

E AND R AMENDMENTS TO LB 94

Introduced by Murante, 49, Chairman Enrollment and Review

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

3 Section 1. Section 37-447, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 37-447 (1) The commission may issue permits for the
6 hunting of deer and prescribe and adopt and promulgate rules
7 and regulations and limitations for the hunting, transportation,
8 and possession of deer. The commission may offer multiple-year
9 permits or combinations of permits at reduced rates. The commission
10 may specify by regulation the information to be required on
11 applications for such permits. Regulations and limitations for the
12 hunting, transportation, and possession of deer may include, but
13 not be limited to, regulations and limitations as to the type,
14 caliber, and other specifications of firearms and ammunition used
15 and specifications for bows and arrows used. Such regulations and
16 limitations may further specify and limit the method of hunting
17 deer and may provide for dividing the state into management units
18 or areas, and the commission may enact different deer hunting
19 regulations for the different management units pertaining to sex,
20 species, and age of the deer hunted.

21 (2) The number of such permits may be limited as provided
22 by the rules and regulations of the commission, and except as
23 provided in section 37-454, the permits shall be ~~disposed of~~

1 allocated in an impartial manner. Whenever the commission deems it
2 advisable to limit the number of permits issued for any or all
3 management units, the commission shall, by rules and regulations,
4 determine ~~who shall be eligible~~ eligibility to obtain such permits.
5 In establishing eligibility, the commission may give preference to
6 persons who did not receive a permit or a specified type of permit
7 during the previous year or years.

8 (3) Such permits may be issued to allow deer hunting in
9 the Nebraska National Forest and other game reserves and such other
10 areas as the commission may designate whenever the commission deems
11 that permitting such hunting will not be detrimental to the proper
12 preservation of wildlife in Nebraska in such forest, reserves, or
13 areas.

14 (4) (a) The commission shall, pursuant to section 37-327,
15 establish and charge a fee of not more than twenty-nine dollars
16 for residents and not more than two hundred fourteen dollars for
17 nonresidents for each permit issued under this section except
18 as otherwise provided in subdivision (b) of this subsection and
19 subsection (6) of this section.

20 (b) The fee for a statewide buck-only permit shall be
21 no more than two and one-half times the amount of a regular deer
22 permit. The commission may provide different fees for different
23 species.

24 (5) (a) The commission may issue nonresident permits after
25 preference has been given for the issuance of resident permits as
26 provided in rules and regulations adopted and promulgated by the
27 commission.

1 (b) In management units specified by the commission, the
2 commission may issue nonresident permits after resident preference
3 has been provided by allocating at least eighty-five percent of
4 the available permits to residents. The commission may require
5 a predetermined application period for permit applications in
6 specified management units. Such permits shall be issued after
7 a reasonable period for making application, as established by
8 the commission, has expired. When more valid applications are
9 received for a designated management unit than there are permits
10 available, such permits shall be allocated on the basis of a random
11 drawing. All valid applications received during the predetermined
12 application period shall be considered equally in any such random
13 drawing without regard to time of receipt of such applications by
14 the commission.

15 (6) The commission shall, pursuant to section 37-327,
16 establish and charge a fee of not more than twenty-five dollars for
17 residents and not more than forty-five dollars for nonresidents for
18 a youth deer permit.

19 (7) Any person violating the rules and regulations
20 adopted and promulgated pursuant to this section shall be guilty
21 of a Class II misdemeanor and shall be fined at least one hundred
22 dollars upon conviction.

23 Sec. 2. Section 37-450, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 37-450 (1) The commission may issue permits for hunting
26 elk and may adopt and promulgate separate and, when necessary,
27 different rules and regulations therefor within the limitations

1 prescribed in sections 37-447 and 37-452 for hunting deer.

2 (2) The commission shall, pursuant to section 37-327,
3 establish and charge (a) a nonrefundable application fee of not
4 more than eight dollars and fifty cents for a resident elk permit
5 and not to exceed three times such amount for a nonresident elk
6 permit and (b) a fee of not more than one hundred forty-nine
7 dollars and fifty cents for each resident elk permit issued and not
8 to exceed three times such amount for each nonresident elk permit
9 issued.

10 (3) An applicant shall not be issued a resident elk
11 permit that allows the harvest of an antlered elk more than
12 once every five years. A person may obtain only harvest one
13 antlered-elk permit antlered elk in his or her lifetime except ~~for~~
14 when harvesting an antlered elk with a limited permit to hunt elk
15 pursuant to subdivision (1)(b) of section 37-455 and or an auction
16 or lottery permit pursuant to section 37-455.01.

