

LEGISLATIVE BILL 170

Approved by the Governor April 25, 1983

Introduced by Constitutional Revision & Recreation
Committee, Labeledz, 5, Chairperson;
Sieck, 24; Carsten, 2; Jacobson, 33;
Rupp, 22; Abboud, 12; Fowler, 27

AN ACT to amend section 37-215.03, Reissue Revised Statutes of Nebraska, 1943, and sections 37-201 and 37-216.01, Revised Statutes Supplement, 1982, relating to game and parks; to change provisions relating to limited permits; to authorize such permits for antelope and wild turkeys; to change provisions relating to hunting by farmers or ranchers; to establish fees; to provide an exception to habitat stamp requirements; to provide a penalty; to provide an operative date; and to repeal the original sections.

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

Section 1. That section 37-201, Revised Statutes Supplement, 1982, be amended to read as follows:

37-201. For the purpose of supplying revenue for the propagation, importation, distribution, protection, and conservation of the wildlife of this state, including all wild animals, birds, fish, and all things pertaining thereto, every person sixteen years of age or older who hunts for game animals or game birds or takes bullfrogs, or any other species as defined as game in section 37-101, or angles for fish, and every person sixteen years of age or older who engages in fur harvesting, shall first pay a fee as herein required and obtain a permit, except the owner or his or her invitee who angles for fish in any body of water (1) which is entirely upon privately owned land, (2) which is entirely privately stocked, (3) which does not connect by inflow or outflow with other water outside said land, and (4) when such owner does not operate such body of water on a commercial basis for profit. ; Provided, that any

Any bona fide farmer or rancher, as described in section 37-215.03, who owns or leases farm or ranch

land, and who actually resides on a portion of such farm or ranch land, together with members of his or her immediate family also residing on such land, may hunt, take, and possess, within duly established season bag and possession limits, upland game, and all game except migratory water fowl, shore birds, deer, antelope, and wild turkey without the necessity of paying a fee and obtaining a hunting permit, as required in sections 37-201 and 37-213, or a habitat stamp as required in sections 37-216.01 to 37-216.09. For ~~7~~ and for the purpose of this exemption, the term immediate family shall mean and be limited to husband and wife and their children. The ~~7~~ and the term upland game shall mean and be limited to cottontail rabbits, squirrels, grouse, partridges, pheasants, prairie chickens, and quail. Such exemption shall only apply to hunting done on the home farm or ranch land owned or leased by the bona fide farmer or rancher, and shall not apply when hunting on the lands of other persons. The Game and Parks Commission may by rule and regulation require a farmer or rancher, hunting under the provisions of this section, to sign a statement presented by a conservation officer, which states that such farmer or rancher is a bona fide farmer or rancher as described in section 37-215.03 of the land upon which he or she is hunting.

A violation of the provisions of this section shall be a Class IV misdemeanor, or on land owned by the exempted farmer or rancher and not directly connected and contiguous with the land upon which the farmer or rancher actually resides; Provided, that any

Any farmer or rancher owning or operating a farm or ranch may destroy or have destroyed any predator, including raccoon and opossum, preying on livestock or poultry or causing other agricultural depredation on lands owned or controlled by him or her without a permit issued by the Game and Parks Commission.

Sec. 2. That section 37-215.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-215.03. (1) (a) A Whenever any bona fide farmer or rancher who owns or leases farm or ranch land, and who actually resides on such land, or is the owner-operator of such land, or (b) a member of such farmer or rancher's his immediate family also residing on such land, or in the same household as the owner-operator, may make makes application for a limited permit to kill deer, antelope, or wild turkey during the predetermined period established by the commission pursuant to section 37-215 or 37-227, ~~7~~ and is refused such permit for the reason that all available permits have been issued; such person may then apply for a limited deer permit. Upon receipt of an application in

proper form as prescribed by the Game and Parks Commission, the commission shall issue a limited permit which shall be restricted to killing of deer, antelope, or wild turkey only on the farm or ranch lands included in the application, and shall not apply to the land of other persons. For the purposes of this section, the term immediate family shall mean and be limited to husband and wife and their children, and all the conditions applicable to permits issued pursuant to section 37-215 or 37-227, whichever is appropriate, shall apply to limited permits issued pursuant to this section. Only one such permit for each species shall be issued for each farm or ranch.

(2) Receipt of a limited permit or a permit issued pursuant to section 37-215 or 37-227 for any one year or open season shall not bar receipt of a limited permit in any subsequent year or for any subsequent open season.

(3) For purposes of this section, bona fide farmer or rancher shall mean any person who materially participates in the business of farming or ranching. For purposes of this section, farming or ranching shall mean the cultivation of the soil or the harvesting of any agricultural or horticultural commodity, including, but not limited to, raising, shearing, feeding, or caring for livestock animals, for the production of income. In the case of an owner or tenant of land who makes an arrangement with another person or persons with respect to the farming or ranching of land which is owned or leased by the owner or tenant, material participation shall mean that the owner or tenant (a) furnishes a substantial portion of the machinery, implements, and livestock used in the production of the commodities or (b) assumes financial responsibility for a substantial part of the expense involved in the production of the commodities. The fee for the limited permit to hunt deer or antelope shall be ten dollars and the fee for the limited permit to hunt wild turkeys shall be seven dollars and fifty cents.

(4) The Game and Parks Commission may by rule and regulation prescribe forms to be filled out by the applicant for a limited license as prescribed in this section to determine whether the applicant is a bona fide farmer or rancher. The applicant shall be a bona fide farmer or rancher with respect to each tract or parcel of land upon which the applicant proposes to harvest deer, antelope, or wild turkey.

Sec. 3. That section 37-216.01, Revised Statutes Supplement, 1982, be amended to read as follows:

37-216.01. No (1) Except as provided in subsection (2) of this section, no person sixteen years of age or older shall take, hunt, kill, harvest, or

possess any game birds, upland game bird, game animal, or fur-bearing animal unless, at the time of such taking, hunting, killing, harvesting, or possessing, such person carries on his or her person an unexpired habitat stamp validated, by his or her signature in ink across the face of the stamp, prior to the time of taking, hunting, killing, harvesting, or possessing such birds or animals; PROVIDED, that all nonresidents, regardless of age, who shall take, hunt, kill, harvest, or possess any game bird, upland game bird, game animal, or fur-bearing animal shall carry on his or her person the required habitat stamp so validated. Any person to whom a stamp has been issued shall, immediately upon request, exhibit the stamp to any officer or person whose duty it is to enforce the provisions of sections 37-216.01 to 37-216.09. Any person taking, hunting, killing, harvesting, or possessing game birds, upland game birds, game animals, or fur-bearing animals in this state without such a stamp attached to a valid hunting or fur harvesting permit and not actually on or about his or her person shall be deemed to be without such stamp. Such stamp shall be issued upon the payment of seven dollars and fifty cents as provided by rules and regulations of the Game and Parks Commission.

(2) The provisions of subsection (1) of this section shall not apply to limited permits issued pursuant to section 37-215.03.

Sec. 4. This act shall become operative on January 1, 1984.

Sec. 5. That original section 37-215.03, Reissue Revised Statutes of Nebraska, 1943, and sections 37-201 and 37-216.01, Revised Statutes Supplement, 1982, are repealed.