

**ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011**  
**COMMITTEE STATEMENT**  
**LB41**

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**Hearing Date:** Wednesday January 26, 2011  
**Committee On:** Natural Resources  
**Introducer:** Hadley  
**One Liner:** Change fee, permit and stamp issuance, and possession of game provisions under the Game Law

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Carlson, Christensen, Dubas, Haar, Langemeier, McCoy, Schilz, Smith  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Proponents:**

Senator Galen Hadley  
James Douglas  
Joe Herrod  
Terry Kriz  
  
Kim Snow  
James Ingram  
Mark Churchill  
Dave Minarik

**Representing:**

Introducer  
Game and Parks Commission  
Nebraska Council of Sportsmens Clubs  
Oak Creek Sporting Club; Nebraska Gamebird Association  
Nebraska Gamebird and Hunting Association  
Self  
Nebraska Falconers' Association  
Nebraska Sports Council

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 41, introduced at the request of the Game and Parks Commission, addresses several elements of the Game Law related to permits, stamps, possession of wildlife, military permits, and dealing with beaver and muskrat damage. The bill makes many technical changes, which include rewriting, moving, and eliminating several sections of statute.

Section 1 amends 37-238, which defines raptor under the Game Law, by striking a golden and bald eagle exception, and adding accipitriformes and specifying that caracaras, eagles, falcons, harriers, hawks, kites, osprey, owls and vultures are included.

Section 2 amends 37-327, which gives the commission the duty to establish fees, by removing reference to a fee for destroying beaver or muskrat by a public power, irrigation or drainage district employee.

Section 3 amends 37-405, relating to hunting, fishing or fur-harvesting permit holders, by adding authority for the commission to issue multiple-year hunting, fishing or fur harvest permits. Also states that such a permit does not become invalid if the holder moves outside of the state.

Section 4 amends 37-407, relating to permit fees, by eliminating the special two-day (consecutive) permit issued between Thanksgiving and December 31. Also raises the fee cap for nonresident two-day hunting permits from \$35 to \$55.

Section 5 amends 37-411, relating to permit violations and penalties, by eliminating the exception that allows one to possess a fur-bearing animal or raw fur for up to 10 days after a permit expires.

Section 6 amends 37-420, relating to veterans/special permits, by clarifying that fee-exempt disabled veterans' permits include state issued habitat, aquatic habitat, and Nebraska migratory waterfowl stamps.

Section 7 amends 37-421, relating to combination permits, by clarifying that the reduced fee veteran and senior (age 69 and over) permits issued under this section include state issued habitat, aquatic habitat and Nebraska migratory waterfowl stamps.

Section 8 amends 37-421.01, relating to deployed military permits, by allowing any resident who is deployed out of Nebraska or has been deployed within the last 12 months to purchase an annual combination permit that includes all Nebraska issued stamps for a reduced fee of \$5.00. Current law allows one to get a reimbursement for a permit purchased before deployment. Also allows the commission to determine what constitutes evidence of deployment.

Section 9 amends 37-426, relating to birds, animals and aquatic organisms stamps, by providing for multiple-year habitat, migratory waterfowl, and aquatic habitat stamps. Also provides for multiple-year stamps to be issued in conjunction with multiple-year permits and sets a fee.

Section 10 amends 37-427, relating to conditions of stamps, by stating that a multiple-year stamp expires at midnight on the last day of the year that the stamp is valid. Clarifies expiration language for other stamps.

Section 11 amends 37-431, relating to the Nebraska Habitat Fund and the Nebraska Aquatic Habitat Fund, by adding that the fees received for annual and multiple-year stamps are to be credited to these two funds.

Section 12 amends 37-450, relating to permits to hunt elk, by adding an exception for auction or lottery permits to the prohibition on having more than one antlered-elk permit in a person's lifetime.

Section 13 amends 37-461, relating to muskrat permits, by adding beavers to the statute that allows the commission to issue a permit to destroy a muskrat causing damage to a dam, canal, drainage ditch, irrigation ditch, private fish pond, aquaculture facility, artificial waterway, railroad embankment or other property. Clarifies that a permit may be issued to the one who owns or controls the property which may be used by the owner or the owner's designee. Also prohibits such muskrats or beavers from being sold or used unless a proper permit is held.

