

LEGISLATIVE BILL 1088

Approved by the Governor April 19, 1994

Introduced by Wickersham, 49

AN ACT relating to the Game Law; to amend sections 37-101, 37-102, and 37-215, Revised Statutes Supplement, 1993; to define and redefine terms; to change provisions relating to hunting permits; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 37-101, Revised Statutes Supplement, 1993, be amended to read as follows:

37-101. For purposes of the Game Law, unless the context otherwise requires:

(1) Captive propagation shall mean to hold live raptors in a controlled environment that is intensively manipulated by humans for the purpose of producing raptors of selected species and that has boundaries designed to prevent raptors, eggs, or gametes of the selected species from entering or leaving the controlled environment;

(2) Commercial exploitation shall mean buying, selling, or bartering for economic or financial gain by any person, partnership, limited liability company, association, or corporation;

(3) Disabled person shall mean any person certified by a physician to have a permanent physical impairment which limits personal mobility and results in an inability to travel unassisted more than two hundred feet without the use of a wheelchair, crutch, walker, prosthetic, orthotic, or other assistance device as allowed by rules and regulations adopted and promulgated by the commission;

(4) Commission shall mean the Game and Parks Commission;

(5) ~~(4)~~ Ecologic harm shall mean significant loss, disadvantage, or injury to the relationships between organisms and their environment;

(6) ~~(5)~~ Economic harm shall mean significant loss, disadvantage, or injury to personal or material resources;

(7) ~~(6)~~ Falconry shall mean the sport of taking quarry by means of a trained raptor;

(8) ~~(7)~~ Fur harvesting shall mean taking or attempting to take any fur-bearing animal by any means as prescribed by rules and regulations of the commission;

(9) ~~(8)~~ Fur-bearing animals shall mean all beaver, martens, minks except mutation minks, muskrats, raccoons, opossums, and otters;

(10) ~~(9)~~ Game shall mean all game fish, bullfrogs, snapping turtles, tiger salamanders, mussels, crows, game animals, fur-bearing animals, game birds, and all other birds and creatures protected by the Game Law;

(11) ~~(10)~~ Game animals shall mean all antelope, cottontail rabbits, deer, elk, mountain sheep, and squirrels;

(12) ~~(11)~~ Game birds shall mean coots, cranes, curlew, doves, ducks, geese, grouse, partridges, pheasants, plovers, prairie chickens, quail, rails, snipes, swans, woodcocks, wild turkeys, and all migratory waterfowl;

(13) ~~(12)~~ Game fish shall mean all fish except buffalo, carp, gar, quillback, sucker, and gizzard shad;

(14) ~~(13)~~ Hunt shall mean to take, pursue, shoot, kill, capture, collect, or attempt to take, pursue, shoot, capture, collect, or kill;

(15) ~~(14)~~ Officer shall mean every person authorized to enforce the Game Law;

(16) ~~(15)~~ Person, owner, proprietor, grantee, lessee, and licensee shall mean and include individuals, partnerships, limited liability companies, associations, corporations, and municipalities;

(17) ~~(16)~~ Raptor shall mean any bird of the Falconiformes or Strigiformes, except the golden and bald eagles;

(18) ~~(17)~~ Raw fur shall mean the green pelts of any fur-bearing animal except commercially reared mutations;

(19) ~~(18)~~ Trapping shall mean to take or attempt to take any fur-bearing animal by any snare, steel-jawed spring trap, or box trap; and

(20) ~~(19)~~ Upland game birds shall mean all species and subspecies of quail, partridges, pheasants, wild turkeys, and grouse, including prairie chickens, on which an open season is in effect.

Sec. 2. That section 37-102, Revised Statutes Supplement, 1993, be amended to read as follows:

37-102. Sections 37-101 to 37-726 and 37-1401 to 37-1408 and

section 3 of this act shall be known and may be cited as the Game Law.

Sec. 3. A permit issued to a disabled person to hunt and kill deer, antelope, or elk shall not have a limitation regarding the sex of such animal unless, for management purposes, the commission determines that all permits issued, in the management unit in which the application for a permit is made, shall have a limitation regarding the sex of the animal.

Sec. 4. That section 37-215, Revised Statutes Supplement, 1993, be amended to read as follows:

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 pertains 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 3 of this act but 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 dollars and not more than one hundred thirty 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. 5. That original sections 37-101, 37-102, and 37-215, Revised Statutes Supplement, 1993, are repealed.