

LEGISLATIVE BILL 553

Approved by the Governor April 30, 1979

Introduced by Constitutional Revision and Recreation Committee, Reutzell, 15, Chmn.; Pirsch, 10; George, 16; Carsten, 2; Hefner, 19; Koch, 12; Stoney, 4

AN ACT to amend sections 37-204 and 37-213, Revised Statutes Supplement, 1978, relating to game and parks; to provide that trapping permits shall not be issued to nonresidents except as prescribed; to provide an unlawful act; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 37-204, Revised Statutes Supplement, 1978, be amended to read as follows:

37-204. There shall be paid to the state, for permits issued under the provisions of this act, the following fees:

(1) Beginning January 1, 1977, resident fees shall be six dollars and fifty cents for hunting, seven dollars and fifty cents for fishing, thirteen dollars and fifty cents for both fishing and hunting, and seven dollars for trapping or otherwise taking fur-bearing animals pursuant to the regulations of the Game and Parks Commission;

(2) By nonresidents, for trapping or otherwise taking one thousand or less fur-bearing animals, two hundred dollars for a period of time specified by the commission and ten dollars additional for each one hundred or part of one hundred fur-bearing animals taken or trapped; the commission may limit the number of days for which such a permit is issued and the number of fish or game birds taken on one permit, and is authorized to issue coupons attached to nonresident permits for the purpose of tagging and identification. Nonresident permits for trapping or otherwise taking fur-bearing animals may be issued only to residents of states which sell similar permits to residents of Nebraska. No hunting permit shall be required of any nonresident entering this state solely to participate in scheduled dog trials for which an entry fee is charged. For purposes of this subdivision, scheduled dog trials shall mean events wherein hunting dogs and their owners or handlers compete and are judged under controlled conditions in various feats of skill and performance in

the hunting or retrieving of birds and animals when such events are conducted under the written authorization of the Game and Parks Commission. Commencing January 1, 1977, the fee for the nonresident hunting permit shall be thirty dollars, the fee for the nonresident fishing permit shall be ten dollars for three days or fifteen dollars for five days, and all other nonresident permits shall be at the rate above stated, and the fee for a nonresident annual fishing permit shall be thirty dollars per year except that, for a nonresident fishing permit valid only for fishing in the Missouri River or any lake thereof, the fee shall be five dollars for five days and fifteen dollars for an annual permit; and

(3) No person, except a resident of the United States who has resided in this state continuously for a period of ninety days before making an application for a permit under this act and who has a bona fide intention of becoming a legal resident of this state, supported by documentary proof, shall be deemed to be a resident or be issued a permit as such under this act. The issuance of a hunter's permit to anyone known to be physically or mentally unfit to carry or use firearms is hereby prohibited. All nonresident hunters regardless of age shall be required to obtain a permit, and all nonresident anglers under sixteen years of age must be accompanied by a person possessing a valid fishing permit.

Sec. 2. That section 37-213, Revised Statutes Supplement, 1978, be amended to read as follows:

37-213. Unless holding a permit as in this act required, it shall be unlawful (1) for any person to trap or otherwise take or attempt to take, or have in possession any fur-bearing animal or raw fur, (2) for any person who is a resident of the State of Nebraska and is sixteen years old or older or who is a nonresident of this state to hunt for, kill, shoot at, pursue, take, or possess any kind of game birds, game animals, or crows, (3) for any person of the age of sixteen years or older to hunt or take or attempt to hunt or take any migratory waterfowl without first obtaining and affixing to his hunting permit a federal migratory bird hunting stamp. All such stamps affixed to hunting permits must be signed by the holder of the hunting permit. The term migratory waterfowl shall mean any ducks, geese, coots, or brant upon which an open season has been established by the Game and Parks Commission, or (4) for any person who is sixteen years of age or older to take, angle for, or attempt to take any kind of fish, bullfrog, snapping turtle, tiger salamander, mussel, or minnow from the waters of this state or possess the same except that the owner or invitee of the owner of any body of water (a)

located entirely upon privately-owned land, (b) which is entirely privately stocked, (c) which does not connect by inflow or outflow with other water outside said land, and (d) when such owner does not operate such body of water on a commercial basis for profit shall not be required to hold a permit before fishing from or possessing fish or minnows taken from such waters; Provided, that no fishing permit shall be required for fishing in any duly licensed commercial put and take fishery operating under rules and regulations prescribed by the Game and Parks Commission. The fee for licensing such put and take commercial fishery shall be fifty dollars per year, payable in advance, and no person shall operate such an establishment without first obtaining such permit from the commission. Before issuing such permit the commission shall investigate each such establishment annually and be satisfied that the same is a bona fide commercial put and take fishery operating within all applicable state and federal laws. It shall be unlawful for a nonresident to hunt for, kill, shoot at, pursue, take, or possess any kind of game birds or game animals, mussel, turtle, or amphibian or to angle for or take or attempt to angle for or take any kind of fish while in the possession of a resident permit illegally obtained. It shall also be unlawful for anyone to do or attempt to do any other thing for which a permit is herein provided without first obtaining such permit and paying the fee required. Except as provided in sections 37-204 and 37-209, it shall be unlawful for any nonresident to trap or attempt to trap any wild mammal. Any violation of the provisions of this section shall constitute a Class II misdemeanor and the offender shall be fined at least forty dollars.

If the offense shall be failure to hold a hunting, fishing, deer, turkey, or antelope permit as required, unless issuance of the required permit is restricted so that permits are not available, the court shall require the offender to purchase the required permit and exhibit the same to the court.

Sec. 3. That original sections 37-204 and 37-213, Revised Statutes Supplement, 1978, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.