

## LEGISLATIVE BILL 173

Approved by the Governor May 9, 1997

Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Brown, 23; Bruning, 3; Elmer, 44; McKenzie, 34; Preister, 5; Schrock, 38

AN ACT relating to the Game Law; to amend section 37-202, Reissue Revised Statutes of Nebraska, section 37-101, Revised Statutes Supplement, 1996, and section 37-215.03, Revised Statutes Supplement, 1996, as amended by section 3, Legislative Bill 107, Ninety-fifth Legislature, First Session, 1997; to change provisions relating to migratory game birds and hunting permits; to define a term; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 37-101, Revised Statutes Supplement, 1996, is amended to read:

37-101. For purposes of the Game Law, unless the context otherwise requires:

(1) Aquaculture ~~shall have~~ has the definition found in section 2-3804.01;

(2) Aquaculture facility ~~shall mean~~ means any facility, structure, lake, pond, tank, or tanker truck used for the purpose of propagating, selling, brokering, trading, or transporting live fish or viable gametes;

(3) Aquaculturist ~~shall mean~~ means any individual, partnership, limited liability company, or corporation, other than an employee of a state or federal hatchery, involved in producing, transporting, or marketing cultured aquatic stock or products thereof;

(4) Aquatic disease ~~shall mean~~ means any departure from a normal state of health of aquatic organisms caused by disease agents;

(5) Aquatic organism ~~shall mean~~ means an individual member of any species of fish, mollusk, crustacean, aquatic reptile, aquatic amphibian, aquatic insect, or other aquatic invertebrate. Aquatic organism ~~shall include~~ includes the viable gametes, eggs or sperm, of an aquatic organism;

(6) Captive propagation ~~shall mean~~ means to hold live raptors in a controlled environment that is intensively manipulated by humans for the purpose of producing raptors of selected species and that has boundaries designed to prevent raptors, eggs, or gametes of the selected species from entering or leaving the controlled environment;

(7) Commercial aquaculturist ~~shall mean~~ means an aquaculturist engaged in the business of growing, selling, brokering, or processing live or viable aquatic organisms for commercial purposes;

(8) Commercial exploitation ~~shall mean~~ means buying, selling, or bartering for economic or financial gain by any person, partnership, limited liability company, association, or corporation;

(9) Commission ~~shall mean~~ means the Game and Parks Commission;

(10) Cultured aquatic stock ~~shall mean~~ means aquatic organisms raised from privately owned stocks and aquatic organisms lawfully acquired and held in private ownership until they become intermingled with wild aquatic organisms;

(11) Disabled person ~~shall mean~~ means any person certified by a physician to have a permanent physical impairment which limits personal mobility and results in an inability to travel unassisted more than two hundred feet without the use of a wheelchair, crutch, walker, prosthetic, orthotic, or other assistance device as allowed by rules and regulations adopted and promulgated by the commission;

(12) Ecologic harm ~~shall mean~~ means significant loss, disadvantage, or injury to the relationships between organisms and their environment;

(13) Economic harm ~~shall mean~~ means significant loss, disadvantage, or injury to personal or material resources;

(14) Falconry ~~shall mean~~ means the sport of taking quarry by means of a trained raptor;

(15) Fur harvesting ~~shall mean~~ means taking or attempting to take any fur-bearing animal by any means as prescribed by rules and regulations of the commission;

(16) Fur-bearing animals ~~shall mean~~ means all beaver, martens, muskrats, raccoons, opossums, otters, bobcats, gray foxes, red foxes except mutation foxes, badgers, long-tailed weasels, Canada lynx, skunks, and minks except mutation minks;

(17) Game shall mean means all game fish, bullfrogs, snapping turtles, tiger salamanders, mussels, crows, game animals, fur-bearing animals, game birds, and all other birds and creatures protected by the Game Law;

(18) Game animals shall mean means all antelope, cottontail rabbits, deer, elk, mountain sheep, squirrels, mountain lions, moose, and bears;

(19) Game birds shall mean means coots, cranes, curlew, doves, ducks, geese, grouse, partridges, pheasants, plovers, prairie chickens, quail, rails, snipes, swans, woodcocks, wild turkeys, and all migratory waterfowl;

(20) Game fish shall mean means all fish except buffalo, carp, gar, quillback, sucker, and gizzard shad;

(21) Hunt shall mean means to take, pursue, shoot, kill, capture, collect, or attempt to take, pursue, shoot, capture, collect, or kill;

(22) Migratory game birds means all doves, ducks, geese, rails, snipes, cranes, woodcocks, coots, and swans;

