

LEGISLATIVE BILL 220

Approved by the Governor March 20, 1975

Introduced by Dworak, 22

AN ACT to amend section 37-519, Reissue Revised Statutes of Nebraska, 1943, and section 37-501, Revised Statutes Supplement, 1974, relating to game and fish; to restrict the use of artificial light; to change the penalty for violations; and to repeal the original sections.

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

Section 1. That section 37-501, Revised Statutes Supplement, 1974, be amended to read as follows:

37-501. It shall be unlawful (1) to shoot from any roadway, as defined in section 39-602, at any bird or animal protected by this act; (2) except as provided in section 37-226, to hunt, shoot, or take or attempt to hunt, shoot, or take any bird or animal by projecting or casting the rays of a spotlight, headlight, or other artificial light attached to or used from a vehicle, in any field, pasture, woodland, forest, prairie, or other area which may be inhabited by wild animals or birds, while having in possession or control, either singly or as one of a group of persons, any firearm or bow and arrow, with the aid of an artificial light--attached--to or used from a--motor--vehicle;--Provided;--that--nothing Nothing in this subdivision shall prohibit the hunting on foot of raccoon with the aid of a handlight, or the hunting, shooting, or taking of nonprotected species of wildlife in the protection of property by landowners or operators or their regular employees on land under their control on foot or from a motor vehicle with the aid of artificial light; (3) to hunt, kill or attempt to hunt or kill any protected species from any boat or watercraft while being propelled by sails or electric, gas or steam power or from an aeroplane or hydroplane; (4) to use any rifle, pistol, revolver, swivel gun, or shotgun larger than ten gauge, in hunting any game birds, or to trap, snare, net or attempt to trap, snare or net any game bird or birds; provided, that game birds obtained from the holder of a game farm permit or otherwise legally obtained which have been transported and are tagged in accordance with commission regulations and which are being used for dog training purposes, may be reclaimed through the use of recall boxes or recall pens by the holder of a written permit issued by the commission, subject to regulations established by the commission. Such person owning or controlling any device used for

reclaiming purposes shall, prior to the operation thereof, pay an annual fee of ten dollars to the commission for each such device under his ownership or control. The commission is hereby authorized to promulgate rules and regulations for the possession, use and licensing of such reclaim devices; (5) to take or needlessly destroy the nests or eggs of any game bird or birds; (6) to hunt, kill or attempt to hunt or kill any game bird or birds by attracting them to the place where hunted by the distribution of grain or other feed, commonly called baiting; (7) except as provided in section 37-214.03, to hunt, kill, take or attempt to hunt, kill or take any game bird or birds from a vehicle of any kind; (8) to hunt, kill, take, trap or attempt to hunt, kill, take or trap any game birds with nets, traps or clubs, except as specified in subdivision (4) of this section; (9) to hunt, drive, or stir up game birds or game animals with or from any aircraft or boat propelled by sail or power; or (10) to have or carry, except as permitted by law, any shotgun having shells in either the chamber, receiver, or magazine in or on any vehicle on any highway.

Sec. 2. That section 37-519, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-519. Anyone violating any of the provisions of sections 37-501 to 37-518, where penalties are not otherwise fixed therein, shall be guilty of a misdemeanor, and upon conviction be fined not to exceed one hundred dollars nor less than ~~ten~~ twenty-five dollars, or be imprisoned in the county jail not to exceed thirty days.

Sec. 3. That original section 37-519, Reissue Revised Statutes of Nebraska, 1943, and section 37-501, Revised Statutes Supplement, 1974, are repealed.