

LEGISLATURE OF NEBRASKA  
NINETY-SEVENTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 111**  
FINAL READING

Introduced by Baker, 44

Read first time January 4, 2001

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to game and parks; to amend sections 37-407,  
2 37-413, 37-414, and 37-455, Reissue Revised Statutes of  
3 Nebraska, and sections 37-409, 37-415, 37-426, 37-427,  
4 and 37-431, Revised Statutes Supplement, 2000; to change  
5 provisions relating to firearm and bow hunter education,  
6 limited deer permits, and fees; to provide for a lifetime  
7 habitat stamp; to provide powers and duties; to harmonize  
8 provisions; to provide an operative date; and to repeal  
9 the original sections.  
10 Be it enacted by the people of the State of Nebraska,

1                   Section 1.   Section 37-407, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   37-407. The commission shall establish fees pursuant to  
4 section 37-327 to be paid to the state for resident and nonresident  
5 hunting permits, annual fishing permits, three-day fishing permits,  
6 combined fishing and hunting permits, and fur-harvesting permits,  
7 as follows:

8                   (1) Resident fees shall be (a) not less than eight  
9 dollars and fifty cents and not more than eleven dollars for  
10 hunting, (b) not less than eleven dollars and fifty cents and not  
11 more than fifteen dollars for fishing, (c) not less than seven  
12 dollars and fifty cents and not more than ten dollars for a  
13 three-day fishing permit, (d) not less than nineteen dollars and  
14 fifty cents and not more than twenty-five dollars for both fishing  
15 and hunting, and (e) not less than fifteen dollars and not more  
16 than twenty dollars for fur harvesting; and

17                   (2) Nonresident fees shall be (a) not less than two  
18 hundred dollars and not more than two hundred sixty dollars for a  
19 period of time specified by the commission for fur harvesting one  
20 thousand or less fur-bearing animals and not less than ten dollars  
21 additional and not more than fifteen dollars additional for each  
22 one hundred or part of one hundred fur-bearing animals harvested,  
23 (b)(i) for persons sixteen years of age and older, not less than  
24 fifty-five dollars and not more than seventy-two dollars for  
25 hunting and (ii) for persons under sixteen years of age, not less  
26 than the fee required pursuant to subdivision (1)(a) of this  
27 section for hunting, (c) not less than ten dollars and seventy-five  
28 cents and not more than fourteen dollars for a three-day fishing

1 permit, and (d) not less than thirty-five dollars and not more than  
2 forty-five dollars for an annual fishing permit.

3 Sec. 2. Section 37-409, Revised Statutes Supplement,  
4 2000, is amended to read:

5 37-409. The commission may issue a replacement permit  
6 for hunting, fishing, both hunting and fishing, or fur harvesting  
7 or for such other permits as may be issued by the commission to any  
8 person who has lost his or her original permit upon receipt from  
9 such person of satisfactory proof of purchase and an affidavit of  
10 loss of such original permit. The commission shall prescribe the  
11 procedures for applying for a replacement permit and may authorize  
12 electronic issuance. The commission may also designate agents to  
13 issue replacement permits pursuant to section 37-406. A fee of not  
14 less than one dollar and fifty cents and not more than five  
15 dollars, as established by the commission, ~~pursuant to section~~  
16 ~~37-327,~~ shall be charged for the issuance of each replacement  
17 permit.

18 Sec. 3. Section 37-413, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 37-413. (1) For the purpose of establishing and  
21 administering a mandatory firearm hunter education program for  
22 persons born on or after January 1, 1977, who hunt with a firearm  
23 or crossbow any species of game, game birds, or game animals, the  
24 commission shall provide a program of firearm hunter education  
25 training leading to obtaining a certificate of successful  
26 completion in the safe handling of firearms and shall locate and  
27 train volunteer firearm hunter education instructors. The program  
28 shall provide a training course having a minimum of (a) ten hours

1 of classroom instruction or (b) independent study on the part of  
2 the student sufficient to pass an examination given by the  
3 commission followed by such student's participation in a minimum of  
4 six hours of practical instruction. The program shall provide  
5 instruction in the areas of safe firearms use, shooting and  
6 sighting techniques, hunter ethics, game identification, and  
7 conservation management. The commission shall issue a firearm  
8 hunter education certificate of successful completion to persons  
9 having satisfactorily completed a firearm hunter education course  
10 accredited by the commission and shall print, purchase, or  
11 otherwise acquire materials as necessary for effective program  
12 operation.

