

LEGISLATIVE BILL 507

Approved by the Governor May 5, 2021

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

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

Be it enacted by the people of the State of Nebraska,

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

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

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

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

(2) The depredation season may commence not less than five days after the first public announcement that the depredation season has been established. Permits shall be issued in an impartial manner at a location determined by the secretary. The commission shall, pursuant to section 37-327, establish and charge a fee of not more than twenty-five dollars for a resident special depredation season permit and a fee of not more than seventy-five dollars for a nonresident special depredation season permit. The commission shall use the income from the sale of special depredation season permits for abatement of damage caused by deer. The commission shall, pursuant to section 37-327, establish and charge a fee of not more than ten dollars for a landowner special depredation season permit also provide for an unlimited number of free permits for the taking of antlerless deer and antelope for upon request to any person owning or operating at least twenty acres of farm or ranch land within the geographic area in which hunting will be permitted and to any member of the immediate family of such person as defined in subdivision (2)(a) of section 37-455, and for the taking of elk for any person owning or operating at least eighty acres of farm or ranch land within the geographic area in which hunting will be permitted and to any member of the immediate family of such person as defined in subdivision (2)(a) of section 37-455. A special depredation season free permit shall be valid only within such area and only during the designated deer depredation season. The commission shall use the income from the sale of special depredation season permits for abatement of damage caused by deer, antelope, and elk. Receipt of a depredation season permit shall not in any way affect a person's eligibility for a regular season permit issued under section 37-447, 37-449, 37-450, or 37-455.

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

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

Sec. 4. (1) The commission may issue one free-earned landowner elk permit for the taking of either sex of elk to any person owning or leasing at least eighty acres of farm or ranch land used for agricultural purposes, or to any member of the immediate family of such person as defined in subdivision (2)(a) of section 37-455, when the qualifying number of antlerless elk have been

harvested on such land by hunters with a permit issued under section 37-448 or 37-450. Such permit shall be limited to hunting on the lands owned or leased by the qualifying landowner. Receipt of a free-earned landowner elk permit shall not in any way affect a person's eligibility for a permit issued under section 37-450 or 37-455.

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

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

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

(a) Elector means:

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

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

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

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

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

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

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

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

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

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

(3) ~~(2)~~ If an elector resides outside of the irrigation district, the elector shall be considered an elector in the division of the irrigation district in which his or her land is situated or, if the elector is the owner of land in more than one division of the irrigation district, the elector shall be considered an elector in the division of the district in which the majority of his or her land is situated.

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

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

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

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

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

(9) ~~(8)~~ In the case of land owned or leased by a trust which meets the minimum acreage requirements of subsection (1) of this section, the trustee shall designate a trustor, beneficiary, or trustee of the trust ~~who is a resident of the State of Nebraska~~ to act as the elector on behalf of the trust.

The trust shall identify its elector-designee in writing to the secretary of the board of directors not less than thirty days prior to an irrigation district election.

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

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

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

61-222 The Water Sustainability Fund is created in the Department of Natural Resources. The fund shall be used in accordance with the provisions established in sections 2-1506 to 2-1513 ~~Laws 2014, LB1098,~~ and for costs directly related to the administration of the fund. The Legislature shall not appropriate or transfer money from the Water Sustainability Fund for any other purpose, except that transfers may be made from the Water Sustainability Fund to the Department of Natural Resources Cash Fund and as a one-time transfer to the General Fund as described fund as provided in this section.

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

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

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

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

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

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

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

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

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

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