

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 395

Introduced by Gragert, 40; Hughes, 44.

Read first time January 14, 2021

Committee:

1 A BILL FOR AN ACT relating to game and parks; to amend sections 37-448
2 and 37-456, Reissue Revised Statutes of Nebraska, and section
3 37-201, Revised Statutes Cumulative Supplement, 2020; to change
4 provisions relating to special deer depredation season and provide
5 for antelope and elk depredation seasons and permits; to change and
6 provide fees; to change limits on limited antelope or elk permits;
7 to provide for a free-earned landowner elk permit as prescribed; to
8 provide duties for the Game and Parks Commission; to harmonize
9 provisions; and to repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 37-201, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and section
4 4 of this act and the State Park System Construction Alternatives Act
5 shall be known and may be cited as the Game Law.

6 Sec. 2. Section 37-448, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 37-448 (1) Subject to rules and regulations adopted and promulgated
9 by the commission, the secretary of the commission may designate, by
10 order, special deer, antelope, and elk depredation seasons or extensions
11 of existing ~~deer~~ hunting seasons. The secretary may designate a
12 depredation season or an extension of an existing ~~deer~~ hunting season
13 whenever he or she determines that deer, antelope, or elk are causing
14 excessive property damage. The secretary shall specify the number of
15 permits to be issued, the species, sex, and number or quota of animals
16 ~~deer~~ allowed to be taken, the bag limit for such species ~~including deer~~
17 ~~for donation in accordance with the deer donation program established~~
18 ~~pursuant to sections 37-1501 to 37-1510~~, the beginning and ending dates
19 for the depredation season or hunting season extension, shooting hours,
20 the length of the depredation season or hunting season extension, and the
21 geographic area in which hunting will be permitted. ~~The Hunting during a~~
22 ~~special depredation season or hunting season extension shall be limited~~
23 ~~to residents, and the rules and regulations shall allow use of any weapon~~
24 permissible for use during the regular deer, antelope, or elk season.

25 (2) The depredation season may commence not less than five days
26 after the first public announcement that the depredation season has been
27 established. Permits shall be issued in an impartial manner at a location
28 determined by the secretary. The commission shall, pursuant to section
29 37-327, establish and charge a fee of not more than twenty-five dollars
30 for a resident special depredation season permit and a fee of not more
31 than seventy-five dollars for a nonresident special depredation season

1 ~~permit. The commission shall use the income from the sale of special~~
2 ~~depredation season permits for abatement of damage caused by deer. The~~
3 ~~commission shall, pursuant to section 37-327, establish and charge a fee~~
4 ~~of not more than ten dollars for a landowner special depredation season~~
5 ~~permit also provide for an unlimited number of free permits for the~~
6 ~~taking of antlerless deer and antelope for upon request to any person~~
7 ~~owning or operating at least twenty acres of farm or ranch land within~~
8 ~~the geographic area in which hunting will be permitted and to any member~~
9 ~~of the immediate family of any such person as defined in subdivision (2)~~
10 ~~(a) of section 37-455, and for the taking of elk for any person owning or~~
11 ~~operating at least eighty acres of farm or ranch land within the~~
12 ~~geographic area in which hunting will be permitted and to any member of~~
13 ~~the immediate family of such person as defined in subdivision (2)(a) of~~
14 ~~section 37-455. A special depredation season free permit shall be valid~~
15 ~~only within such area and only during the designated deer depredation~~
16 ~~season. The commission shall use the income from the sale of special~~
17 ~~depredation season permits for abatement of damage caused by deer,~~
18 ~~antelope, and elk. Receipt of a depredation season permit shall not in~~
19 ~~any way affect a person's eligibility for a regular season permit issued~~
20 ~~under section 37-447, 37-449, 37-450, or 37-455.~~

21 Sec. 3. Section 37-456, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 37-456 The issuance of limited antelope permits pursuant to section
24 37-455 in any management unit shall not exceed seventy-five ~~fifty~~ percent
25 of the regular permits authorized for such antelope management unit. The
26 issuance of limited elk permits pursuant to section 37-455 in any
27 management unit shall not exceed seventy-five ~~fifty~~ percent of the
28 regular permits authorized for such elk management unit.

29 Sec. 4. (1) The commission may issue one free-earned landowner elk
30 permit for the taking of either sex of antlerless elk to any person
31 owning or leasing at least eighty acres of farm or ranch land used for

1 agricultural purposes, or to any member of the immediate family of such
2 person as defined in subdivision (2)(a) of section 37-455, when the
3 qualifying number of antlerless elk have been harvested on such land by
4 hunters with a permit issued under section 37-448 or 37-450. Such permit
5 shall be limited to hunting on the lands owned or leased by the
6 qualifying landowner. Receipt of a free-earned landowner elk permit shall
7 not in any way affect a person's eligibility for a permit issued under
8 section 37-450 or 37-455.

9 (2) The commission shall adopt and promulgate rules and regulations
10 prescribing procedures, forms, and requirements for documentation by
11 landowners or lessees as described in subsection (1) of this section to
12 annually report antlerless elk harvested on their property for
13 eligibility, and the number of antlerless elk required to be harvested on
14 such property to qualify for a free-earned landowner elk permit. The
15 number of antlerless elk harvested to qualify shall accumulate each year
16 until such time as a free-earned landowner elk permit is awarded.

17 Sec. 5. Original sections 37-448 and 37-456, Reissue Revised
18 Statutes of Nebraska, and section 37-201, Revised Statutes Cumulative
19 Supplement, 2020, are repealed.