13 (2) It shall be unlawful for any person born on or after  
14 January 1, 1977, to hunt with a firearm or crossbow any species of  
15 game, game birds, or game animals except:

16 ~~(1)~~ (a) A person under the age of twelve years who is  
17 accompanied by a person nineteen years of age or older having a  
18 valid hunting permit; and

19 ~~(2)~~ (b) A person born on or after January 1, 1977, who  
20 has on his or her person a hunter education certificate of  
21 successful completion issued by the person's state or province of  
22 residence or a firearm hunter education certificate issued by an  
23 accredited program recognized by the commission.

24 Sec. 4. Section 37-414, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 37-414. (1) The commission shall establish and  
27 administer a bow hunter education program consisting of a minimum  
28 of (a) ten hours of classroom instruction or (b) independent study

1 on the part of the student sufficient to pass an examination given  
2 by the commission followed by such student's participation in a  
3 minimum of six hours of practical instruction. The program shall  
4 provide instruction in the safe use of bow hunting equipment, the  
5 fundamentals of bow hunting, shooting and hunting techniques, game  
6 identification, conservation management, and hunter ethics. When  
7 establishing such a program, the commission shall train volunteers  
8 as bow hunter education training instructors. The commission shall  
9 issue a certificate of successful completion to any person who  
10 satisfactorily completes a bow hunter education program established  
11 by the commission and shall print, purchase, or otherwise acquire  
12 materials necessary for effective program operation. The  
13 commission shall adopt and promulgate rules and regulations for  
14 carrying out and administering such program.

15 (2) A person born on or after January 1, 1977, who is  
16 hunting antelope, deer, elk, mountain sheep, or wild turkey with a  
17 bow and arrow pursuant to any provision of sections 37-447 to  
18 37-453 and 37-457 shall have on his or her person a bow hunter  
19 education certificate of successful completion issued by his or her  
20 state or province of residence or a bow hunter education  
21 certificate issued by an accredited program recognized by the  
22 commission.

23 Sec. 5. Section 37-415, Revised Statutes Supplement,  
24 2000, is amended to read:

25 37-415. (1) The commission may issue to any Nebraska  
26 resident a lifetime fishing, hunting, or combination hunting and  
27 fishing permit upon application and payment of the appropriate fee.  
28 The fee for a lifetime hunting permit shall be not less than two

1 hundred dollars and not more than two hundred sixty dollars, the  
2 fee for a lifetime fishing permit shall be not less than two  
3 hundred thirty dollars and not more than three hundred dollars, and  
4 the fee for a lifetime combination hunting and fishing permit shall  
5 be not less than four hundred dollars and not more than five  
6 hundred twenty dollars, as such fees are established by the  
7 commission pursuant to section 37-327. Payment of the fee shall be  
8 made in a lump sum at the time of application.

9 (2) A lifetime permit shall not be made invalid by reason  
10 of the holder subsequently residing outside the state.

11 (3) A replacement lifetime permit may be issued if the  
12 original has been lost or destroyed. The fee for a replacement  
13 shall be not less than one dollar and fifty cents and not more than  
14 five dollars, as established by the commission. ~~pursuant to~~  
15 ~~section 37-327.~~

16 (4) The commission shall adopt and promulgate rules and  
17 regulations to carry out this section and sections 37-416 and  
18 37-417.

19 Sec. 6. Section 37-426, Revised Statutes Supplement,  
20 2000, is amended to read:

21 37-426. (1) Except as provided in subsection ~~(2)~~ (3) of  
22 this section:

23 (a) No resident of Nebraska sixteen years of age or older  
24 and no nonresident of Nebraska regardless of age shall hunt,  
25 harvest, or possess any game bird, upland game bird, game animal,  
26 or fur-bearing animal unless, at the time of such hunting,  
27 harvesting, or possessing, such person carries on or about his or  
28 her person an unexpired habitat stamp validated as prescribed by

1 the rules and regulations of the commission prior to the time of  
2 hunting, harvesting, or possessing such bird or animal; and

3 (b) No resident or nonresident of Nebraska eighteen years  
4 of age or older shall take or possess any aquatic organism  
5 requiring a Nebraska fishing permit, including any fish, bullfrog,  
6 snapping turtle, tiger salamander, or mussel unless, at the time of  
7 such taking or possessing, such person carries on or about his or  
8 her person an unexpired aquatic habitat stamp validated as  
9 prescribed by the rules and regulations of the commission prior to  
10 the time of taking or possessing a fish, bullfrog, snapping turtle,  
11 tiger salamander, or mussel.

