

LEGISLATIVE BILL 34

Approved by the Governor February 7, 1989

Introduced by Labedz, S., Chairperson, Executive Board

AN ACT relating to game and parks; to amend sections 37-101, 37-102, 37-201, 37-202, 37-204, 37-205 to 37-208, 37-212, 37-213, 37-301, 37-303, 37-304, 37-305 to 37-308, 37-402, 37-403, 37-404, 37-408, 37-410, 37-411, 37-413, 37-501, 37-504 to 37-507, 37-508 to 37-510, 37-516, 37-603, 37-606 to 37-608, 37-610 to 37-614, 37-702, 37-705, 37-706, 37-711, and 37-902, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions with former acts of the Legislature; to correct internal references; and to repeal the original sections.

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

Section 1. That section 37-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-101. As used in Chapter 37 For purposes of the Game Law, unless the context otherwise requires:

(1) Captive propagation shall mean to hold live raptors in a controlled environment that is intensively manipulated by humans for the purpose of producing raptors of selected species and that has boundaries designed to prevent raptors, eggs, or gametes of the selected species from entering or leaving the controlled environment;

(2) Commission shall mean the Game and Parks Commission;

(3) Falconry shall mean the sport of taking quarry by means of a trained raptor;

(4) Fur harvesting shall mean taking or attempting to take any fur-bearing animal by any means as prescribed by rules and regulations of the commission;

(5) Fur-bearing animals shall mean all beaver, martens, minks, except mutation minks, muskrats, raccoons, opossums, and otters;

(6) Game shall mean all game fish, bullfrogs, snapping turtles, tiger salamanders, mussels, crows, game animals, fur-bearing animals, game birds, and all other birds and creatures protected by Chapter 37 the

Game Law:

{2} Game fish shall mean all fish except buffalo, carp, gar, quillback, sucker, and gizzard shad;

{3} (7) Game animals shall mean all antelope, cottontail rabbits, deer, elk, mountain sheep, and squirrels;

{4} Fur-bearing animals shall mean all beaver, martens, minks, except mutation minks, muskrats, raccoons, opossums, and otters;

{5} (8) Game birds shall mean coots, cranes, curlew, doves, ducks, geese, grouse, partridges, pheasants, plovers, prairie chickens, quail, rails, snipes, swans, woodcocks, wild turkeys, and all migratory waterfowl;

{6} Upland game birds shall mean all species and subspecies of quail, partridges, pheasants, wild turkeys, and grouse, including prairie chickens, on which an open season is in effect;

(9) Game fish shall mean all fish except buffalo, carp, gar, quillback, sucker, and gizzard shad;

(10) Hunt shall mean to take, pursue, shoot, kill, capture, collect, or attempt to take, pursue, shoot, capture, collect, or kill;

(11) Officer shall mean every person authorized to enforce the Game Law;

(12) Person, owner, proprietor, grantee, lessee, and licensee shall mean and include individuals, partnerships, associations, corporations, and municipalities;

{7} (13) Raptor shall mean any bird of the Falconiformes or Strigiformes, except the golden and bald eagles;

{8} Person, owner, proprietor, grantee, lessee, and licensee shall mean and include individuals, partnerships, associations, corporations, and municipalities;

{9} Board and commission shall each mean the Game and Parks Commission;

{10} Officer shall mean every person authorized to enforce Chapter 37;

{11} Hunt shall mean to take, pursue, shoot, kill, capture, collect, or attempt to take, pursue, shoot, capture, collect, or kill;

{12} (14) Raw fur shall mean the green pelts of any fur-bearing animal except commercially reared mutations;

{13} (15) Trapping shall mean to take or attempt to take any fur-bearing animal by any snare, steel-jawed spring trap, or box trap; and

(16) Upland game birds shall mean all species and subspecies of quail, partridges, pheasants, wild turkeys, and grouse, including prairie chickens, on which an open season is in effect.

(14) Fur harvesting shall mean taking or attempting to take any fur-bearing animal by any means as prescribed by rules and regulations of the Game and Parks Commission;

(15) Falconry shall mean the sport of taking quarry by means of a trained raptor; and

(16) Captive propagation shall mean to hold live raptors in a controlled environment that is intensively manipulated by humans for the purpose of producing raptors of selected species and that has boundaries designed to prevent raptors, eggs, or gametes of the selected species from entering or leaving the controlled environment.

Sec. 2. That section 37-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-102. This set Sections 37-101 to 37-726 shall be known and may be cited as the Game Law.

Sec. 3. That section 37-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-201. For the purpose of supplying revenue for the propagation, importation, distribution, protection, and conservation of the wildlife of this state, including all wild animals, birds, fish, and all things pertaining thereto, every person sixteen years of age or older who hunts for game animals or game birds or takes bullfrogs or any other species defined as game in section 37-101 or who angles for fish and every person sixteen years of age or older who engages in fur harvesting shall first pay a fee as herein required in the Game Law and obtain a permit, except (1) the owner or his or her invitee who angles for fish in any body of water (a) which is entirely upon privately owned land, (b) which is entirely privately stocked, (c) which does not connect by inflow or outflow with other water outside such land, and (d) when such owner does not operate such body of water which is not operated on a commercial basis for profit and (2) any paraplegic who angles for fish in his or her privately owned body of water if he or she does not operate such body of water on a commercial basis for profit.

Any bona fide farmer or rancher, as described defined in section 37-215.03, who actually resides on a portion of such farm or ranch land, together with

members of his or her immediate family also residing on such land, may hunt, take, and possess, within duly established season bag and possession limits, upland game and all game except migratory water fowl, shore birds, deer, antelope, and wild turkey without the necessity of paying a fee and obtaining a hunting permit as required in this section and section 37-213 or a habitat stamp as required in sections 37-216.01 to 37-216.09. For the purpose of this exemption, the term immediate family shall mean and be limited to husband and wife and their children. The term upland game shall mean and be limited to cottontail rabbits, squirrels, grouse, partridges, pheasants, prairie chickens, and quail. Such exemption shall only apply to hunting done on land owned or leased by the bona fide farmer or rancher and shall not apply when hunting on the lands of other persons. The Game and Parks Commission commission may by rule and regulation require a farmer or rancher, hunting under the provisions of this section, to sign a statement presented by a conservation officer, which states that such farmer or rancher is a bona fide farmer or rancher as described in section 37-215.03 of the land upon which he or she is hunting.

