

LEGISLATIVE BILL 19

Approved by the Governor February 13, 1997

Introduced by Landis, 46

AN ACT relating to the Game Law; to amend sections 37-102 and 37-216.01, Revised Statutes Supplement, 1996; to authorize special fishing permits for severely physically disabled or developmentally disabled persons; to provide a fee; to define a term; to provide powers and duties; 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. (1) The commission may issue, regardless of any other requirements or qualifications of the Game Law, special fishing permits to those residents of the State of Nebraska who are severely physically disabled or developmentally disabled and who require assistance angling. The special permit shall entitle the disabled person and one person assisting the disabled person to take, hunt, fish, catch, kill, harvest, or possess any aquatic organism in compliance with the Game Law. The special permit shall be valid without an aquatic habitat stamp issued under the provisions of sections 37-216.01 to 37-216.09. The disabled person shall be considered the holder of the permit. The annual fee for such permit shall be five dollars, regardless of the age of the applicant.

(2) For purposes of this section, severely physically disabled person means a person certified by a physician to have a permanent physical impairment which results in an inability to use fishing equipment unassisted.

(3) For purposes of this section, developmentally disabled person means a person who has a developmental disability as defined in section 83-1205 and whose disability is certified by a physician as resulting in an inability to use fishing equipment unassisted.

(4) The commission shall adopt and promulgate rules and regulations necessary to carry out this section.

Sec. 2. Section 37-102, Revised Statutes Supplement, 1996, is amended to read:

37-102. Sections 37-101 to 37-726 and 37-1401 to 37-1408 and section 1 of this act shall be known and may be cited as the Game Law.

Sec. 3. Section 37-216.01, Revised Statutes Supplement, 1996, is amended to read:

37-216.01. (1) Except as provided in subsection (2) of this section:

(a) No resident of Nebraska sixteen years of age or older and no nonresident of Nebraska regardless of age shall take, hunt, kill, harvest, or possess any game bird, 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 or about 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 bird or animal; and

(b) No resident or nonresident of Nebraska eighteen years of age or older shall take, hunt, fish, catch, kill, harvest, or possess any aquatic organism requiring a Nebraska fishing permit, including any fish, bullfrog, snapping turtle, tiger salamander, or mussel unless, at the time of such taking, hunting, fishing, catching, killing, harvesting, or possessing, such person carries on or about his or her person an unexpired aquatic habitat stamp validated by his or her signature in ink across the face of the stamp prior to the time of taking, hunting, fishing, catching, killing, harvesting, or possessing a fish, bullfrog, snapping turtle, tiger salamander, or mussel.

(2) Habitat stamps are not required for holders of limited permits issued under section 37-215.03. Aquatic habitat stamps are not required (a) when a fishing permit is not required, (b) for holders of permits pursuant to section 1 of this act, or (c) for holders of lifetime fishing licenses or lifetime combination hunting and fishing licenses.

(3) Any person to whom a stamp has been issued shall, immediately upon request, exhibit the stamp to any officer. Any person taking, hunting, fishing, catching, killing, harvesting, or possessing any game bird, upland game bird, game animal, or fur-bearing animal or aquatic organism requiring a fishing permit in this state without the appropriate stamp attached to a valid hunting or fur-harvesting permit or fishing permit and not actually on or about his or her person shall be deemed to be without such stamp. A habitat

stamp shall be issued upon the payment of a fee of not less than ten dollars and not more than fifteen dollars per stamp. An aquatic habitat stamp shall be issued upon the payment of a fee of not less than five and not more than six dollars and fifty cents per stamp. The commission shall establish the fees pursuant to section 81-814.02.

Sec. 4. Original sections 37-102 and 37-216.01, Revised Statutes Supplement, 1996, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.