

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 507**

FINAL READING

Introduced by Bostelman, 23; Hunt, 8; Bostar, 29.

Read first time January 19, 2021

Committee: Natural Resources

1 A BILL FOR AN ACT relating to the regulation of resources; to amend  
2 sections 37-448, 37-456, and 66-1330, Reissue Revised Statutes of  
3 Nebraska, and sections 37-201, 46-102, and 61-222, Revised Statutes  
4 Cumulative Supplement, 2020; to provide for and change provisions  
5 relating to hunting permits; to provide powers and duties for the  
6 Game and Parks Commission; to redefine elector under the Irrigation  
7 District Act; to change provisions relating to the use of the Water  
8 Sustainability Fund; to prohibit the use of treated seed in the  
9 production of agricultural ethyl alcohol as prescribed; to harmonize  
10 provisions; to repeal the original sections; and to declare an  
11 emergency.  
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 37-201, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3 37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and section  
4 4 of this act and the State Park System Construction Alternatives Act  
5 shall be known and may be cited as the Game Law.

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

8 37-448 (1) Subject to rules and regulations adopted and promulgated  
9 by the commission, the secretary of the commission may designate, by  
10 order, special deer, antelope, and elk depredation seasons or extensions  
11 of existing ~~deer~~ hunting seasons. The secretary may designate a  
12 depredation season or an extension of an existing ~~deer~~ hunting season  
13 whenever he or she determines that deer, antelope, or elk are causing  
14 excessive property damage. The secretary shall specify the number of  
15 permits to be issued, the species, sex, and number or quota of animals  
16 ~~deer~~ allowed to be taken, the bag limit for such species ~~including deer~~  
17 ~~for donation in accordance with the deer donation program established~~  
18 ~~pursuant to sections 37-1501 to 37-1510~~, the beginning and ending dates  
19 for the depredation season or hunting season extension, shooting hours,  
20 the length of the depredation season or hunting season extension, and the  
21 geographic area in which hunting will be permitted. ~~The Hunting during a~~  
22 ~~special depredation season or hunting season extension shall be limited~~  
23 ~~to residents, and the rules and regulations shall allow use of any weapon~~  
24 permissible for use during the regular deer, antelope, or elk season.

25 (2) The depredation season may commence not less than five days  
26 after the first public announcement that the depredation season has been  
27 established. Permits shall be issued in an impartial manner at a location  
28 determined by the secretary. The commission shall, pursuant to section  
29 37-327, establish and charge a fee of not more than twenty-five dollars  
30 for a resident special depredation season permit and a fee of not more  
31 than seventy-five dollars for a nonresident special depredation season

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

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

23       37-456 The issuance of limited antelope permits pursuant to section  
24 37-455 in any management unit shall not exceed seventy-five ~~fifty~~ percent  
25 of the regular permits authorized for such antelope management unit. The  
26 issuance of limited elk permits pursuant to section 37-455 in any  
27 management unit shall not exceed seventy-five ~~fifty~~ percent of the  
28 regular permits authorized for such elk management unit.

29       Sec. 4. (1) The commission may issue one free-earned landowner elk  
30 permit for the taking of either sex of elk to any person owning or  
31 leasing at least eighty acres of farm or ranch land used for agricultural

1 purposes, or to any member of the immediate family of such person as  
2 defined in subdivision (2)(a) of section 37-455, when the qualifying  
3 number of antlerless elk have been harvested on such land by hunters with  
4 a permit issued under section 37-448 or 37-450. Such permit shall be  
5 limited to hunting on the lands owned or leased by the qualifying  
6 landowner. Receipt of a free-earned landowner elk permit shall not in any  
7 way affect a person's eligibility for a permit issued under section  
8 37-450 or 37-455.

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

17 Sec. 5. Section 46-102, Revised Statutes Cumulative Supplement,  
18 2020, is amended to read:

19 46-102 (1) For purposes of the Irrigation District Act:

20 (a) Elector means:

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

24 (A) Owns ~~or owns~~ not less than fifteen acres of land within any  
25 such district;

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

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

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

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

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

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

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

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

23        (3) {2} If an elector resides outside of the irrigation district,  
24 the elector shall be considered an elector in the division of the  
25 irrigation district in which his or her land is situated or, if the  
26 elector is the owner of land in more than one division of the irrigation  
27 district, the elector shall be considered an elector in the division of  
28 the district in which the majority of his or her land is situated.

