

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 126

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 Reissue Revised Statutes of Nebraska; to provide for special
- 3 landowner deer hunting permits as prescribed; to provide a duty for
- 4 the Game and Parks Commission; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 37-455, Reissue Revised Statutes of Nebraska, 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 and his or her immediate family as described in this
6 section. The commission may issue nonresident landowner limited permits
7 after preference has been given for the issuance of resident permits as
8 provided in rules and regulations adopted and promulgated by the
9 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 and such person's immediate family may apply for a limited
3 permit. An applicant may apply for no more than one permit per species
4 per year except as otherwise provided in subsection (4) of this section
5 and the rules and regulations of the commission. For purposes of this
6 section, immediate family means and is limited to a husband and wife and
7 their children or siblings sharing ownership in the property.

8 (b) The conditions applicable to permits issued pursuant to sections
9 37-447 to 37-450, 37-452, 37-456, or 37-457, whichever is appropriate,
10 shall apply to limited permits issued pursuant to this section, except
11 that the commission may pass commission orders for species harvest
12 allocation pertaining to the sex and age of the species harvested which
13 are different for a limited permit than for other hunting permits. For
14 purposes of this section, white-tailed deer and mule deer shall be
15 treated as one species.

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

28 (b) A nonresident of Nebraska who owns three hundred twenty acres or
29 more of farm or ranch land in the State of Nebraska for agricultural
30 purposes or a member of such person's immediate family may apply for a
31 limited deer or antelope permit. The number of limited permits issued

1 annually per species for each farm or ranch shall not exceed the total
2 acreage of the farm or ranch divided by three hundred twenty. The fee for
3 such a permit to hunt deer or antelope shall be one-half the fee for a
4 nonresident permit to hunt such species.

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

9 (4)(a) In addition to any limited permit to hunt deer issued to a
10 qualifying landowner under subsection (3) of this section, the commission
11 shall issue upto four free firearm deer hunting permits to hunt deer
12 during the seven days immediately preceding the beginning date for the
13 firearm deer hunting season to any landowner and designated members of
14 his or her immediate family if such landowner consents to make fifty
15 percent or more of his or her farm or ranch land located in any single
16 commission-designated deer management unit available for public deer
17 hunting during the firearm deer hunting season by any holder of a valid
18 firearm deer hunting permit. For purposes of this subsection, the
19 qualifying criteria for a Nebraska resident described in subdivisions (3)
20 (a)(i) and (ii) of this section and the ownership criteria for a
21 nonresident of Nebraska described in subdivision (3)(b) of this section
22 apply.

23 (b) The consent described in subdivision (a) of this subsection
24 shall be made in writing on a form prescribed by the commission and
25 delivered to the commission beginning the second Monday in July but no
26 later than August 31. Such consent shall include a legal description of
27 the particular farm or ranch land owned by the landowner in the deer
28 management unit made available for public deer hunting during the firearm
29 deer hunting season as described in this subsection. The location of such
30 farm or ranch land shall be published on the commission's web site.

31 (c) The commission shall adopt and promulgate rules and regulations

1 to carry out the purposes of this subsection.

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

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

22 ~~(6)~~ ~~(5)~~ To qualify for a limited permit to hunt elk, (a) the
23 applicant shall be (i) a Nebraska resident who owns three hundred twenty
24 acres or more of farm or ranch land for agricultural purposes, (ii) a
25 Nebraska resident who leases six hundred forty acres or more of farm or
26 ranch land for agricultural purposes or has a leasehold interest and an
27 ownership interest in farm or ranch land used for agricultural purposes
28 which when added together totals at least six hundred forty acres, (iii)
29 a nonresident of Nebraska who owns at least one thousand two hundred
30 eighty acres of farm or ranch land for agricultural purposes, or (iv) a
31 member of such owner's or lessee's immediate family and (b) the

1 qualifying farm or ranch land of the applicant shall be within an area
2 designated as an elk management zone by the commission in its rules and
3 regulations. An applicant shall not be issued a limited bull elk permit
4 more than once every three years, and the commission may give preference
5 to a person who did not receive a limited elk permit or a specified type
6 of limited elk permit during the previous years. The fee for a resident
7 landowner limited permit to hunt elk shall not exceed one-half the fee
8 for the regular permit to hunt elk. The fee for a nonresident landowner
9 limited permit to hunt elk shall not exceed three times the cost of a
10 resident elk permit. The number of applications allowed for limited elk
11 permits for each farm or ranch shall not exceed the total acreage of the
12 farm or ranch divided by the minimum acreage requirements established for
13 the property. No more than one person may qualify for the same described
14 property.

15 Sec. 2. Original section 37-455, Reissue Revised Statutes of
16 Nebraska, is repealed.