17 (4) The provisions for the distribution of deer permits
18 and the authority of the commission to determine eligibility of
19 applicants for permits as described in sections 37-447 and 37-452
20 shall also apply to the distribution of elk permits.

21 (5) Any person violating the rules and regulations
22 adopted and promulgated pursuant to this section shall be guilty
23 of a Class III misdemeanor and shall be fined at least two hundred
24 dollars upon conviction.

25 Sec. 3. Section 37-455, Revised Statutes Cumulative
26 Supplement, 2012, is amended to read:

27 37-455 (1) The commission may issue a limited permit

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

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

1 for agricultural purposes and among beneficiaries of a trust that
2 owns or leases eighty acres or more of farm or ranch land for
3 agricultural purposes. Only a person who is a qualifying landowner
4 or leaseholder and such person's immediate family may apply for a
5 limited permit. An applicant may apply for no more than one permit
6 per species per year except as otherwise provided in the rules
7 and regulations of the commission. For purposes of this section,
8 immediate family means and is limited to a husband and wife and
9 their children or siblings sharing ownership in the property.

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

19 (3)(a) To qualify for a limited permit to hunt deer
20 or antelope, the applicant shall be a Nebraska resident who
21 (i) owns or leases eighty acres or more of farm or ranch
22 land for agricultural purposes or a member of such person's
23 immediate family or (ii) is the partner, officer, shareholder,
24 or beneficiary designated as the qualifying landowner by a
25 partnership, corporation, or trust as provided in the rules and
26 regulations under subdivision (2)(a) of this section or a member
27 of the immediate family of the partner, officer, shareholder, or

1 beneficiary. The number of limited permits issued annually per
2 species for each farm or ranch shall not exceed the total acreage
3 of the farm or ranch divided by eighty. The fee for a limited
4 permit to hunt deer or antelope shall be one-half the fee for the
5 regular permit for such species.

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

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

20 (4)(a) To qualify for a limited permit to hunt wild
21 turkey, the applicant shall be a Nebraska resident who (i) owns or
22 leases eighty acres or more of farm or ranch land for agricultural
23 purposes or a member of such person's immediate family or (ii)
24 is the partner, officer, shareholder, or beneficiary designated as
25 the qualifying landowner by a partnership, corporation, or trust as
26 provided in the rules and regulations under subdivision (2)(a) of
27 this section or a member of the immediate family of the partner,

1 officer, shareholder, or beneficiary. The number of limited permits
2 issued annually per season for each farm or ranch shall not exceed
3 the total acreage of the farm or ranch divided by eighty. An
4 applicant may apply for no more than one limited permit per season.
5 The fee for a limited permit to hunt wild turkey shall be one-half
6 the fee for the regular permit to hunt wild turkey.

7 (b) A nonresident of Nebraska who owns three hundred
8 twenty acres or more of farm or ranch land in the State of Nebraska
9 for agricultural purposes or a member of such person's immediate
10 family may apply for a limited permit to hunt wild turkey. Only one
11 limited wild turkey permit per three hundred twenty acres may be
12 issued annually for each wild turkey season under this subdivision.
13 The fee for such a permit to hunt shall be one-half the fee for a
14 nonresident permit to hunt wild turkey.

15 (5) To qualify for a limited permit to hunt elk, (a)
16 the applicant shall be (i) a Nebraska resident who owns three
17 hundred twenty acres or more of farm or ranch land for agricultural
18 purposes, (ii) a Nebraska resident who leases six hundred forty
19 acres or more of farm or ranch land for agricultural purposes
20 or has a leasehold interest and an ownership interest in farm or
21 ranch land used for agricultural purposes which when added together
22 totals at least six hundred forty acres, (iii) a nonresident of
23 Nebraska who owns at least one thousand two hundred eighty acres
24 of farm or ranch land for agricultural purposes, or (iv) a member
25 of such owner's or lessee's immediate family and (b) the qualifying
26 farm or ranch land of the applicant shall be within an area
27 designated as an elk management zone by the commission in its rules

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

14 Sec. 4. Original sections 37-447, 37-450, and 37-455,
15 Revised Statutes Cumulative Supplement, 2012, are repealed.

16 2. On page 1, line 1, strike "section" and insert
17 "sections".