12 (2) The commission may issue to any Nebraska resident a  
13 lifetime habitat stamp upon application and payment of the  
14 appropriate fee. The fee for a lifetime habitat stamp shall be  
15 twenty times the fee required in subsection (4) of this section for  
16 annual habitat stamps. Payment of such fee shall be made in a lump  
17 sum at the time of application. A lifetime habitat stamp shall not  
18 be made invalid by reason of the holder subsequently residing  
19 outside the state. A replacement lifetime habitat stamp may be  
20 issued if the original is lost or destroyed. The fee for a  
21 replacement shall be not less than one dollar and fifty cents and  
22 not more than five dollars, as established by the commission.

23 (3) Habitat stamps are not required for holders of  
24 limited permits issued under section 37-455. Aquatic habitat  
25 stamps are not required (a) when a fishing permit is not required,  
26 (b) for holders of permits pursuant to section 37-424, or (c) for  
27 holders of lifetime fishing permits or lifetime combination hunting  
28 and fishing permits.

1           ~~(3)~~ (4) Any person to whom a stamp has been issued shall,  
2 immediately upon request, exhibit the stamp to any officer. Any  
3 person hunting, fishing, harvesting, or possessing any game bird,  
4 upland game bird, game animal, or fur-bearing animal or any aquatic  
5 organism requiring a fishing permit in this state without the  
6 appropriate stamp attached to or printed on a valid hunting or  
7 fur-harvesting permit or fishing permit and not actually on or  
8 about his or her person shall be deemed to be without such stamp.  
9 A habitat stamp shall be issued upon the payment of a fee of not  
10 less than ten dollars and not more than fifteen dollars per stamp.  
11 An aquatic habitat stamp shall be issued upon the payment of a fee  
12 of not less than five and not more than six dollars and fifty cents  
13 per stamp. The commission shall establish the fees pursuant to  
14 section 37-327.

15           Sec. 7. Section 37-427, Revised Statutes Supplement,  
16 2000, is amended to read:

17           37-427. The habitat stamp or aquatic habitat stamp  
18 required by section 37-426 is not transferable and, except for the  
19 lifetime habitat stamp, expires at midnight on December 31 in the  
20 year for which the stamp is issued.

21           Sec. 8. Section 37-431, Revised Statutes Supplement,  
22 2000, is amended to read:

23           37-431. (1)(a) The Nebraska Habitat Fund is created.  
24 The commission shall remit the habitat stamp fees to the State  
25 Treasurer for credit to the Nebraska Habitat Fund. Any money in  
26 the fund available for investment shall be invested by the state  
27 investment officer pursuant to the Nebraska Capital Expansion Act  
28 and the Nebraska State Funds Investment Act. No expenditure shall

1 be made from the Nebraska Habitat Fund until the commission has  
2 presented a habitat plan to the Committee on Appropriations of the  
3 Legislature for its approval.

4 (b) Fees received for lifetime habitat stamps shall be  
5 credited to the Nebraska Habitat Fund and shall not be expended but  
6 may be invested by the state investment officer pursuant to the  
7 Nebraska Capital Expansion Act and the Nebraska State Funds  
8 Investment Act. Income from such investments may be expended by  
9 the commission pursuant to section 37-432.

10 (2) The Nebraska Aquatic Habitat Fund is created. The  
11 commission shall remit the aquatic habitat stamp fees to the State  
12 Treasurer for credit to the Nebraska Aquatic Habitat Fund. Any  
13 money in the fund available for investment shall be invested by the  
14 state investment officer pursuant to the Nebraska Capital Expansion  
15 Act and the Nebraska State Funds Investment Act. No expenditure  
16 shall be made from the Nebraska Aquatic Habitat Fund until the  
17 commission has presented a habitat plan to the Committee on  
18 Appropriations and the Committee on Natural Resources of the  
19 Legislature for their approval.

