

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 127

Introduced by Hughes, 44.

Read first time January 10, 2019

Committee:

- 1 A BILL FOR AN ACT relating to hunting; to amend section 37-455, Reissue
- 2 Revised Statutes of Nebraska; to redefine immediate family for
- 3 purposes of limited permits; and to repeal the original section.
- 4 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. A permit shall be valid during the predetermined period
10 established by the commission pursuant to sections 37-447 to 37-450,
11 37-452, 37-456, or 37-457. Upon receipt of an application in proper form
12 as prescribed by the rules and regulations of the commission, the
13 commission may issue (a) a limited deer, antelope, or wild turkey permit
14 valid for hunting on all of the land which is owned or leased by the
15 qualifying landowner or leaseholder if such lands are identified in the
16 application or (b) a limited elk permit valid for hunting on the entire
17 elk management unit of which the land of the qualifying landowner or
18 leaseholder included in the application is a part.

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

1 leaseholder and such person's immediate family may apply for a limited
2 permit. An applicant may apply for no more than one permit per species
3 per year except as otherwise provided in the rules and regulations of the
4 commission. For purposes of this section, immediate family means and is
5 limited to such person and his or her spouse, any sibling of such person
6 or of his or her spouse if such sibling shares ownership in the property,
7 any child or grandchild of such person or of his or her spouse, and any
8 spouse of any such child or grandchild ~~a husband and wife and their~~
9 ~~children or siblings sharing ownership in the property.~~

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

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

30 (b) A nonresident of Nebraska who owns three hundred twenty acres or
31 more of farm or ranch land in the State of Nebraska for agricultural

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

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

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

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

31 (5) To qualify for a limited permit to hunt elk, (a) the applicant

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

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