

LEGISLATIVE BILL 374

Approved by the Governor May 29, 2019

Introduced by Brewer, 43; Erdman, 47.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-202, 37-497, and 37-498, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Cumulative Supplement, 2018; to define a term; to change provisions relating to falconry permits; to provide for raptor permits for wildlife abatement; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 37-201, Revised Statutes Cumulative Supplement, 2018, is amended to read:

37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and section 3 of this act and the State Park System Construction Alternatives Act shall be known and may be cited as the Game Law.

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

37-202 For purposes of the Game Law, unless the context otherwise requires, the definitions found in sections 37-203 to 37-247 and section 3 of this act are used.

Sec. 3. Wildlife abatement means the use of a trained raptor to frighten, flush, haze, take, or kill certain wildlife to manage depredation, damage, or other threats to human health and safety or commerce caused by such wildlife.

Sec. 4. Section 37-497, Reissue Revised Statutes of Nebraska, is amended to read:

37-497 (1) The commission may take such steps as it deems necessary to provide for the protection and management of raptors. ~~(2) The commission may issue raptor falconry permits for the taking and possession of raptors for the purpose of practicing falconry or wildlife abatement.~~

~~(2) A raptor falconry permit for falconry may be issued only to a resident of the state who has paid the fees required in this subsection and has passed a written and oral examination concerning raptors given by the commission or an authorized representative of the commission. The commission shall charge a fee for each permit of not more than twenty-three dollars for persons between twelve and twelve to seventeen years of age and not more than sixty-one dollars for persons eighteen years of age and older, as established by the commission pursuant to section 37-327. If the applicant fails to pass the examination, he or she shall not be entitled to reapply for a raptor falconry permit for falconry for a period of six months after the date of the examination. No person under A person less than twelve years of age shall not be issued a raptor falconry permit for falconry. A person between twelve and from twelve to seventeen years of age may be issued a permit only if he or she is sponsored by an adult who has a valid raptor falconry permit for falconry and appropriate experience. All raptor falconry permits for falconry shall be nontransferable and shall expire three years after the date of issuance. If the commission is satisfied as to the competency and fitness of an applicant whose permit has expired, his or her permit may be renewed without requiring further examination subject to terms and conditions imposed by the commission. The commission shall adopt and promulgate rules and regulations outlining species of raptors which may be taken, captured, or held in possession.~~

~~(3) A raptor permit for wildlife abatement may be issued only to a resident of the state who has paid the fees required in this subsection and has agreed to comply with federal law concerning raptors used for wildlife abatement as attested to in his or her application. The commission shall charge a fee for each permit of not more than twenty-three dollars for persons between twelve and seventeen years of age and not more than sixty-one dollars for persons eighteen years of age and older, as established by the commission pursuant to section 37-327. No person under twelve years of age shall be issued a raptor permit for wildlife abatement. A person between twelve and seventeen years of age may be issued a permit only if he or she is sponsored and supervised by an adult who has a valid raptor permit for wildlife abatement and appropriate experience. All raptor permits for wildlife abatement shall be nontransferable and shall expire three years after the date of issuance. The commission shall adopt and promulgate rules and regulations to carry out this subsection.~~

~~(4) (3) The commission may issue captive propagation permits to allow the captive propagation of raptors. A permit may be issued to a resident of the state who has paid the fee required in this subsection. The fee for each permit shall be not more than three hundred five dollars, as established by the commission pursuant to section 37-327. The permit shall be nontransferable, shall expire three years after the date of issuance, and may be renewed under terms and conditions established by the commission. The commission shall authorize the species and the number of each such species which may be taken, captured, acquired, or held in possession. The commission shall adopt and promulgate rules and regulations governing the issuance and conditions of~~

captive propagation permits.

(5) (4) The commission may issue raptor collecting permits to nonresidents as prescribed by the rules and regulations of the commission. The fee for a permit shall be not more than two hundred sixty-five dollars, as established by the commission pursuant to section 37-327. A raptor collecting permit shall be nontransferable. The commission shall adopt and promulgate rules and regulations governing the issuance and conditions of raptor collecting permits.

Sec. 5. Section 37-498, Reissue Revised Statutes of Nebraska, is amended to read:

37-498 (1) It shall be unlawful for any person to take or attempt to take or maintain a raptor in captivity, except as otherwise provided by law or by rule or regulation of the commission, unless he or she possesses a raptor falconry permit for falconry, a raptor permit for wildlife abatement, a captive propagation permit, or a raptor collecting permit as required by section 37-497.

(2) No person shall sell, barter, purchase, or offer to sell, barter, or purchase any raptor, raptor egg, or raptor semen, except as permitted under a raptor permit for falconry, a raptor permit for wildlife abatement, falconry or a captive propagation permit issued under section 37-497 or the rules and regulations adopted and promulgated by the commission. Nothing in this section shall be construed to permit any sale, barter, purchase, or offer to sell, barter, or purchase any raptor, raptor egg, or raptor semen taken from the wild.

Sec. 6. Original sections 37-202, 37-497, and 37-498, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Cumulative Supplement, 2018, are repealed.