A violation of this section shall be a Class IV misdemeanor.

Any farmer or rancher owning or operating a farm or ranch may destroy or have destroyed any predator, including raccoon and opossum, preying on livestock or poultry or causing other agricultural depredation on lands owned or controlled by him or her without a permit issued by the Game and Parks Commission commission.

Sec. 4. That section 37-202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-202. Permits to hunt, fish, or harvest fur shall be issued on a form prepared and supplied by the Game and Parks Commission commission. Such permit shall bear a description of the person to whom issued, setting forth age, color of eyes and hair, height and weight, and the date of its issuance. All permits shall bear the signature of the secretary of the commission or a facsimile of such signature. All legally issued permits shall authorize the person named therein to hunt for, kill, or take game and fish or to harvest furbearers, in lawful season and manner, during the period for which the permit is issued. All of such permits, except for those permits for veterans provided by section 37-214.03 and for persons at least seventy years old provided by

section 37-214.04 which shall be permanent permits, shall expire at midnight on December 31 of the year in which issued. To be valid a permit must shall be countersigned by the holder. The permit shall be on or about the person of the holder at all times while he or she is hunting, fur harvesting, or fishing and shall be shown immediately upon demand to any officer or person whose duty it is to enforce the provisions of this act Game Law. Any person hunting, fishing, or fur harvesting in this state without such permit actually on or about his or her person, as above required, shall be deemed to be without such permit.

Sec. 5. That section 37-204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-204. (1) There shall be paid to the state, for permits issued under the provisions of this act, the following fees shall be paid to the state for permits issued under the Game Law:

(a) Resident fees shall be eight dollars and fifty cents for hunting, eleven dollars and fifty cents for fishing, seven dollars and fifty cents for a three-day fishing permit, nineteen dollars and fifty cents for both fishing and hunting, and fifteen dollars for fur harvesting; and

(b) Nonresident fees shall be two hundred dollars for a period of time specified by the commission for fur harvesting one thousand or less fur-bearing animals and ten dollars additional for each one hundred or part of one hundred fur-bearing animals harvested, forty dollars for hunting, seven dollars and fifty cents for a three-day fishing permit, and twenty-five dollars for an annual fishing permit.

(2) No person, except a resident of the United States who has resided in this state continuously for a period of ninety days before making an application for a permit under this act the Game Law and who has a bona fide intention of becoming a legal resident of this state, supported by documentary proof, shall be deemed to be a resident or be issued a permit as such under this act the Game Law. The issuance of a hunter's permit to anyone known to be physically or mentally unfit to carry or use firearms is hereby prohibited. All nonresident hunters and fur harvesters regardless of age shall be required to obtain a permit, and all nonresident anglers under sixteen years of age shall be accompanied by a person possessing a valid fishing permit. The commission may limit the number of days for which a permit is issued and the number of fish or game

birds taken on one permit and may issue coupons which are attached to nonresident permits for the purpose of tagging and identification. Nonresident permits for fur harvesting may be issued only to residents of states which sell similar permits to residents of Nebraska. No hunting or fur-harvesting permit shall be required of any nonresident entering this state solely to participate in scheduled dog trials for which an entry fee is charged. For purposes of this subsection, scheduled dog trials shall mean events in which hunting dogs and their owners or handlers compete and are judged under controlled conditions in various feats of skill and performance in the hunting or retrieving of birds and animals when such events are conducted under the written authorization of the commission.

Sec. 6. That section 37-205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-205. All money received by county clerks for permits under this act the Game Law shall be remitted monthly to the secretary of the commission. All other persons and corporations selling permits for the commission shall remit to it as it may by rule and regulation require. All remittances shall be upon a form to be supplied by the commission, and a duplicate copy shall be retained by the county clerk and by such persons and corporations as may be authorized by the commission to sell permits for it.

Sec. 7. That section 37-206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-206. The secretary of the commission shall deposit daily with the State Treasurer all tax money and other funds by him or her received and shall take the receipt of the treasurer therefor. The State Treasurer shall place all of the funds so deposited in the State Game Fund, which fund is hereby created. Any money in the State Game Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259 72-1276. County clerks and the secretary of the commission shall be liable upon their official bonds for failure to pay over as herein required any of such funds coming into their hands. Any other person, firm, or corporation who shall receive which receives permit fees under the provisions of this act Game Law or the rules and regulations of the commission, and who shall fail which fails to pay over the same to the commission in accordance with its rules and regulations and after

demand made for the same, shall be liable to suit by the commission in double the amount of the funds wrongfully withheld and shall further be liable criminally for embezzlement theft.

Sec. 8. That section 37-207, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-207. It shall be unlawful for any person to set out carelessly or cause to start any prairie or forest fire or willfully injure any person or livestock with firearms while hunting, fishing, or camping in this state, and, in addition to any other penalty imposed by law, any permit issued under this act the Game Law shall be revoked upon conviction of a violation of this section. Any person guilty of a repetition of such offense or negligent act shall, in addition to the loss of his or her permit, be disqualified to secure a permit for a period of two years thereafter. Any person who kills or fatally wounds another by voluntarily aiming and firing any firearm or other weapon shall be disqualified to secure any hunting permit for a period of ten years thereafter. Notice shall be given by either registered or certified mail sent by the commission to any person whose permit has been revoked, and on December 31 of each year, the commission shall furnish to each county clerk and other persons or corporations authorized to sell permits a list of all persons who are ineligible for permits for the ensuing year.

