

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 126

FINAL READING

Introduced by Hughes, 44.

Read first time January 10, 2019

Committee: Natural Resources

1 A BILL FOR AN ACT relating to the Game Law; to amend section 37-455,
2 Revised Statutes Supplement, 2019; to provide for additional limited
3 landowner deer hunting permits as prescribed; and to repeal the
4 original section.

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

1 Section 1. Section 37-455, Revised Statutes Supplement, 2019, is
2 amended to read:

3 37-455 (1) The commission may issue a limited permit for deer,
4 antelope, wild turkey, or elk to a person who is a qualifying landowner
5 or leaseholder or a member of such person's immediate family as described
6 in this section. The commission may issue nonresident landowner limited
7 permits after preference has been given for the issuance of resident
8 permits as provided in rules and regulations adopted and promulgated by
9 the commission. Except as provided in subsection (4) of this section, a A
10 permit shall be valid during the predetermined period established by the
11 commission pursuant to sections 37-447 to 37-450, 37-452, 37-456, or
12 37-457. Upon receipt of an application in proper form as prescribed by
13 the rules and regulations of the commission, the commission may issue (a)
14 a limited deer, antelope, or wild turkey permit valid for hunting on all
15 of the land which is owned or leased by the qualifying landowner or
16 leaseholder if such lands are identified in the application or (b) a
17 limited elk permit valid for hunting on the entire elk management unit of
18 which the land of the qualifying landowner or leaseholder included in the
19 application is a part.

20 (2)(a) The commission shall adopt and promulgate rules and
21 regulations prescribing procedures and forms and create requirements for
22 documentation by an applicant or permittee to determine whether the
23 applicant or permittee is a Nebraska resident and is a qualifying
24 landowner or leaseholder of the described property or is a member of the
25 immediate family of such qualifying landowner or leaseholder. The
26 commission may adopt and promulgate rules and regulations that create
27 requirements for documentation to designate one qualifying landowner
28 among partners of a partnership or officers or shareholders of a
29 corporation that owns or leases eighty acres or more of farm or ranch
30 land for agricultural purposes and among beneficiaries of a trust that
31 owns or leases eighty acres or more of farm or ranch land for

1 agricultural purposes. Only a person who is a qualifying landowner or
2 leaseholder or a member of such person's immediate family may apply for a
3 limited permit. An applicant may apply for no more than one permit per
4 species per year except as otherwise provided in subsection (4) of this
5 section and the rules and regulations of the commission. For purposes of
6 this section, member of a person's immediate family means and is limited
7 to the spouse of such person, any child or stepchild of such person or of
8 the spouse of such person, any spouse of any such child or stepchild, any
9 sibling of such person sharing ownership in the property, and any spouse
10 of any such sibling.

11 (b) The conditions applicable to permits issued pursuant to sections
12 37-447 to 37-450, 37-452, 37-456, or 37-457, whichever is appropriate,
13 shall apply to limited permits issued pursuant to this section, except
14 that the commission may pass commission orders for species harvest
15 allocation pertaining to the sex and age of the species harvested which
16 are different for a limited permit than for other hunting permits. For
17 purposes of this section, white-tailed deer and mule deer shall be
18 treated as one species.

19 (3)(a) To qualify for a limited permit to hunt deer or antelope, the
20 applicant shall be a Nebraska resident who (i) owns or leases eighty
21 acres or more of farm or ranch land for agricultural purposes or a member
22 of such person's immediate family or (ii) is the partner, officer,
23 shareholder, or beneficiary designated as the qualifying landowner by a
24 partnership, corporation, or trust as provided in the rules and
25 regulations under subdivision (2)(a) of this section or a member of the
26 immediate family of the partner, officer, shareholder, or beneficiary.
27 The number of limited permits issued annually per species for each farm
28 or ranch shall not exceed the total acreage of the farm or ranch divided
29 by eighty. The fee for a limited permit to hunt deer or antelope shall be
30 one-half the fee for the regular permit for such species.

31 (b) A nonresident of Nebraska who owns three hundred twenty acres or

1 more of farm or ranch land in the State of Nebraska for agricultural
2 purposes or a member of such person's immediate family may apply for a
3 limited deer or antelope permit. The number of limited permits issued
4 annually per species for each farm or ranch shall not exceed the total
5 acreage of the farm or ranch divided by three hundred twenty. The fee for
6 such a permit to hunt deer or antelope shall be one-half the fee for a
7 nonresident permit to hunt such species.

8 (c) The commission may adopt and promulgate rules and regulations
9 providing for the issuance of an additional limited deer permit to a
10 qualified individual for the taking of a deer without antlers at a fee
11 equal to or less than the fee for the original limited permit.

