

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 803

Introduced by Hughes, 44.

Read first time January 06, 2022

Committee:

- 1 A BILL FOR AN ACT relating to game and parks; to amend section 37-455,
- 2 Revised Statutes Cumulative Supplement, 2020; to redefine a term; to
- 3 change provisions relating to limited permits for deer, antelope,
- 4 wild turkey, or elk; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 37-455, Revised Statutes Cumulative Supplement,
2 2020, is 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
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 grandchild or stepgrandchild of such person or of the spouse of such
10 person, any spouse of such grandchild or stepgrandchild, any sibling of
11 such person sharing ownership in the property, and any spouse of any such
12 sibling.

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

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

1 one-half the fee for the regular permit for such species.

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

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

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

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

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

1 (iii) For a Nebraska resident landowner, the number of permits
2 issued shall not exceed the total acreage of the farm or ranch divided by
3 eighty, and for a nonresident landowner, the number of permits issued
4 shall not exceed the total acreage of the farm or ranch divided by three
5 hundred twenty.

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

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

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

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

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

25 Sec. 2. Original section 37-455, Revised Statutes Cumulative
26 Supplement, 2020, is repealed.