(23) Officer shall mean means every person authorized to enforce the Game Law;

(24) ~~(23)~~ Person, owner, proprietor, grantee, lessee, and licensee shall mean means and include includes individuals, partnerships, limited liability companies, associations, corporations, and municipalities;

(25) ~~(24)~~ Raptor shall mean means any bird of the Falconiformes or Strigiformes, except the golden and bald eagles;

(26) ~~(25)~~ Raw fur shall mean means the green pelts of any fur-bearing animal except commercially reared mutations;

(27) ~~(26)~~ Trapping shall mean means to take or attempt to take any fur-bearing animal by any snare, steel-jawed spring trap, or box trap; and

(28) ~~(27)~~ Upland game birds shall mean means all species and subspecies of quail, partridges, pheasants, wild turkeys, and grouse, including prairie chickens, on which an open season is in effect.

Sec. 2. Section 37-202, Reissue Revised Statutes of Nebraska, is amended to read:

37-202. Permits to hunt, fish, or harvest fur shall be issued on a form prepared and supplied by the commission. Such permit shall bear a description of the person to whom issued, setting forth age, color of eyes and hair, height and weight, and the date of its issuance. All permits shall bear the signature of the secretary of the commission or a facsimile of such signature. All legally issued permits shall authorize the person named therein to hunt for, kill, or take game and fish or to harvest furbearers, in lawful season and manner, during the period for which the permit is issued. If the holder of a hunting permit is a hunter of migratory game birds, he or she shall be required to declare himself or herself as such and provide information regarding his or her migratory game bird hunting activity to the commission. Documentation of such a declaration shall be made on the hunting permit or a separate document which shall become a part of the permit. Costs to the commission of implementing such declaration and documentation and for participation in a federal program designed to obtain survey information on migratory bird hunting activity shall be funded from the State Game Fund. All of such legally issued permits, except for those permits for veterans provided by section 37-214.03 and for persons at least seventy years old provided by section 37-214.04 which shall be permanent permits, shall expire at midnight on December 31 of the year in which issued. To be valid a permit shall be countersigned by the holder. The permit shall be on or about the person of the holder at all times while he or she is hunting, fur harvesting, or fishing and shall be shown immediately upon demand to any officer or person whose duty it is to enforce the Game Law. Any person hunting, fishing, or fur harvesting in this state without such permit actually on or about his or her person shall be deemed to be without such permit. The commission shall adopt and promulgate rules and regulations necessary to carry out this section.

Sec. 3. Section 37-215.03, Revised Statutes Supplement, 1996, as amended by section 3, Legislative Bill 107, Ninety-fifth Legislature, First Session, 1997, is amended to read:

37-215.03. (1) 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 may apply for a limited deer, antelope, wild turkey, or elk permit. The limited permit is valid during the predetermined period established by the commission pursuant to section 37-215 or 37-227. To qualify for a limited elk permit the farm or ranch land of the applicant must be within an area designated as an elk zone management unit by the commission in its regulations. Only one limited permit for each species shall be issued annually for the farm or ranch land described in the application, except that both a spring and a fall turkey permit may be issued. Upon receipt of an application in proper form as prescribed by the commission, the commission may issue a limited permit which shall restrict (a)

the limited deer, antelope, or wild turkey permit to hunting only on the farm or ranch land included in the application and shall not apply to the land of other persons and (b) the limited elk permit to hunting on the entire elk management unit of which the farm or ranch land included in the application is a part. For purposes of this section, immediate family shall mean and be limited to husband and wife and their children. 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, except that the commission may adopt regulations for species harvest allocation pertaining to the sex and age of the species harvested which are different for this permit than for other hunting permits.

(2) Except as provided in subsection (3) of this section, 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) A limited elk permit issued pursuant to this section shall not be issued to any applicant more than once every three years.

(4) The fee for a limited permit to hunt elk shall be one-fifth the fee for the regular permit to hunt elk. The fee for a limited permit to hunt deer, antelope, or wild turkey shall be one-half the fee for the regular permit for these species.

(5) The commission may by rule and regulation prescribe forms to be filled out by the applicant for a limited permit as prescribed in this section to determine whether the applicant is a Nebraska resident and is the owner or lessee of the described property or is a member of the family or household of such person.

Sec. 4. Original section 37-202, Reissue Revised Statutes of Nebraska, section 37-101, Revised Statutes Supplement, 1996, and section 37-215.03, Revised Statutes Supplement, 1996, as amended by section 3, Legislative Bill 107, Ninety-fifth Legislature, First Session, 1997, are repealed.