

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 699

Introduced by Larson, 40; Davis, 43.

Read first time January 08, 2014

Committee:

A BILL

1 FOR AN ACT relating to hunting; to amend section 37-404, Reissue
2 Revised Statutes of Nebraska, and section 37-413, Revised
3 Statutes Cumulative Supplement, 2012; to authorize
4 developmentally disabled persons to obtain hunting
5 permits as prescribed; to change training course
6 requirements; to combine firearm and bow hunter education
7 programs; to define and redefine terms; to eliminate
8 specific education program provisions; to repeal the
9 original sections; and to outright repeal section 37-414,
10 Reissue Revised Statutes of Nebraska.

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

1 Section 1. Section 37-404, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 37-404 (1) Any resident of the United States who has
4 resided in this state continuously for a period of thirty days before
5 applying for a permit under the Game Law and who has a bona fide
6 intention of becoming a legal resident of this state, supported by
7 documentary proof, shall be deemed to be a resident and may be issued
8 a resident permit under the Game Law.

9 (2) No hunting permit shall be issued to any person who
10 is known to have a significant physical or mental disability and who
11 is unable to safely carry or use a firearm because of such
12 disability, except that a hunting permit may be issued to any
13 developmentally disabled person who has a license-purchase exemption
14 certificate issued by the commission authorizing such person to
15 purchase a hunting permit. The commission may adopt and promulgate
16 rules and regulations to establish forms and procedures for the
17 issuance of license-purchase exemption certificates. Any license-
18 purchase exemption certificate issued pursuant to this subsection
19 shall be issued at no cost to the developmentally disabled person and
20 shall clearly state on its face that the holder must at all times
21 while hunting be accompanied as defined in subsection (4) of section
22 37-413 by a person who is not also developmentally disabled. If a
23 developmentally disabled person who holds a license-purchase
24 exemption certificate is incapable of obtaining a certificate of
25 successful completion of hunter education under section 37-413, he or

1 she shall be exempt from the hunter education requirements of section
2 37-413. No license-purchase exemption certificate shall be issued to
3 any person who has been found by any court or mental health board to
4 pose a current danger to himself or herself or others. As part of the
5 application process for a license-purchase exemption certificate, a
6 developmentally disabled person shall present the commission with a
7 written authorization signed by a physician indicating that the
8 developmentally disabled person is at all times capable of
9 understanding and following directions given by another person and
10 that the developmentally disabled person is not currently a danger to
11 himself or herself or others. For purposes of this section,
12 developmentally disabled person means a person who has a
13 developmental disability as defined in section 83-1205.

14 (3) The commission may limit the number of days for which
15 a permit is issued and the number of fish or game birds taken on one
16 permit. The commission may provide for a method of tagging and
17 identification of fish and game birds taken under a nonresident
18 permit.

19 Sec. 2. Section 37-413, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 37-413 (1) For the purpose of establishing and
22 administering a mandatory ~~firearm~~-hunter education program for
23 persons twelve through twenty-nine years of age who hunt with a
24 ~~firearm or crossbow~~ hunting implement any species of game, game
25 birds, or game animals, the commission shall provide a program of

1 ~~firearm~~-hunter education training leading to obtaining a certificate
2 of successful completion in the safe handling of ~~firearms~~-a hunting
3 implement and shall locate and train volunteer ~~firearm~~-hunter
4 education instructors. ~~The program shall provide a training course~~
5 ~~having a minimum of (a) ten hours of classroom instruction or (b)~~
6 ~~independent study on the part of the student sufficient to pass an~~
7 ~~examination given by the commission followed by such student's~~
8 ~~participation in a minimum of four hours of practical instruction.~~
9 The program at a minimum shall provide instruction in the areas of
10 safe ~~firearms~~-use of a hunting implement, shooting and sighting
11 techniques, hunter ethics, game identification, and conservation
12 management. The commission shall issue a ~~firearm~~-hunter education
13 certificate of successful completion to persons having satisfactorily
14 completed a ~~firearm~~-hunter education course accredited by the
15 commission and shall print, purchase, or otherwise acquire materials
16 as necessary for effective program operation. The commission shall
17 adopt and promulgate rules and regulations for carrying out and
18 administering ~~such programs.~~ this section.

19 (2) It shall be unlawful for any person twenty-nine years
20 of age or younger to hunt with a ~~firearm or crossbow~~-hunting
21 implement any species of game, game birds, or game animals except:

22 (a) A person under the age of twelve years who is
23 accompanied ~~by a person nineteen years of age or older having a valid~~
24 ~~hunting permit;~~ as defined in subsection (4) of this section; and

25 (b)(i) A person twelve through twenty-nine years of age

1 who has on his or her person proof of successful completion of a
2 hunter education course as described in subsection (1) of this
3 section or a ~~firearm~~-hunter education course issued by the person's
4 state or province of residence or by an accredited program recognized
5 by the commission; or

6 ~~(e)~~ (ii) A person twelve through twenty-nine years of age
7 who has on his or her person the appropriate hunting permit and an
8 apprentice hunter education exemption certificate issued by the
9 commission pursuant to subsection (3) of this section and who is
10 accompanied as described in subsection (4) of this section.

11 (3) An apprentice hunter education exemption certificate
12 may be issued to a person twelve through twenty-nine years of age,
13 once during such person's lifetime with one renewal, upon payment of
14 a fee of five dollars and shall expire at midnight on December 31 of
15 the year for which the apprentice hunter education exemption
16 certificate is issued. The commission may adopt and promulgate rules
17 and regulations allowing for the issuance of apprentice hunter
18 education exemption certificates. All fees collected under this
19 subsection shall be remitted to the State Treasurer for credit to the
20 State Game Fund.

21 (4) For purposes of this section: ~~accompanied~~

22 (a) Accompanied means under the direct supervision of a
23 person who is: ~~(a)~~ (i) Nineteen years of age or older having a valid
24 hunting permit. If such person is nineteen years of age or older but
25 not older than twenty-nine years of age, he or she shall have also

1 completed the required course of instruction to receive a certificate
2 of completion for ~~firearm~~ hunter education if hunting with a ~~firearm~~
3 ~~or crossbow as described in subdivision (2)(b) of this section or for~~
4 ~~bow hunter education if hunting with a bow and arrow as described in~~
5 ~~section 37-414; hunting implement; and (b)(ii) at all times in~~
6 unaided visual and verbal communication of no more than two persons
7 having an apprentice hunter education exemption certificate. This
8 ~~subsection~~ subdivision does not prohibit the use by such person
9 nineteen years of age or older of ordinary prescription eyeglasses or
10 contact lenses or ordinary hearing instruments; and -

11 (b) Hunting implement means a firearm, crossbow, bow and
12 arrow, or air gun used to hunt.

13 Sec. 3. Original section 37-404, Reissue Revised Statutes
14 of Nebraska, and section 37-413, Revised Statutes Cumulative
15 Supplement, 2012, are repealed.

16 Sec. 4. The following section is outright repealed:
17 Section 37-414, Reissue Revised Statutes of Nebraska.