

AMENDMENTS TO LB 404

1           1. Insert the following new sections:

2           "Sec. 21.     The commission shall have access, upon  
3 notification, to any premises where domesticated cervine animals  
4 may be for the purpose of assessing populations of wild cervidae.

5           Sec. 23.     Section 37-411, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           37-411. (1) Unless holding a permit as required in the  
8 Game Law, it shall be unlawful:

9           (a) For any resident of Nebraska who is sixteen years of  
10 age or older or any nonresident of Nebraska to engage in fur  
11 harvesting or possess any fur-bearing animal or raw fur, except  
12 that a person may possess a fur-bearing animal or raw fur for up to  
13 ten days after expiration of a valid permit. Nonresident  
14 fur-harvesting permits may be issued only to residents of states  
15 which sell similar permits to residents of Nebraska;

16           (b) For any resident of Nebraska who is sixteen years of  
17 age or older or any nonresident of Nebraska to hunt or possess any  
18 kind of game birds, game animals, or crows;

19           (c) For any person who is sixteen years of age or older  
20 to hunt or possess any migratory waterfowl without first obtaining  
21 and affixing to his or her hunting permit a federal migratory bird  
22 hunting stamp. All such stamps affixed to hunting permits shall be  
23 signed by the holder of the hunting permit. Migratory waterfowl  
24 means any ducks, geese, coots, or brant upon which an open season

1 has been established by the commission; or

2 (d) For any person who is sixteen years of age or older  
3 to take any kind of fish, bullfrog, snapping turtle, tiger  
4 salamander, or mussel from the waters of this state or possess the  
5 same except as provided in section 37-402. All nonresident anglers  
6 under sixteen years of age shall be accompanied by a person  
7 possessing a valid fishing permit.

8 (2) It shall be unlawful for a nonresident to hunt or  
9 possess any kind of game birds or game animals, to take any kind of  
10 fish, mussel, turtle, or amphibian, or to harvest fur while in the  
11 possession of a resident permit illegally obtained.

12 (3) It shall be unlawful for anyone to do or attempt to  
13 do any other thing for which a permit is required by the Game Law  
14 without first obtaining such permit and paying the fee required.

15 (4) Any nonresident who hunts or has in his or her  
16 possession any wild mammal or wild bird shall first obtain and have  
17 in his or her possession a nonresident hunting permit.

18 (5) Any nonresident who takes or has in his or her  
19 possession any wild turtle, mussel, or amphibian shall first obtain  
20 and have in his or her possession a nonresident fishing permit.

21 (6) Except as provided in this section and sections  
22 37-407 and 37-418, it shall be unlawful for any nonresident to trap  
23 or attempt to trap or to harvest fur or attempt to harvest fur from  
24 any wild mammal.

25 ~~(7)(a)~~ (7) It shall be unlawful for anyone to lure or  
26 entice wildlife into a domesticated cervine animal facility for the  
27 purpose of containing such wildlife.

1           (8)(a) Any person violating this section shall be guilty  
2 of a Class II misdemeanor and shall be fined at least forty  
3 dollars.

4           (b) If the offense is failure to hold a hunting, fishing,  
5 fur-harvesting, deer, turkey, or antelope permit as required,  
6 unless issuance of the required permit is restricted so that  
7 permits are not available, the court shall require the offender to  
8 purchase the required permit and exhibit the permit to the court.".

9           2. On page 2, line 1, strike "21" and insert "22"; in  
10 line 13 strike "contest" and insert "context"; in line 18 after  
11 "Agriculture" insert "or his or her designee"; in line 27 strike  
12 "person has a domesticated" and insert "animal is individually  
13 identified and kept at a premises for which a"; and in line 28  
14 after "permit" insert "has been".

15           3. On page 3, line 20, strike "fifty" and insert "two  
16 hundred"; in line 21 strike "December 31" and insert "October 1";  
17 and in line 28 strike "pertaining to" and insert "or any other  
18 state pertaining to domesticated cervine animals".

19           4. On page 4, line 1, strike beginning with "the"  
20 through "Act"; in line 6 after the first "of" insert "initial"; in  
21 lines 6 and 7 strike "and maintenance"; in line 8 after "approve"  
22 insert "or disapprove"; in lines 9 and 11, after "The" insert  
23 "initial" and strike "maintenance" and insert "new construction";  
24 in line 15 after "(3)" insert "The department may inspect and  
25 approve or disapprove:

26           (a) The maintenance of perimeter fencing; and

27           (b) The maintenance of a handling facility which is

1 capable of sorting and restraining individual animals for testing,  
2 identification, treatment, or other purposes deemed necessary by  
3 the department.

4 (4)"; in line 15 strike "may" and insert "shall"; and in  
5 line 16 strike "construction" and insert "initial construction,  
6 subsequent new construction,".

7 5. On page 9, line 20, strike "may" and insert "shall";  
8 in line 22 after "identification" insert "in a manner which visibly  
9 distinguishes a domesticated cervine animal from wild cervidae"; in  
10 line 27 strike "license" and insert "permit"; and in line 28, after  
11 "act" insert "and shall be considered a violation of section  
12 37-411".

13 6. On page 11, lines 2 and 4, strike "seven" and insert  
14 "five"; in line 13 after the period insert "The department and the  
15 commission shall not be held liable for the value of any domestic  
16 cervine animal destroyed under this section."; in line 21 strike  
17 beginning with "The" through the period in line 23; and in line 27  
18 strike "and wild cervidae".

19 7. On page 13, line 3, after the semicolon insert "and";  
20 strike lines 4 through 6; in line 7 strike "(3)" and insert "(2)";  
21 and strike beginning with "an" in line 10 through the comma in line  
22 11 and insert "five years".

23 8. On page 15, line 18, strike "37-465 and" and insert  
24 "37-411, 37-465, and".

25 9. Renumber the remaining sections accordingly.