Sec. 9. That section 37-208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-208. It shall be unlawful (1) for any person holding a permit under this act the Game Law to lend or transfer his or her certificate permit to another or for any person to borrow or use the permit of another, (2) for any person to procure a permit under an assumed name, or to falsely state the place of his or her legal residence or make any other false statement in securing a permit, (3) for any person to knowingly issue or aid in securing a permit, under the provisions of this act, Game Law for any person not legally entitled thereto, (4) for any person disqualified for a permit to hunt, fish, or harvest fur with or without a permit during any period when such right has been forfeited or for which his or her permit has been revoked by the commission, or (5) for any nonresident under the age of sixteen years to receive a permit to harvest fur from any fur-bearing animal under this act the Game Law.

without presenting a written request therefor signed by his or her father, mother, or guardian. All children who are residents of the State of Nebraska and are under sixteen years of age shall not be required to have a permit to hunt, harvest fur, or fish. Any violation of this section shall constitute a Class V misdemeanor, and any permits purchased or used in violation of this section shall be confiscated by the court.

Sec. 10. That section 37-212, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-212. The funds derived from the sale of permits and publications as provided in ~~this act the Game Law~~, any unexpended balance now on hand from the sale of hunting, fur-harvesting, and fishing permits, and all money required by ~~this act the Game Law~~ to be paid into the State Game Fund are hereby appropriated to the use of the ~~Game and Parks Commissster~~ commission (1) for the propagation, importation, protection, preservation, and distribution of game and fish and necessary equipment therefor and all things pertaining thereto, (2) for the creation of cash funds under section 81-814.01, (3) for the administration and enforcement of the State Boat Act, (4) for the construction and maintenance of boating and docking facilities, navigation aids, and access to boating areas and such other uses which will promote the safety and convenience of the boating public in Nebraska, and (5) for publishing costs for publications relating to topics listed in subdivisions (1) ~~to through~~ (4) of this section and other topics of general interest to the state as approved by the commission. An amount equal to two dollars from each annual resident fishing permit and two dollars from each combination hunting and fishing permit sold in this state shall be used by the commission for the administration, construction, operation, and maintenance of fish hatcheries and for the distribution of fish.

Expenditures for publications on topics of general interest to the state shall not exceed the income derived from single-copy and subscription sales of commission publications and advertising revenue from such publications.

Sec. 11. That section 37-213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-213. Unless holding a permit as ~~in this act required in the Game Law~~, it shall be unlawful (1) for any person who is a resident of the State of

Nebraska and is sixteen years of age or older or who is a nonresident of this state to engage in fur harvesting or ~~have in possession~~ possess any fur-bearing animal or raw fur, except that a person may possess a fur-bearing animal or raw fur for up to ten days after expiration of a valid permit, (2) for any person who is a resident of the State of Nebraska and is sixteen years ~~old~~ of age or older or who is a nonresident of this state to hunt for, kill, shoot at, pursue, take, or possess any kind of game birds, game animals, or crows, (3) for any person who is sixteen years of age or older to hunt or take or attempt to hunt or take any migratory waterfowl without first obtaining and affixing to his or her hunting permit a federal migratory bird hunting stamp. All such stamps affixed to hunting permits shall be signed by the holder of the hunting permit. The term migratory waterfowl shall mean any ducks, geese, coots, or brant upon which an open season has been established by the Game and Parks Commission commission, or (4) for any person who is sixteen years of age or older to take, angle for, or attempt to take any kind of fish, bullfrog, snapping turtle, tiger salamander, mussel, or minnow from the waters of this state or possess the same, except that (a) the owner or invitee of the owner of any body of water ~~(a)~~ (i) located entirely upon privately owned land, ~~(b)~~ (ii) which is entirely privately stocked, ~~(c)~~ (iii) which does not connect by inflow or outflow with other water outside such land, and ~~(d)~~ when such owner does not operate such body of water (iv) which is not operated on a commercial basis for profit and (b) any paraplegic who angles for fish in his or her privately owned body of water if he or she does not operate such body of water on a commercial basis for profit shall not be required to hold a permit before fishing from or possessing fish or minnows taken from such waters. No fishing permit shall be required for fishing in any duly licensed commercial put-and-take fishery operating under rules and regulations adopted and promulgated by the Game and Parks Commission commission. The fee for licensing such put-and-take commercial fishery shall be fifty dollars per year, payable in advance, and no person shall operate such an establishment without first obtaining such permit from the commission. Before issuing such permit the commission shall investigate each such establishment annually and be satisfied that the same is a bona fide commercial put-and-take fishery operating within all applicable state and federal laws. It shall be unlawful for a nonresident to hunt for, kill, shoot at, pursue,

take, or possess any kind of game birds or game animals, mussel, turtle, or amphibian, to angle for or take or attempt to angle for or take any kind of fish, or to harvest fur or attempt to harvest fur while in the possession of a resident permit illegally obtained. It shall also be unlawful for anyone to do or attempt to do any other thing for which a permit is ~~herein~~ provided in the Game Law without first obtaining such permit and paying the fee required. During the firearms deer season, wild animals other than deer may be hunted only with a shotgun, .22 rimfire rifle, or .22 rimfire handgun, except that this provision shall not apply to a holder of a valid deer permit or a bona fide farmer or rancher who owns, leases, or resides upon farm or ranch land or a member of the immediate family of such farmer or rancher, while hunting on such farm or ranch land. Except as provided in sections 37-204 and 37-209, it shall be unlawful for any nonresident to trap or attempt to trap or to harvest fur or attempt to harvest fur from any wild mammal.

Any violation of this section shall constitute a Class II misdemeanor, and the offender shall be fined at least forty dollars.

If the offense ~~shall be~~ is failure to hold a hunting, fishing, fur-harvesting, deer, turkey, or antelope permit as required, unless issuance of the required permit is restricted so that permits are not available, the court shall require the offender to purchase the required permit and exhibit the same to the court.