20 (3) The secretary of the commission and any county clerk  
21 or public official designated to sell habitat stamps or aquatic  
22 habitat stamps shall be liable upon their official bonds for  
23 failure to remit the money from the sale of the stamps, as required  
24 by sections 37-426 to 37-433, coming into their hands. Any agent  
25 who receives stamp fees and who fails to remit the fees to the  
26 commission within a reasonable time after demand by the commission  
27 shall be liable to the commission in damages for double the amount  
28 of the funds wrongfully withheld. Any agent who purposefully fails

1 to remit such fees with the intention of converting them is guilty  
2 of theft. The penalty for such violation shall be determined by  
3 the amount converted as specified in section 28-518.

4 Sec. 9. Section 37-455, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 37-455. (1)(a) A Nebraska resident who owns or leases  
7 eighty acres or more of farm or ranch land for agricultural  
8 purposes or a member of such person's immediate family residing in  
9 the same household may apply for a limited deer, antelope, wild  
10 turkey, or elk permit.

11 (b) A nonresident of Nebraska who owns three hundred  
12 twenty acres or more of farm or ranch land in the State of Nebraska  
13 for agricultural purposes or a member of such person's immediate  
14 family residing in the same household may apply for a limited deer  
15 permit. Only one limited deer permit per three hundred twenty  
16 acres may be issued annually under this subdivision.

17 (2) The limited permit is valid during the predetermined  
18 period established by the commission pursuant to any provision of  
19 sections 37-447 to 37-452 and 37-457. To qualify for a limited elk  
20 permit the farm or ranch land of the applicant must be within an  
21 area designated as an elk zone by the commission in its  
22 regulations. ~~Only~~ Except as provided in subdivision (1)(b) of this  
23 section, only one limited permit for each species shall be issued  
24 annually for the farm or ranch land described in the application,  
25 except that both a spring and a fall turkey permit may be issued.  
26 Upon receipt of an application in proper form as prescribed by the  
27 commission, the commission may issue a limited permit which shall  
28 restrict (a) the limited deer, antelope, or wild turkey permit to

1 hunting only on the farm or ranch land included in the application  
2 and shall not apply to the land of other persons and (b) the  
3 limited elk permit to hunting on the entire elk management unit of  
4 which the farm or ranch land included in the application is a part.  
5 For purposes of this section, immediate family means and is limited  
6 to husband and wife and their children. The conditions applicable  
7 to permits issued pursuant to section 37-447, 37-448, 37-449,  
8 37-450, 37-452, or 37-457, whichever is appropriate, shall apply to  
9 limited permits issued pursuant to this section, except that the  
10 commission may adopt regulations for species harvest allocation  
11 pertaining to the sex and age of the species harvested which are  
12 different for this permit than for other hunting permits.

13 ~~(2)~~ (3) Except as provided in subsection ~~(3)~~ (4) of this  
14 section, receipt of a limited permit or a permit issued pursuant to  
15 section 37-447, 37-448, 37-449, 37-450, 37-452, or 37-457 for any  
16 one-year or open season shall not bar receipt of a limited permit  
17 in any subsequent year or for any subsequent open season.

18 ~~(3)~~ (4) A limited elk permit issued pursuant to this  
19 section shall not be issued to any applicant more than once every  
20 three years.

21 ~~(4)~~ (5) The fee for a limited permit to hunt elk shall be  
22 one-fifth the fee for the regular permit to hunt elk. The fee for  
23 a limited permit to hunt deer, antelope, or wild turkey shall be  
24 one-half the fee for the regular permit for these species, except  
25 that the fee for a nonresident limited deer permit shall be  
26 one-half the fee for a nonresident permit to hunt deer.

27 ~~(5)~~ (6) The commission may by rule and regulation  
28 prescribe forms to be filled out by the applicant for a limited

1 permit as prescribed in this section to determine whether the  
2 applicant is a Nebraska resident and is the owner or lessee of the  
3 described property or is a member of the family or household of  
4 such person.

5           Sec. 10. This act becomes operative on January 1, 2002.

6           Sec. 11. Original sections 37-407, 37-413, 37-414, and  
7 37-455, Reissue Revised Statutes of Nebraska, and sections 37-409,  
8 37-415, 37-426, 37-427, and 37-431, Revised Statutes Supplement,  
9 2000, are repealed.