12 (4)(a) In addition to any limited permit to hunt deer issued to a
13 qualifying landowner under subsection (3) of this section, the commission
14 shall issue up to four limited permits to hunt deer during the three days
15 of Saturday through Monday immediately preceding the opening day of
16 firearm deer hunting season to any qualifying landowner meeting the
17 requirements of subdivision (b) of this subsection and designated members
18 of his or her immediate family. The fee for each permit issued under this
19 subsection shall be five dollars. Permits shall be issued subject to the
20 following:

21 (i) No more than four permits may be issued per qualifying landowner
22 to the landowner or designated members of his or her immediate family,
23 except that no more than one permit shall be issued per person for the
24 qualifying landowner or any designated member of his or her immediate
25 family;

26 (ii) Of the four permits that may be issued, no more than two
27 permits may be issued to persons who are younger than nineteen years of
28 age and no more than two permits may be issued to persons who are
29 nineteen years of age or older; and

30 (iii) For a Nebraska resident landowner, the number of permits
31 issued shall not exceed the total acreage of the farm or ranch divided by

1 eighty, and for a nonresident landowner, the number of permits issued
2 shall not exceed the total acreage of the farm or ranch divided by three
3 hundred twenty.

4 (b) For purposes of this subsection, the qualifying criteria for a
5 Nebraska resident described in subdivisions (3)(a)(i) and (ii) of this
6 section and the ownership criteria for a nonresident of Nebraska
7 described in subdivision (3)(b) of this section apply.

8 (c) The commission may adopt and promulgate rules and regulations to
9 carry out this subsection.

10 (5)(a) ~~(4)(a)~~ To qualify for a limited permit to hunt wild turkey,
11 the applicant shall be a Nebraska resident who (i) owns or leases eighty
12 acres or more of farm or ranch land for agricultural purposes or a member
13 of such person's immediate family or (ii) is the partner, officer,
14 shareholder, or beneficiary designated as the qualifying landowner by a
15 partnership, corporation, or trust as provided in the rules and
16 regulations under subdivision (2)(a) of this section or a member of the
17 immediate family of the partner, officer, shareholder, or beneficiary.
18 The number of limited permits issued annually per season for each farm or
19 ranch shall not exceed the total acreage of the farm or ranch divided by
20 eighty. An applicant may apply for no more than one limited permit per
21 season. The fee for a limited permit to hunt wild turkey shall be one-
22 half the fee for the regular permit to hunt wild turkey.

23 (b) A nonresident of Nebraska who owns three hundred twenty acres or
24 more of farm or ranch land in the State of Nebraska for agricultural
25 purposes or a member of such person's immediate family may apply for a
26 limited permit to hunt wild turkey. Only one limited wild turkey permit
27 per three hundred twenty acres may be issued annually for each wild
28 turkey season under this subdivision. The fee for such a permit to hunt
29 shall be one-half the fee for a nonresident permit to hunt wild turkey.

30 (6) ~~(5)~~ To qualify for a limited permit to hunt elk, (a) the
31 applicant shall be (i) a Nebraska resident who owns three hundred twenty

1 acres or more of farm or ranch land for agricultural purposes, (ii) a
2 Nebraska resident who leases six hundred forty acres or more of farm or
3 ranch land for agricultural purposes or has a leasehold interest and an
4 ownership interest in farm or ranch land used for agricultural purposes
5 which when added together totals at least six hundred forty acres, (iii)
6 a nonresident of Nebraska who owns at least one thousand two hundred
7 eighty acres of farm or ranch land for agricultural purposes, or (iv) a
8 member of such owner's or lessee's immediate family and (b) the
9 qualifying farm or ranch land of the applicant shall be within an area
10 designated as an elk management zone by the commission in its rules and
11 regulations. An applicant shall not be issued a limited bull elk permit
12 more than once every three years, and the commission may give preference
13 to a person who did not receive a limited elk permit or a specified type
14 of limited elk permit during the previous years. The fee for a resident
15 landowner limited permit to hunt elk shall not exceed one-half the fee
16 for the regular permit to hunt elk. The fee for a nonresident landowner
17 limited permit to hunt elk shall not exceed three times the cost of a
18 resident elk permit. The number of applications allowed for limited elk
19 permits for each farm or ranch shall not exceed the total acreage of the
20 farm or ranch divided by the minimum acreage requirements established for
21 the property. No more than one person may qualify for the same described
22 property.

23 Sec. 2. Original section 37-455, Revised Statutes Supplement, 2019,
24 is repealed.