

AMENDMENTS TO LB507

Introduced by Natural Resources.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 37-201, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:

5           37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and section  
6 4 of this act and the State Park System Construction Alternatives Act  
7 shall be known and may be cited as the Game Law.

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

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

27           (2) The depredation season may commence not less than five days

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

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

29 37-456 The issuance of limited antelope permits pursuant to section  
30 37-455 in any management unit shall not exceed seventy-five ~~fifty~~ percent  
31 of the regular permits authorized for such antelope management unit. The

1 issuance of limited elk permits pursuant to section 37-455 in any  
2 management unit shall not exceed seventy-five ~~forty~~ percent of the  
3 regular permits authorized for such elk management unit.

4 Sec. 4. (1) The commission may issue one free-earned landowner elk  
5 permit for the taking of either sex of elk to any person owning or  
6 leasing at least eighty acres of farm or ranch land used for agricultural  
7 purposes, or to any member of the immediate family of such person as  
8 defined in subdivision (2)(a) of section 37-455, when the qualifying  
9 number of antlerless elk have been harvested on such land by hunters with  
10 a permit issued under section 37-448 or 37-450. Such permit shall be  
11 limited to hunting on the lands owned or leased by the qualifying  
12 landowner. Receipt of a free-earned landowner elk permit shall not in any  
13 way affect a person's eligibility for a permit issued under section  
14 37-450 or 37-455.

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

23 Sec. 5. Section 46-102, Revised Statutes Cumulative Supplement,  
24 2020, is amended to read:

25 46-102 (1) For purposes of the Irrigation District Act:

26 (a) Elector means:

27 (i) For any irrigation district or proposed irrigation district not  
28 described in subdivision (1)(a)(ii) of this section, any resident of the  
29 State of Nebraska who:

30 (A) Owns ~~, owning~~ not less than fifteen acres of land within any  
31 such district;

1           ~~(B) Is , or who is~~ an entryman of government land, within any such  
2 ~~irrigation district or proposed irrigation district; , or~~

3           ~~(C) Holds any resident of the State of Nebraska holding~~ a leasehold  
4 estate in not less than forty acres of state land within any such  
5 ~~irrigation~~ district for a period of not less than five years from the  
6 date at which such elector seeks to exercise the elective franchise; and

7           (ii) For any irrigation district or proposed irrigation district  
8 which borders another state and comprises less than two thousand acres  
9 and in which one-half or more of the landowners, leaseholders, or  
10 entrymen of government lands are not residents of the State of Nebraska,  
11 any person who:

12           (A) Owns not less than fifteen acres of land within any such  
13 district;

14           (B) Is an entryman of government land within any such district; or

15           (C) Holds a leasehold estate in not less than forty acres of state  
16 land within any such district for a period of not less than five years  
17 from the date at which such elector seeks to exercise the elective  
18 franchise; and

19           (b) Residence means (i) that place in which a person is actually  
20 domiciled, which is the residence of an individual or family, with which  
21 a person has a settled connection for the determination of his or her  
22 civil status or other legal purposes because it is actually or legally  
23 his or her permanent and principal home, and to which, whenever he or she  
24 is absent, he or she has the intention of returning, or (ii) the place  
25 where a person has his or her family domiciled even if he or she does  
26 business in another place.

27           (2) Status as an elector, including residency, shall be established  
28 as provided by this section and section 46-110.

29           (3) (2) If an elector resides outside of the irrigation district,  
30 the elector shall be considered an elector in the division of the  
31 irrigation district in which his or her land is situated or, if the

1 elector is the owner of land in more than one division of the irrigation  
2 district, the elector shall be considered an elector in the division of  
3 the district in which the majority of his or her land is situated.

4 (4) ~~(3)~~ In the case of land owned or leased by joint tenants, each  
5 joint tenant ~~who is a resident of the State of Nebraska~~ is an elector and  
6 entitled to vote if the total acreage owned or leased per joint tenant is  
7 equal to or exceeds the minimum acreage requirements of subsection (1) of  
8 this section.

9 (5) ~~(4)~~ In the case of land owned or leased by tenants in common,  
10 each tenant ~~who is a resident of the State of Nebraska~~ is an elector and  
11 entitled to vote if the total acreage owned or leased per tenant is equal  
12 to or exceeds the minimum acreage requirements of subsection (1) of this  
13 section.

14 (6) ~~(5)~~ In the case of land owned or leased by a corporation,  
15 limited liability company, limited liability partnership, joint venture,  
16 or other legal entity which meets the minimum acreage requirements of  
17 subsection (1) of this section, the entity shall designate a shareholder,  
18 member, or partner of the entity ~~who is a resident of the State of~~  
19 ~~Nebraska~~ to act as the elector on behalf of the entity. The entity shall  
20 identify its elector-designee in writing to the secretary of the board of  
21 directors of the irrigation district not less than thirty days prior to  
22 an irrigation district election.

23 (7) ~~(6)~~ In the case of land owned or leased under a life tenancy,  
24 each remainderman ~~who is a resident of the State of Nebraska~~ is an  
25 elector and entitled to vote if the total acreage owned or leased per  
26 remainderman is equal to or exceeds the minimum acreage requirements of  
27 subsection (1) of this section.

28 (8) ~~(7)~~ In the case of land held by a buyer in possession pursuant  
29 to a land-purchase contract when the total acreage under the land-  
30 purchase contract meets the minimum acreage requirements of subsection  
31 (1) of this section and the buyer in possession ~~is a resident of the~~

1 ~~State of Nebraska~~ and is responsible for paying the real property taxes  
2 and the irrigation fees and assessments, the buyer in possession is the  
3 elector.

