracts; accept gifts, grants, and federal funds; and do all things necessary and proper to discharge these powers and duties; and

(16) To do all acts and things, not inconsistent with the law, for the further development of Nebraska's agricultural, community, and industrial resources and overall economic development; and

(17) When funds have been made available, to advertise and promote the scenic, historic and outdoor recreational values and attractions of the state, and to do such things pertaining thereto as will attract nonresident trade to Nebraska.

Sec. 6. That original sections 81-815.37 and 81-815.38, Reissue Revised Statutes of Nebraska, 1943, sections 81-815.39 and 81-1204, Revised Statutes Supplement, 1969, and section 81-805, Revised Statutes Supplement, 1971, are repealed.