

LEGISLATIVE BILL 195

Approved by the Governor March 20, 1975

Introduced by Wiltse, 1

AN ACT to amend sections 37-101 and 37-201, Reissue Revised Statutes of Nebraska, 1943, relating to game; to define certain terms; to allow destruction of predators causing agricultural depredation; and to repeal the original sections.

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

Section 1. That section 37-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-101. As used in this act, unless otherwise specified or plainly intended, the word game shall include all game fish, bullfrogs, snapping turtles, tiger salamanders, mussels, crows, game animals, fur-bearing animals, game birds, and all other birds and other creatures protected by this act; the term game fish shall include all fish except buffalo, carp, gar, quillback, sucker, and gizzard shad; the term game animals shall include all antelope, cottontail rabbits, deer, elk, raccoon, opossum, and squirrels; the term fur-bearing animals shall include all beaver, martens, minks, except mutation minks, muskrats, raccoon, opossum, and otters; the term game birds shall include all migratory water fowl, coots, cranes, curlew, doves, ducks, geese, grouse, partridges, pheasants, plovers, prairie chickens, quail, snipes, swans, and wild turkeys; the word raptor shall include any bird of the Falconiformes or Strigiformes, except the golden and bald eagles; the words herein and hereof refer to this entire act; the words person, owner, proprietor, grantee, lessee, and licensee shall mean and include individuals, partnerships, associations, corporations, and municipalities; the words board and commission shall each mean the Game and Parks Commission; and the word officer includes every person authorized to enforce this act. Hunt when used in this section shall be construed to mean and include take, pursue, shoot, kill, capture, collect, trap, or attempt to take, pursue, shoot, capture, collect, kill, or trap; and raw fur shall be construed to mean the green pelts of any game animal or fur-bearing animal except commercially reared mutations. Whenever the possession, use, importation, storage, taxidermy for millinery purposes, sale, or offering or exposing for sale of fish, game, or song, insectivorous, or other birds, including mourning doves,

is prohibited or restricted, the prohibition or restriction, when not specifically stated to be otherwise, shall mean any part of such fish, game, or song, insectivorous, or other birds; Provided, that any nonresident person who takes, hunts, kills or pursues or attempts to take, hunt, kill, or pursue, or has in his possession any wild mammal, bird, turtle, mussel, or amphibian shall first obtain and have in his possession a nonresident hunting permit as defined in subdivision (2) of section 37-204.

Sec. 2. That section 37-201, Reissue Revised Statutes of Nebraska, 1943, 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 who traps for fur-bearing animals, shall first pay a fee as herein required and obtain a permit, except the owner or his 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 bona fide farmer or rancher who owns or leases farm or ranch land, and who actually resides on such land, together with members of his 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 section 37-201 and section 37-213, or an upland game bird stamp as required in sections 37-217 to 37-225, and for the purpose of this exemption, the term immediate family shall mean and be limited to husband and wife and their children, 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, and shall not apply when hunting on the lands of other persons 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 farmer or rancher owning or operating a farm or ranch may destroy



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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 without a permit issued by the Game and Parks Commission.

Sec. 3. That original sections 37-101 and 37-201, Reissue Revised Statutes of Nebraska, 1943, are repealed.