

## LEGISLATIVE BILL 558

Approved by the Governor February 28, 1986

Introduced by Rupp, 22

AN ACT relating to game and parks; to amend sections 37-713, 37-714, and 37-717, Reissue Revised Statutes of Nebraska, 1943; to provide duties; to provide for permits for keeping wild birds or animals in captivity; to define a term; to prohibit the keeping in captivity of certain animals; to provide exceptions; 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 37-713, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-713. (1) No person in this state shall keep in captivity in this state any wild birds or animals without first having obtained a permit to do so as provided by section 37-714 or 37-715.

(2) For purposes of this section and section 37-714, wild birds or animals shall mean (a) any crows, game animals, fur-bearing animals, game birds, and upland game birds, as defined in section 37-101, (b) any nongame wildlife in need of conservation as determined by the Game and Parks Commission under section 37-433, and (c) any wildlife determined to be an endangered or threatened species under the Endangered Species Act of 1973, 87 Stat. 884, or section 37-434.

(3) Except as provided in subsection (4) of this section, no person shall keep in captivity in this state any wolf, skunk, or any member of the families Felidae and Ursidae. This subsection shall not apply to (a) the species *Felis domesticus*, (b) any municipal, state, or federal zoo, park, refuge, or wildlife area, or (c) any bona fide circus or animal exhibit.

(4) Any person legally holding in captivity, on the effective date of this act, any animal subject to the prohibition contained in subsection (3) of this section shall be allowed to keep the animal for the duration of its life. Such animal shall not be traded, sold, or otherwise disposed of without written permission from the Game and Parks Commission.

(5) The Game and Parks Commission shall adopt

and promulgate rules and regulations governing the keeping of wild birds or animals in captivity under this section. and sections 37-720 to 37-726-

Sec. 2. That section 37-714, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-714. A permit, to be known as a Game Fancier or Pet Permit, may be issued to any citizen of this state authorizing the keeping of not more than fifty wild birds and animals which have been, or which shall be, acquired without violation of any provision of law or any regulation duly promulgated by the Game and Parks Commission. ~~The commission shall by rule exempt from the provisions of this section the keeping of such birds or animals as are ordinarily kept as household pets when such exemptions would involve no danger to the efficient management of game in this state.~~ The fee for such permit shall be seven dollars and fifty cents per year.

Sec. 3. That section 37-717, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-717. Sections 37-713 to 37-718 shall not be construed to require the obtaining of a permit by (1) any municipal, state, or federal zoo, park, refuge, or wildlife area or (2) any bona fide circus or animal exhibit for the purpose of keeping to keep in captivity thereon birds, fish, or mammals, nor to sell, trade wild birds or animals or for the purpose of selling, trading, or otherwise dispose disposing of any surplus birds, fish, or mammals; wild birds or animals. ~~preduced on any such public area-~~

Sec. 4. That original sections 37-713, 37-714, and 37-717, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.