Section 14 amends 37-464, relating to fur holding after season permits, by requiring a fur-harvesting permit, captive wildlife permit, fur buyer's permit, or permit issued to destroy damage-causing muskrats or beavers, to possess raw fur, pelt, or carcass of any fur-bearing animal protected by the Game Law. Eliminates the requirement that a permit be obtained if fur has not been disposed of within 10 days after the open season.

Section 15 amends 37-483, relating to recall pen permits, by eliminating the \$15 permit for recall pens, and requires instead a captive wildlife permit, which is \$30.

Section 16 through 22 change provisions relating to licensing of game breeding and controlled shooting areas and does the following:

- amends 37-484, relating to game breeding and controlled shooting area licenses, by removing the requirement that tracts of land be contiguous, and broadening the amount of land one must have to get a license under this section from 120 - 1,280 acres to 80 - 2,560 acres;

- amends 37-485, relating to game breeding and controlled shooting areas license requirements, by eliminating the requirement that land be contiguous and inserting that the land may be comprised of one or more tracts, but each tract must be within two miles of another tract;
- amends 37-487, relating to posting of signs, by removing specific posting requirements and allowing the commission to determine how it should be done;
- amends 37-488, relating to game bird licenses, by removing specific requirements for the marking and transport of game birds released and allowing the commission to determine the requirements via rules and regulations;
- amends 37-489, relating to game bird records and reports, by removing specific release recording and reporting requirements and allowing the commission to determine release numbers;
- amends 37-490, relating to closed season, by adding that turkeys may be hunted throughout the open season at breeding and controlled shooting areas;
- amends 37-492, relating to rules and regulations on game breeding and controlled shooting areas, by raising the limit from one to two percent of total acreage in a county that can be licensed for game breeding and controlled shooting areas. Also removes the prohibition on commercial areas with boundaries within one mile of a game refuge or wildlife management area.

Section 23 amends 37-497, relating to raptors, by reducing the minimum age of a falconry permit holder from 14 to 12. Also allows the commission to issue nonresident raptor collecting permits for a fee not more than four times the fee for a falconry permit (which would be \$68 for up to age 17, and \$184 for ages 18 and older). Allows the commission to adopt rules and regulations.

Section 24 amends 37-498, relating to raptors, and Section 25 amends 37-4,103, relating to raptors violations and penalties, by cleaning up the language.

Section 26 amends 37-503, relating to illegal possession of game, by clarifying that no person may have in their possession any unmounted game except during open season or as allowed under the Game Law.

Section 27 amends 37-512, relating to raw fur tag requirements, by removing certain prohibitions related to transporting raw furs.

Section 28 repeals the original sections.

Section 29 repeals outright:

- 37-460, which provides for permits to destroy beaver;
- 37-499, which limits the number of raptors a falconry licensee may possess depending on the type of license one has;
- 37-4,100, which requires commission inspections of licensed falconries;
- 37-4,101, which requires written reports to the commission for its activities relating to raptors;
- 37-4,102, which allows the commission to establish the laws governing raptor capture and limits the number of raptors to be taken to two, and if nestlings are taken, requires that two nestlings be left in the nest;
- 37-562, which allows a public power, irrigation or drainage district employee to have trapped or destroy beaver or muskrat causing damage to such an entity's operations.

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**Explanation of amendments:**

AM219 makes further technical clarifications; adds that payment for a multiple-year permit is to be made in a lump sum and the fee cannot be more than the number of years the permit is valid times the annual permit fee; reinstates that the two-day hunting permit is to be on consecutive days; allows dog training or trial activities to be allowed at controlled shooting areas during the turkey hunting open season; and allows a more equitable method of dealing with falconry permit violations. Currently, raptors are to be confiscated when a violation occurs, which causes financial hardship for the permit holder. The amendment requires the court to order the permit revocation, giving the permit holder an opportunity to make other arrangements for the raptors in his possession.

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Chris Langemeier, Chairperson