

## LEGISLATIVE BILL 1149

Approved by the Governor April 15, 2004

Introduced by Baker, 44; Vrtiska, 1

AN ACT relating to the Game Law; to amend section 37-530, Reissue Revised Statutes of Nebraska, and section 37-455, Revised Statutes Supplement, 2003; to provide for nonresident permits to hunt wild turkey; to provide powers and duties for the Game and Parks Commission relating to wildlife killed on public highways; to eliminate a restriction on hunting certain wild animals; to eliminate a penalty; to repeal the original sections; and to outright repeal section 37-528, Revised Statutes Supplement, 2002.

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

Section 1. Section 37-455, Revised Statutes Supplement, 2003, is amended to read:

37-455. (1) The commission may issue a limited permit for deer, antelope, wild turkey, or elk to a person who is a qualifying landowner or leaseholder and his or her immediate family as described in this section. A permit shall be valid during the predetermined period established by the commission pursuant to sections 37-447 to 37-450, 37-452, 37-456, or 37-457. Upon receipt of an application in proper form as prescribed by the rules and regulations of the commission, the commission may issue (a) a limited deer, antelope, or wild turkey permit valid for hunting on all of the land which is owned or leased by the qualifying landowner or leaseholder if such lands are identified in the application or (b) a limited elk permit valid for hunting on the entire elk management unit of which the land of the qualifying landowner or leaseholder included in the application is a part.

(2)(a) The commission shall adopt and promulgate rules and regulations prescribing procedures and forms and create requirements for documentation by an applicant or permittee to determine whether the applicant or permittee is a Nebraska resident and is a qualifying landowner or leaseholder of the described property or is a member of the immediate family of and residing in the same household as such qualifying landowner or leaseholder. Only a person who is a qualifying landowner or leaseholder and such person's immediate family residing in the same household as such qualifying landowner or leaseholder may apply for a limited permit. For purposes of this section, immediate family means and is limited to a husband and wife and their children.

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

(3)(a) To qualify for a limited permit to hunt deer or antelope, the applicant shall be a Nebraska resident who owns or leases eighty acres or more of farm or ranch land for agricultural purposes or a member of such person's immediate family residing in the same household. The number of limited permits issued annually per species for each farm or ranch shall not exceed the total acreage of the farm or ranch divided by eighty. An applicant may apply for no more than one permit per species per year. The fee for a limited permit to hunt deer or antelope shall be one-half the fee for the regular permit for such species.

(b) A nonresident of Nebraska who owns three hundred twenty acres or more of farm or ranch land in the State of Nebraska for agricultural purposes or a member of such person's immediate family residing in the same household may apply for a limited deer permit. Only one limited deer permit per three hundred twenty acres may be issued annually under this subdivision. The fee for such a permit to hunt deer shall be one-half the fee for a nonresident permit to hunt deer.

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

(4)(a) To qualify for a limited permit to hunt wild turkey, the applicant shall be a Nebraska resident who owns or leases eighty acres or more

of farm or ranch land for agricultural purposes or a member of such person's immediate family residing in the same household. The number of limited permits issued annually per season for each farm or ranch shall not exceed the total acreage of the farm or ranch divided by eighty. An applicant may apply for no more than one limited permit per season. The fee for a limited permit to hunt wild turkey shall be one-half the fee for the regular permit to hunt wild turkey.

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

(5) To qualify for a limited permit to hunt elk, (a) the applicant shall be (i) a Nebraska resident who owns three hundred twenty acres or more of farm or ranch land for agricultural purposes, (ii) a Nebraska resident who leases three hundred twenty acres or more of farm or ranch land for agricultural purposes and resides on such property, or (iii) a member of such owner or lessee's immediate family residing in the same household and (b) the qualifying farm or ranch land of the applicant shall be within an area designated as an elk management zone by the commission in its rules and regulations. An applicant shall not be issued a limited elk permit more than once every three years, and the commission may give preference to a person who did not receive a limited elk permit or specified type of limited elk permit during the previous years. The fee for a limited permit to hunt elk shall be one-fifth the fee for the regular permit to hunt elk.

Sec. 2. Section 37-530, Reissue Revised Statutes of Nebraska, is amended to read:

37-530. Any deer or antelope wildlife species as designated by the commission accidentally killed by a motor vehicle on a public highway in this state, unless seized and confiscated pursuant to sections 37-619 to 37-621, shall, when salvageable, be disposed of as determined by the commission or its designee.

Sec. 3. Original section 37-530, Reissue Revised Statutes of Nebraska, and section 37-455, Revised Statutes Supplement, 2003, are repealed.

Sec. 4. The following section is outright repealed: Section 37-528, Revised Statutes Supplement, 2002.