29        (4) {3} In the case of land owned or leased by joint tenants, each  
30 joint tenant ~~who is a resident of the State of Nebraska~~ is an elector and  
31 entitled to vote if the total acreage owned or leased per joint tenant is

1 equal to or exceeds the minimum acreage requirements of subsection (1) of  
2 this section.

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

8 (6) ~~(5)~~ In the case of land owned or leased by a corporation,  
9 limited liability company, limited liability partnership, joint venture,  
10 or other legal entity which meets the minimum acreage requirements of  
11 subsection (1) of this section, the entity shall designate a shareholder,  
12 member, or partner of the entity ~~who is a resident of the State of~~  
13 ~~Nebraska~~ to act as the elector on behalf of the entity. The entity shall  
14 identify its elector-designee in writing to the secretary of the board of  
15 directors of the irrigation district not less than thirty days prior to  
16 an irrigation district election.

17 (7) ~~(6)~~ In the case of land owned or leased under a life tenancy,  
18 each remainderman ~~who is a resident of the State of Nebraska~~ is an  
19 elector and entitled to vote if the total acreage owned or leased per  
20 remainderman is equal to or exceeds the minimum acreage requirements of  
21 subsection (1) of this section.

22 (8) ~~(7)~~ In the case of land held by a buyer in possession pursuant  
23 to a land-purchase contract when the total acreage under the land-  
24 purchase contract meets the minimum acreage requirements of subsection  
25 (1) of this section and the buyer in possession ~~is a resident of the~~  
26 ~~State of Nebraska~~ and is responsible for paying the real property taxes  
27 and the irrigation fees and assessments, the buyer in possession is the  
28 elector.

29 (9) ~~(8)~~ In the case of land owned or leased by a trust which meets  
30 the minimum acreage requirements of subsection (1) of this section, the  
31 trustee shall designate a trustor, beneficiary, or trustee of the trust

1 ~~who is a resident of the State of Nebraska~~ to act as the elector on  
2 behalf of the trust. The trust shall identify its elector-designee in  
3 writing to the secretary of the board of directors not less than thirty  
4 days prior to an irrigation district election.

5 ~~(10)~~ (9) In the case of a pending estate of a deceased elector  
6 involving land which meets the minimum acreage requirements of subsection  
7 (1) of this section, the duly appointed personal representative of the  
8 estate ~~who is a resident of the State of Nebraska~~ shall act as the  
9 elector on behalf of the estate.

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

23 Sec. 6. Section 61-222, Revised Statutes Cumulative Supplement,  
24 2020, is amended to read:

25 61-222 The Water Sustainability Fund is created in the Department of  
26 Natural Resources. The fund shall be used in accordance with the  
27 provisions established in sections 2-1506 to 2-1513 ~~Laws 2014, LB1098,~~  
28 and for costs directly related to the administration of the fund. The  
29 Legislature shall not appropriate or transfer money from the Water  
30 Sustainability Fund for any other purpose, except that transfers may be  
31 made from the Water Sustainability Fund to the Department of Natural

1 Resources Cash Fund and as a one-time transfer to the General Fund as  
2 described fund as provided in this section.

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

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

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

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

31       The State Treasurer shall transfer five hundred thousand dollars



1 from the Water Sustainability Fund to the General Fund on or before June  
2 30, 2021, on such dates and in such amounts as directed by the budget  
3 administrator of the budget division of the Department of Administrative  
4 Services.

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

7 66-1330 Sections 66-1330 to 66-1348 and section 8 of this act shall  
8 be known and may be cited as the Ethanol Development Act.

9 Sec. 8. The use of seed that is treated, as defined in section  
10 81-2,147.01, in the production of agricultural ethyl alcohol shall be  
11 prohibited if such use results in the generation of a byproduct that is  
12 deemed unsafe for livestock consumption or land application.

13 Sec. 9. Original sections 37-448, 37-456, and 66-1330, Reissue  
14 Revised Statutes of Nebraska, and sections 37-201, 46-102, and 61-222,  
15 Revised Statutes Cumulative Supplement, 2020, are repealed.

16 Sec. 10. Since an emergency exists, this act takes effect when  
17 passed and approved according to law.