4 (9) ~~(8)~~ In the case of land owned or leased by a trust which meets  
5 the minimum acreage requirements of subsection (1) of this section, the  
6 trustee shall designate a trustor, beneficiary, or trustee of the trust  
7 ~~who is a resident of the State of Nebraska~~ to act as the elector on  
8 behalf of the trust. The trust shall identify its elector-designee in  
9 writing to the secretary of the board of directors not less than thirty  
10 days prior to an irrigation district election.

11 (10) ~~(9)~~ In the case of a pending estate of a deceased elector  
12 involving land which meets the minimum acreage requirements of subsection  
13 (1) of this section, the duly appointed personal representative of the  
14 estate ~~who is a resident of the State of Nebraska~~ shall act as the  
15 elector on behalf of the estate.

16 (11) ~~(10)~~ Prior to formation of an irrigation district, if two or  
17 more persons claim conflicting rights to vote on the same acreage, the  
18 election commissioner or county clerk shall determine the party entitled  
19 to vote. In such cases, the determination of the election commissioner or  
20 county clerk shall be conclusive. After formation of an irrigation  
21 district, if two or more persons claim conflicting rights to vote on the  
22 same acreage or any other conflict arises regarding the qualification of  
23 an elector, the secretary of the board of directors of the irrigation  
24 district shall determine the party entitled to vote. The secretary's  
25 determination shall be conclusive. If a claim involves the secretary of  
26 the board, the board of election for the affected irrigation district  
27 precinct shall determine the party entitled to vote. In such cases, the  
28 determination of the board of election shall be conclusive.

29 Sec. 6. Section 61-222, Revised Statutes Cumulative Supplement,  
30 2020, is amended to read:

31 61-222 (1) The Water Sustainability Fund is created in the

1 Department of Natural Resources. The fund shall be used in accordance  
2 with the provisions established in sections 2-1506 to 2-1513 ~~Laws 2014,~~  
3 ~~LB1098,~~ and for costs directly related to the administration of the fund.  
4 The Legislature shall not appropriate or transfer money from the fund for  
5 any other purpose, except that transfers may be made from the fund as  
6 provided in subsections (4), (5), and (6) of this section.

7 (2) The fund shall consist of money transferred to the fund by the  
8 Legislature, other funds as appropriated by the Legislature, and money  
9 donated as gifts, bequests, or other contributions from public or private  
10 entities. Funds made available by any department or agency of the United  
11 States may also be credited to the fund if so directed by such department  
12 or agency. Any money in the fund available for investment shall be  
13 invested by the state investment officer pursuant to the Nebraska Capital  
14 Expansion Act and the Nebraska State Funds Investment Act. Investment  
15 earnings from investment of money in the fund shall be credited to the  
16 fund.

17 (3) It is the intent of the Legislature that twenty-one million  
18 dollars be transferred from the General Fund to the Water Sustainability  
19 Fund in fiscal year 2014-15 and that eleven million dollars be  
20 transferred from the General Fund to the Water Sustainability Fund each  
21 fiscal year beginning in fiscal year 2015-16. It is the intent of the  
22 Legislature that three million dollars be transferred annually from the  
23 Water Sustainability Fund to the Nebraska Resources Development Fund in  
24 FY2015-16 and in FY2016-17.

25 (4) The State Treasurer shall transfer one hundred seventy-five  
26 thousand dollars from the Water Sustainability Fund to the Department of  
27 Natural Resources Cash Fund on or before June 30, 2021, on such dates and  
28 in such amounts as directed by the budget administrator of the budget  
29 division of the Department of Administrative Services.

30 (5) The State Treasurer shall transfer four hundred twenty-five  
31 thousand dollars from the Water Sustainability Fund to the Department of

1 Natural Resources Cash Fund on or before June 30, 2021, on such dates and  
2 in such amounts as directed by the budget administrator of the budget  
3 division of the Department of Administrative Services.

4 (6) The State Treasurer shall transfer five hundred thousand dollars  
5 from the Water Sustainability Fund to the General Fund on or before June  
6 30, 2021, on such dates and in such amounts as directed by the budget  
7 administrator of the budget division of the Department of Administrative  
8 Services.

9 Sec. 7. Section 66-1330, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 66-1330 Sections 66-1330 to 66-1348 and section 8 of this act shall  
12 be known and may be cited as the Ethanol Development Act.

13 Sec. 8. The use of treated seed corn in the production of  
14 agricultural ethyl alcohol shall be prohibited if such use results in the  
15 generation of a byproduct that is deemed unsafe for livestock consumption  
16 or land application.

17 Sec. 9. Sections 1, 2, 3, 4, 5, 6, and 10 of this act become  
18 operative three calendar months after the adjournment of this legislative  
19 session. The other sections of this act become operative on their  
20 effective date.

21 Sec. 10. Original sections 37-448 and 37-456, Reissue Revised  
22 Statutes of Nebraska, and sections 37-201, 46-102, and 61-222, Revised  
23 Statutes Cumulative Supplement, 2020, are repealed.

24 Sec. 11. Original section 66-1330, Reissue Revised Statutes of  
25 Nebraska, is repealed.

26 Sec. 12. Since an emergency exists, this act takes effect when  
27 passed and approved according to law.