

## LEGISLATIVE BILL 171

Approved by the Governor February 16, 1989

Introduced by Schmit, 23

AN ACT relating to game and parks; to amend section 37-501, Reissue Revised Statutes of Nebraska, 1943; to prohibit taking animals as prescribed; and to repeal the original section.

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

Section 1. That section 37-501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-501. It shall be unlawful (1) to shoot at any bird or animal protected by this act; or at any bird; from any highway or roadway, which shall include that area of land from the center of the traveled surface to the right-of-way on either side; (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, or boat in any field, pasture, woodland, forest, prairie, water area, 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. 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, except ; ~~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 rules and 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 rules and 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 or her ownership or control. The commission is hereby authorized to may adopt and 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 original section 37-501, Reissue Revised Statutes of Nebraska, 1943, is repealed.