Sec. 12. That section 37-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-301. (1) The Game and Parks Commission is hereby authorized and empowered commission may, in accordance with the provisions of this ~~act~~ Game Law, other provisions of law, and lawful rules and regulations, to fix, prescribe, and publish rules and regulations as to open seasons and closed seasons, either permanent or temporary, and as to bag limits or the methods, or type, kind, and specifications of hunting, fur-harvesting, or fishing gear used in the taking, killing, hunting, harvesting, or pursuing of any game, game fish, nongame fish, game animals, fur-bearing animals, or game birds, or as to the age, sex, species, or area of the state in which any game, game fish, nongame fish, game animals, fur-bearing animals, or game bird may be taken, hunted, killed, harvested, or pursued, or as to the taking, killing, hunting,

harvesting, or pursuing of any particular kinds, species, or sizes of game, game fish, nongame fish, game animals, fur-bearing animals, and game birds defined in this act, in any designated waters or areas of this state, after due investigation and having due regard to the distribution, abundance, economic value, breeding habits, migratory habits, and causes of depletion or extermination of the same in such designated waters or areas, and having due regard to the volume of the hunting, fur harvesting, and fishing practiced therein and the climatic, seasonal, and other conditions affecting the protection, preservation, and propagation of the same in such waters or areas. Such rules and regulations may be amended, modified, or repealed from time to time, subject to the above such limitations and standards, and such rules and regulations and all amendments, modifications, and repeals thereof shall be based upon investigation and available but reliable data relative to the above such limitations and standards.

(2) A copy of each such rule, regulation, amendment, modification, and repeal may be published by the commission in a legal newspaper or newspapers of general circulation in the area affected thereby and shall also be included and printed in each official compilation of the Nebraska game and fish laws.

(3) Each such rule, regulation, amendment, modification, and repeal shall specify the date when it shall become effective and while it remains in effect, shall have the force and effect of law.

(4) Regardless of the provisions of this section, or of other sections of this chapter the Game Law which empower the commission to set seasons on game birds or animals or provide the means and method by which such seasons are set or promulgated and regardless of the provisions of the Administrative Procedure Act, the commission may close or reopen any open season previously set on game birds or animals in all or any specific portion of the state. The commission shall only close or reopen such seasons by majority vote at a valid special meeting called under the provisions of section 81-803 81-803.01 and other provisions of statutes regarding the holding of public meetings. Any closing or reopening of an open season previously set by the commission shall not be effective for at least twenty-four hours after such action by the commission. The commission shall make every effort to make available to all forms of the news media the information on any opening or closing of any open season on game birds or animals previously set. The commission may only use

this special provision allowing the commission to open or close game bird or animal seasons previously set in emergency situations in which the continuation of the open season would result in grave danger to human life or property.

Sec. 13. That section 37-303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-303. It shall be unlawful for any person in any one day to kill, catch, take, or, ~~save as herein excepted except as otherwise provided in the Game Law,~~ to have in his or her possession at any time a greater number of game birds, game animals, or game fish, of any one kind than as fixed by the commission.

Sec. 14. That section 37-304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-304. It shall be unlawful, except as otherwise provided by ~~this act the Game Law~~, to shoot, harvest, hunt, take, or pursue any species of game birds, game animals, or fur-bearing animals or to angle for or catch any game fish protected by ~~this act the Game Law~~ except during the open seasons, if any, that may be authorized by the Game and Parks Commission commission in accordance with ~~this act the Game Law~~.

Sec. 15. That section 37-305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-305. No game or fish, protected by ~~this act the Game Law~~, may be placed in cold storage in any licensed cold storage plant, butcher shop, ice cream factory, ice house, or other place used for commercial refrigerating purposes; except by the lawful owner of such game or fish in his or her own name, and the same shall be tagged as the commission by rule and regulation may require. Game and fish legally taken and tagged in states other than Nebraska may be stored within the State of Nebraska as provided for in the game rules and regulations of the commission. (1) Every cold storage plant owner or operator in whose plant game or fish protected by ~~this act the Game Law~~ is held after the prescribed storage season, as established by the rules and regulations of the Game and Parks Commission commission, and following the close of the open season thereon, (2) every person having in cold storage any such game or fish after such time, and (3) every person who fails to tag game or fish in accordance with the rules and regulations of the commission, when placing the same in cold storage, shall be guilty of a Class III

misdemeanor, and be fined not less than ten dollars nor more than one hundred dollars or imprisoned for not exceeding thirty days. It is hereby made the duty of every food inspector, hotel inspector, and sanitary inspector, in the employ of the state, to immediately report to the chief game warden and the commission any violations of this section that come to the attention of such inspector, while in the discharge of the duties of such inspector, or agent.

Sec. 16. That section 37-306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-306. Except as herein otherwise provided in the Game Law, it shall be unlawful for any person other than licensed fur farmers, dealers and owners of lands holding permits for taking beaver (and this exemption applies only a person holding a fur farmer permit, a fur buyer's permit, or a permit issued pursuant to subsection (2) of section 37-304.02, with regard to pelts of beaver taken pursuant to such permits,) and officers and employees of the Game and Parks Commission (commission), to have in possession possess the raw fur or pelt of any fur-bearing animal protected by this act the Game Law at any time other than during the open season for such fur-bearing animal and ten days immediately thereafter. Any; PROVIDED, that ANY person who by trapping or other lawful means has become the owner of the raw furs or pelts of such fur-bearing animals during the open season thereon, and who during the ten days immediately after the close of such open season has been unable to obtain a satisfactory price for said such furs or otherwise has been prevented from lawfully disposing of the same, may, during said such ten-day period, ensuing immediately after the close of the open season on such animals, obtain from the commission a permit to retain possession of such furs for such further period of time as the commission may by rule and regulation designate. All applications for such permits must shall be verified under oath, must state the number and kind of green pelts on hand which it is desired to carry over, must be filed with the commission before the expiration of said such ten-day period, and must be accompanied by the certificate of an employee of the commission or the county sheriff that the applicant, to the personal knowledge of such officer employee or sheriff, then has on hand the number and kinds of furs for which the permit is applied for. Any person knowingly making or assisting in making a false certificate in connection

with such an application shall be guilty of a Class V misdemeanor.

