

LEGISLATIVE BILL 940

Approved by the Governor March 2, 1990

Introduced by Lindsay, 9

AN ACT relating to raptors; to amend sections 37-720, 37-724, and 37-725, Reissue Revised Statutes of Nebraska, 1943; to change the expiration of falconry licenses and captive propagation licenses; to change reporting requirements as prescribed; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 37-720, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-720. (1) The commission ~~is authorized to~~ may take such steps as it deems necessary to provide for the protection and management of raptors as defined in section 37-101.

(2) The commission ~~is authorized to~~ may issue falconry licenses to permit the taking and possession of raptors for the purpose of practicing falconry. No such license may be issued to an applicant unless he or she is a resident of the state, has paid the fees required in this ~~section~~ 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 license ~~so issued~~ in the sum of ten dollars for persons fourteen to seventeen years of age and thirty dollars for persons eighteen years of age and older. If the applicant fails to pass either examination, or both of them, he or she shall not be entitled to reapply for a falconry license for a period of six months after the date of the examination. A person less than fourteen years of age shall not be issued a falconry license, and a person from fourteen to seventeen years of age may be issued such a license only if he or she is sponsored by an adult person who has a valid falconry license. All falconry licenses shall be nontransferable and shall ~~expire on December 31 of the year~~ three years after the date of issuance. If the commission is satisfied as to the competency and fitness of an applicant whose license has expired, a license may be renewed without requiring further examination under such terms and conditions as

may be ~~are~~ established by the commission. Species of raptors which may be taken, captured, or held in possession shall include only those species authorized by the commission. The number of each species of raptors which may be taken, captured, or held in possession shall be subject to regulation by the commission.

(3) The commission ~~is authorized to may~~ issue captive propagation licenses to permit the captive propagation of raptors. No such license may be issued to an applicant unless he or she is a resident of the state and has paid the fee required in this subsection. The commission shall charge a fee for each license of one hundred fifty dollars. All such licenses shall be nontransferable, shall expire ~~on December 31 of the year three years after the date of issuance,~~ and may be renewed under terms and conditions as may be 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 licenses.

Sec. 2. That section 37-724, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-724. (1) Any holder of a falconry license who acquires, receives, transfers, barters, releases, or otherwise disposes of any raptor shall submit a written report as required by the commission. A report, as required by the commission, shall be submitted by the holder of a falconry license within thirty calendar days after acquiring a raptor.

(2) Any holder of a falconry license who loses a raptor through death, escape, destruction, or otherwise shall notify the commission in writing of such loss, giving the circumstances thereof, and deliver the entrance, if any, within fifteen days after the date of the loss.

(3) Any holder of a falconry license who desires to release a raptor by reason of unsuitability shall notify the commission in writing and surrender the raptor to the commission for release.

(2) (4) The commission shall furnish forms for the reports required under this section and shall adopt and promulgate rules and regulations governing the submission of such reports. Nothing in this section shall be construed to permit the possession of more raptors than permitted by section 37-722.

Sec. 3. That section 37-725, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-725. (1) The commission may establish regulations governing the time, location, and method of capture and may establish any other regulations necessary for conservation of raptor populations.

(2) Persons possessing a falconry license required for possession of raptors may take or trap young-of-the-year raptors, not to exceed two raptors in any one year, but when nestlings are taken a minimum of two nestlings shall be left in the nest. Nothing in this subsection shall be construed to permit the taking of more raptors than is permitted by section 37-722 and authorized under the rules and regulations adopted and promulgated under section 37-720.

(3) Prior to capturing or attempting to capture any raptors, a person shall obtain from the commission a falconry license permitting the possession of raptors. Before any person attempts to capture any nestling raptor, he or she shall notify the commission of such attempt at least forty-eight hours prior to the time when such attempt is to be made and shall give such other information as may be required by the commission.

Sec. 4. That original sections 37-720, 37-724, and 37-725, Reissue Revised Statutes of Nebraska, 1943, are repealed.