Sec. 17. That section 37-307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-307. It shall be unlawful (1) for any person to shoot, kill, destroy, catch, attempt to shoot, kill, destroy, or catch, or have in his or her possession, living or dead, any song, insectivorous, or nongame bird, or part of any such bird, other than an English sparrow, or European starling, or (2) for any person to take or needlessly destroy the nests or eggs of any song, insectivorous, or nongame birds, or to have in his or her possession the nests or eggs thereof other than nests and eggs of the birds excepted in subdivision (1) hereof of this section.

This The provisions of this section shall not be construed to apply to the possession of species lawfully acquired prior to the effective date of protection of a given species or to prohibit importation into the state of species which may be otherwise lawfully imported into the state or the United States or lawfully taken, acquired, or removed from another state if the person engaging therein demonstrates by substantial proof that such species was lawfully taken or removed from such state.

The Game and Parks Commission is authorized to fix, prescribe commission may adopt, promulgate, and publish rules and regulations for the control of individual nuisance birds as described in this section or populations of such birds to reduce or avert depredation upon ornamental or shade trees, agricultural crops, livestock, or wildlife or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance. Such rules and regulations shall specify the species which may be controlled, the circumstances under which control is to be permitted, and the control methods which may be employed.

Sec. 18. That section 37-308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-308. (1) Any person who shall, at any time, except during an open season ordered by the commission as herein authorized in the Game Law, unlawfully take, kill, trap, destroy, attempt to take, kill, trap, or destroy, or have in his or her possession any buffalo, elk, deer, antelope, swan, whooping crane, or wild turkey shall be guilty of a Class III misdemeanor. Any person who shall at any time, except

during an open season ordered by the commission as herein authorized in the Game Law, unlawfully take, kill, trap, ~~kill~~, destroy, attempt to take, kill, trap, or destroy, or have in his or her possession any quail, pheasant, partridge, Hungarian partridge, wood duck, eider duck, curlew, grouse, mourning dove, or sandhill crane shall be guilty of a Class III misdemeanor. Any person who shall unlawfully take, kill, catch, trap, ~~kill~~, harvest, destroy, or attempt to take, kill, catch, trap, ~~kill~~, harvest, or destroy any other game bird, game or fur-bearing animal, or game fish, or unlawfully have in his or her possession any such game, fish, or raw fur, except as specified and permitted by order of the commission, shall be guilty of a Class V misdemeanor. Any person who shall, in violation of this act the Game Law, ~~kill~~, take, kill, trap, destroy, attempt to take, kill, trap, or destroy, or shoot at any mourning dove that is not flying, or have in his or her possession any nongame, song, or insectivorous bird, or destroy or take the eggs or nest of any such bird, shall be guilty of a Class V misdemeanor.

(2) The provisions of subsection (1) of this section shall not render it unlawful for anyone operating a game, fur, or fish farm, pursuant to the laws of this state, to at any time kill game or fish actually raised thereon or lawfully placed thereon by such person. Persons holding special permits, under pursuant to the laws of this state, for the taking or killing of game or other birds or game animals shall not be liable under subsection (1) of this section while acting under the authority of such permits.

Sec. 19. That section 37-402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-402. Where When the owners in freehold of both banks of any river in Nebraska for a distance of five miles or more along said the river shall sign a petition to the Game and Parks Commission, commission requesting that such river along their lands and on lands adjacent to said the river, and within one-half mile thereof, be made a game and wild fowl sanctuary, said board the commission upon receiving the promises in writing of such owners to refrain from all shooting or molesting of game upon such proposed sanctuary, and further, to the best of their ability, to prevent others from shooting or molesting game thereon, may accept said such area as a game and wild fowl sanctuary, and cause the same to be plainly posted as such and to be protected from violators. The board commission may

further expend reasonable sums to feed wild fowl upon such sanctuaries. A sanctuary so established may not, without the consent of the beard commission, be withdrawn by the owners for a period of five years after it is established, and unless the owners of more than one-half of the river banks on both sides of the river running through any such sanctuary sign a petition for vacating the same, and file such petition with the beard commission during the first half of the fifth year of said such sanctuary, or thereafter in the first half of the fifth year of any added five-year period, such sanctuary shall continue as such, unless terminated for good cause by the beard commission.

Sec. 20. That section 37-403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-403. At each section corner and in full sight of the traveled highway at each game reserve, or bird refuge, or wild fowl sanctuary, there shall be placed by the Game and Parks Commission a conspicuous, permanent sign as follows:

State of Nebraska

Game and Bird Sanctuary
Hunting or Molesting Game or Bird Life
Prohibited and Punished

Nebraska Game and Parks Commission
or with such other notice as the commission may deem advisable. Anyone removing or defacing any such sign shall be deemed guilty of a Class III misdemeanor.

Sec. 21. That section 37-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-404. The Game and Parks Commission may make adopt and promulgate such rules and regulations for the protection of game or wild fowl sanctuaries as it may find necessary to protect game, wild fowl, or song birds thereon, or to make effective rules and regulations in conjunction with other states over the Missouri River for the protection of wild fowl thereon and fish therein. Such rules and regulations, and any other rules and regulations shall be adopted and promulgated pursuant to the Administrative Procedure Act. by the commission under authority of this act, shall be effective fifteen days after their adoption in written form and their publication in any daily newspaper of general circulation within this state for one week.

Sec. 22. That section 37-408, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

37-408. The Game and Parks Commission commission, upon ascertaining what ditch or ditches are practicable to be screened, shall give notice in writing to the person, firm, or corporation, owning, operating, or controlling such ditch or ditches. The notice shall set forth the size of the woven screen necessary to be set in place at the mouth of the ditch or ditches. The mesh of such screen shall be no larger than one inch, and shall be so placed and maintained at the mouth of each irrigation ditch designated by the commission as to prevent the passage of fish therein, except such as may pass through the meshes of said the screen. The screens shall be provided by the commission at cost to the person, firm, or corporation owning, operating, or and controlling the ditch or ditches to be screened. For each day's failure to keep such screen in repair, and for each day's neglect after the twentieth day to comply with the written notice, the commission may recover the sum of five dollars per day as liquidated damages for the loss to the state on account of the fish thereby lost or destroyed, and the offending party shall further be guilty of a Class III misdemeanor.

Sec. 23. That section 37-410, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-410. Anyone who takes or attempts to take any fish from waters closed by the commission, as herein provided in the Game Law, who kills or takes or attempts to kill or take any game upon any reserve or sanctuary, who goes thereon with a gun or dog, who permits a dog to run thereon, who otherwise intentionally disturbs game or birds thereon and causes them to depart from such reserve or sanctuary, who goes upon any wild fowl sanctuary to fish or for any other purpose during the open season on wild fowl, or who violates any provision of sections 37-401 to 37-411 or any rule or regulation of the Game and Parks Commission commission relating to game reserves or sanctuaries adopted by authority of law, shall be guilty of a Class III misdemeanor. Nothing in this section, PROVIDED, nothing herein shall render unlawful the keeping at farm homes, located on the sanctuaries provided for in this act the Game Law, such dogs as ordinarily are kept on farms or render unlawful the possession of firearms by residents on such sanctuaries where when not used to disturb or molest wild fowl or game thereon, or prevent such residents from shooting crows, hawks, wolves, or other carnivorous predatory animals thereon. Nothing in this section, ,

~~PROVIDED FURTHER, nothing herein shall prevent members, officers, or employees of the commission from going upon sanctuaries at any time to enforce this act the Game Law, to obtain evidence to enforce it, or otherwise to protect game and fish thereon. Nothing in this section 7 AND PROVIDED FURTHER, nothing herein contained shall make it unlawful to retrieve lawfully killed game birds lawfully killed, from said any such reserve or sanctuary.~~

Sec. 24. That section 37-411, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-411. Meandered lakes, the shore lines of which were meandered by government survey, and the beds thereof, are declared to be the property of the state for the benefit of the public, and the revenue therefrom and resources therein shall be subject to the statutes governing game and fish, and the rules and regulations of the Game and Parks Commission ~~Commission~~ relative thereto. The commission shall have authority to improve meandered lakes, and to make such rules and regulations as may be necessary to make proper use of the same. ~~Nothing in this section 7 PROVIDED, HOWEVER, nothing herein contained~~ shall be construed as claiming title in the State of Nebraska to any lake or stream or that portion of a lake or stream, located upon lands, patents to which have been issued by the United States to private individuals or persons.

Sec. 25. That section 37-413, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-413. It shall be unlawful for any person or persons at any time to hunt, kill, capture, or chase with dogs any game or other birds of any kind or description whatever, to carry firearms of any kind, or to have dogs within the limits of ~~said the state game refuge, as designated in section 37-412.~~ This section 7 PROVIDED, this shall not prevent anyone from carrying firearms across the reserve if he or she is upon a highway or railroad track. ~~Nothing in this section 7 AND PROVIDED FURTHER, that nothing herein contained~~ shall make it unlawful to retrieve game birds lawfully killed, from ~~said such~~ reserve or sanctuary.

Sec. 26. 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, the Game Law~~ 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, 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. 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. 27. That section 37-504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-504. In water where nongame fish abound, the Game and Parks Commission commission may remove or cause to be removed by written agreement, such nongame fish for fish management purposes, and may sell such nongame fish. The, the proceeds therefrom to from such sales shall be paid into the State Game Fund. Game fish, protected by this act the Game Law, taken by such methods, shall be immediately returned alive and with as little injury as possible to the waters from which they were taken.

Sec. 28. That section 37-505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-505. It shall be unlawful to buy, sell, or barter (1) any game bird or part thereof, except the feathers or skins from legally taken upland game birds, (2) any antelope, cottontail rabbit, deer, elk, squirrel, or bullfrog, except that deer, antelope, or elk hides from legally taken animals may be sold, or (3) any game fish protected by this act the Game Law at any time, whether killed or taken within or without this state. It shall be unlawful for any commercial institution, commission house, restaurant, or cafe keeper to have in its, his, or her possession at any time game birds or game animals protected by this act the Game Law. Game fish lawfully shipped in from without the state, by residents of this state, or game or fish lawfully acquired from a ~~lawful~~ licensed game farm or a person having a fish culture permit may be sold in this state. The burden of proof shall be upon every such dealer and keeper to show by competent and satisfactory evidence that any game or game fish in his or her possession or sold by him or her was lawfully imported from without the state or was lawfully acquired from a licensed game farm or a person having a fish culture permit. Nonresidents holding a valid nonresident fish dealer's permit may possess, buy, sell, transport, and ship live bait minnows, live fish, all frogs, and crayfish, legally obtained from without this

state or from a licensed fish hatchery, in accordance with the rules and regulations of the Game and Parks Commission commission. The fee for a nonresident fish dealer's permit shall be one hundred dollars.

Sec. 29. That section 37-506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-506. Every express company, bus line, or other common carrier, their officers, agents, and servants, and every shipper by any such transportation agency, who shall transfer or carry (1) transfers or carries from one point to another within the state, or take (2) takes out of the state, or who shall receive (3) receives, for the purpose of transferring from this state, any of the wild game birds, fur-bearing animals, game animals, game or fish enumerated in this act the Game Law, except as herein permitted in this section, shall be guilty of a Class III misdemeanor. It shall be lawful for any express company, bus line, railroad, or other common carrier to receive for transportation any of the game birds, fur-bearing animals, game or game fish enumerated in this act, the Game Law and to transport them from one point to another by express or baggage during the open season on such game, when said such game birds, fur-bearing or game animals or game fish are is tagged, as required by the rules and regulations of the Game and Parks Commission commission, and a statement of the shipper is forwarded to the commission that the same are is not shipped for sale or profit and were was not taken contrary to law. Such statement shall state the number of the shipper's license and describe and give the number of each kind of game, birds, fur-bearing animals, game or game fish. A copy thereof shall be attached to said the shipment while in transit from one point to another. Any person who transports game or fish, in violation of any of the provisions of this section, shall be guilty of a Class III misdemeanor.

Sec. 30. That section 37-507, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-507. Except as in this act otherwise provided in the Game Law, it shall be unlawful for any person, firm, or corporation, acting as a common carrier or otherwise, to bring into this state any fish or game from any state during the time that such other state prohibits the transportation of such fish or game from such state to a point without the same.

Sec. 31. That section 37-508, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

37-508. Every express company and common carrier, their officers, agents, and servants, and every other person who shall transfer or carry (1) transfers or carries from one point to another within the state, or take (2) takes out of the state, or who shall receive (3) receives, for the purpose of transferring from this state, any raw furs protected by this act, the Game Law, except as herein permitted, in this section, shall be guilty of a Class III misdemeanor. It shall be lawful for any express company, railroad, or common carrier, or any postmaster, to receive raw furs protected by this act the Game Law for transportation from one point to another by express, baggage, or mail during the open season and ten days thereafter, or such further period as may be specifically granted a shipper by the Game and Parks Commission commission, when said such raw fur is accompanied by a tag furnished by the Game and Parks Commission commission and placed upon the package giving the name of the consignee, and the number of his or her fur-harvesting permit, and a description of the kind and number of each kind of raw fur in said the shipment. A duplicate portion of said such tag to shall be filled out as above mentioned and sent to the secretary of the commission. It Game and Parks Commission, PROVIDED, however, it shall be lawful for such common carriers to accept and transport to any point within or without the State of Nebraska, at any time, beaver pelts stamped as provided by section 37-304.02.

Sec. 32. That section 37-509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-509. Nothing in sections 37-501 to 37-519 shall prevent the Game and Parks Commission commission from taking or authorizing the taking of, at any time and in any manner, any fish or spawn belonging to the state for the purpose of propagation or stocking other waters, or exchanging with the fish commissioner of other states or of the United States. Nothing in such sections, nor shall anything herein prohibit the purchase, sale, and use of fish or fish eggs for stocking waters in this state. The proceeds of all sales of such fish, spawn, or eggs shall be paid into the State Game Fund.

Sec. 33. That section 37-510, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-510. It shall be unlawful for anyone to

hunt for any game, wild animal, or bird or fish upon any private lands without permission of the owner. It shall be unlawful for anyone to trap or otherwise harvest fur-bearing animals upon the lands of another without his or her consent. Animals and the pelts thereof taken contrary to this section may be replevined by the owner of the lands. The word owner as herein used means For purposes of this section, owner shall mean the actual owner of the land and any tenant or agent in possession or charge thereof for him or her.

Sec. 34. That section 37-516, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-516. It shall be unlawful for any person, association, or corporation to dump or drain any refuse from any factory, slaughterhouse, gas plant, garage, repair shop, or other place whatsoever; or any refuse, junk, dross, litter, trash, lumber, or leavings into or near any of the waters of this state or into any bayou, drain, ditch, or sewer; which discharges such refuse or any part thereof into any of the waters of this state; or to place, leave, or permit to escape any such refuse, in such manner that it or any part of it is through the action of the elements; or otherwise, carried into any of the waters of this state. The word refuse as used herein means and includes For purposes of this section, refuse shall mean and include oils, tars, creosote, blood, offal, decayed matter, and all other substances which are injurious to aquatic life.

Any person, association, or corporation violating the provisions of this section shall, upon conviction thereof, be guilty of a Class II misdemeanor.

Sec. 35. That section 37-603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-603. It shall be the duty of all conservation officers, deputy conservation officers, sheriffs, deputy sheriffs, and other police officers to make prompt investigation of and arrests for any violations of the provisions of this act Game Law or of sections 81-801 to 81-815.36 observed or, and of all conservation officers and deputy conservation officers to make prompt investigations of and arrests for any violations of the provisions of Chapter 81, article 87 respecting the Game and Parks Commission, reported by any person; and to cause a complaint to be filed before a court having jurisdiction thereof in case there seems just ground for such complaint and evidence procurable to support the same. Upon the filing of such a

complaint it shall be the duty of such officer to render assistance in the prosecution of the party complained against. Sheriffs, deputy sheriffs, and other police officers making arrests and serving warrants under this section shall receive fees and mileage under the provisions of the statutes of the state with mileage to be computed at the rate provided for county sheriffs in section 33-117. All full-time conservation officers and full-time deputy conservation officers are hereby made peace officers of the state with the powers of sheriffs. It shall be the duty of any such officer all conservation officers, deputy conservation officers, sheriffs, deputy sheriffs, and other police officers to make prompt investigations of any violations of Chapter 37 or of sections 81-801 to 81-815-36 observed or reported by any person and of any crime observed or encountered and to make arrests or issue a summons, or both, to or otherwise notify any resident of this state to appear at a place specified in such summons or notice and at a time likewise specified at least five days after such arrest unless the person arrested shall demand an earlier hearing or, if such person so desires, at an immediate hearing or a hearing within twenty-four hours thereafter at a convenient hour before a magistrate within the township or county wherein such offense was committed. Any resident refusing to give written promise to appear or any nonresident refusing to give a guaranteed arrest bond or similar written instrument shall be taken immediately by such officer before the nearest or most accessible magistrate. Any person who willfully violates his or her written promise to appear shall be guilty of a Class III misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested, and shall, upon conviction thereof, be fined in an amount not less than ten dollars nor more than one hundred dollars or be imprisoned in the county jail not exceeding thirty days. Conservation officers and deputy conservation officers shall serve writs and processes, civil and criminal, when such writs and processes pertain to enforcement of duties imposed by law on the Game and Parks Commission commission. It shall be the duty of every officer, as well as of the sheriffs in their respective counties, to arrest any person whom he or she has reason to believe guilty of a violation of the provisions of this act Game Law and, with or without a warrant, to open, enter, and examine all camps, wagons, cars, stages, tents, packs, warehouses, stores, outhouses, stables, barns and other places, boxes, barrels, and packages where he or she has

reason to believe any fish or game, song, insectivorous, or other birds, or raw furs, taken or held in violation of this act the Game Law, are to be found, and to seize the same, except that a dwelling house actually occupied can be entered only upon authority of a search warrant. Any officer or person purporting to enforce the laws of this state or rules and regulations adopted and promulgated pursuant thereto shall on the demand of any person apprehended by him or her exhibit to such person his or her written commission of authority as such enforcement officer.

Sec. 36. That section 37-606, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-606. All game killed, taken, or caught and all game and raw furs bought, sold, bartered, shipped, or had in possession contrary to any of the provisions of this chapter the Game Law shall be and the same are declared to be contraband and shall be seized and confiscated by any sheriff or commissioner, conservation officer, deputy conservation officer, or other employee of the Game and Parks Commission.

Sec. 37. That section 37-607, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-607. The possession by any person of any fish under lawful size as herein designated in the Game Law shall be evidence that the same is the property of the state, and that the same was caught, taken, or killed within the state. Possession within this state of the carcass of any game animal or game bird which has shot marks upon it shall be evidence that the same was taken in this state, and the burden of proving otherwise shall be upon the party in whose possession it is found. Whenever the contents of any box, barrel, package, or receptacle consist partly of contraband and partly of legal game, or raw furs, the entire contents of such box, barrel, package, or other receptacle shall be seized and confiscated. Whenever a person has in his or her possession in excess of the number of wild animals, wild fowls, game birds, or game fish permitted by law, all game in his or her possession shall be seized and confiscated.

Sec. 38. That section 37-608, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-608. Contraband game and fish seized and confiscated in accordance with the provisions hereof Game Law or coming into the possession of the commission

by other means, shall be turned over to the nearest hospital, or state institution or county poor farm; or otherwise disposed of as directed by the commission, and all contraband hides and furs shall be sold, and the proceeds paid into the State Game Fund.

Sec. 39. That section 37-610, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-610. Every device, net, and trap and every ferret possessed, used, or attempted to be used by any person in hunting, taking, catching, killing, or destroying any game or fish contrary to law is hereby declared to be a public nuisance and subject to seizure and confiscation by any conservation officer, deputy conservation officer, or other person charged with the enforcement of this act the Game Law. Ferrets and every trap, net, and device, the use of which is wholly prohibited, shall be destroyed upon seizure. All guns and nets while being used illegally shall be seized upon the arrest of the person so using them, but all guns, legal fish nets, or other hunting or fishing equipment, used illegally which are seized for evidence upon arrest, shall be returned by the court to the person from whom such guns, legal fish nets, or other hunting or fishing equipment were was seized following disposition of the case. The possession of any and all nets, except minnow nets, shall be construed as illegal possession and shall render such nets subject to confiscation and destruction by the state, and any person or persons possessing the same shall be guilty of a Class V misdemeanor. The provisions of this section shall not apply to the possession and legal use of seines or nets as provided in sections 37-502 and 37-503.05.

Sec. 40. That section 37-611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-611. (1) Each game animal, game bird, and game fish, killed, captured, caught, taken, or destroyed, and (2) every such animal, bird, and fish, and every raw fur shipped, offered or received for shipment, transported, bought, sold, or bartered, or had in possession, contrary to the provisions of this act Game Law, and (3) each seine, net, or other device, including ferrets, used or attempted to be used in violation of the provisions thereof Game Law, shall constitute a separate offense.

Sec. 41. That section 37-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

37-612. Any person who makes any use of or has in his or her possession or who aids or abets in the hunting, taking, or pursuing of any game, game animal, game bird, game fish, or raw fur, killed or taken contrary to any of the provisions of this act the Game Law, with knowledge of such fact, or of facts sufficient in law to charge him or her with such knowledge, shall be deemed a principal in the unlawful killing, taking, catching, transporting, or possession of such game, game animal, game bird, or game fish, or the taking, transporting, or possession of such raw fur, and shall be subject to the same penalties therefor as the person who killed, took, or caught such animal, bird, or fish, or unlawfully had in possession or transported any such animal, bird, or fish, or the raw fur of any fur-bearing animal.

Sec. 42. That section 37-613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-613. In case of a violation of this act the Game Law by a corporation, the warrant of arrest may be served on the president, secretary, or manager in this state, or on any general or local agent thereof in the county where the action may properly be brought, and upon the return of such warrant so served, the corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such corporation. This, but this section shall not be deemed to exempt from prosecution any agent or employee whose personal guilt is supported by probable cause.

Sec. 43. That section 37-614, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-614. Every person who kills, destroys, takes, or has in possession, contrary to the provisions of this act the Game Law, any animal, fowl, bird, or fish shall be liable to the State of Nebraska for the damages caused thereby, which are hereby declared to be three hundred dollars for each buffalo, elk, deer, antelope, whooping crane, or swan, twenty-five dollars for each wild turkey, wild goose, or for each other game bird, game animal, or fur-bearing animal or the raw pelts thereof, and five dollars for each insectivorous bird or game fish so unlawfully killed, destroyed, taken, or had in possession, except, PROVIDED, that a return uninjured of any such animal, fowl, or bird to the place where captured, or such other place as the

Game and Parks Commission commission may direct, shall discharge such damages. Said Such damages may be collected by the commission by civil suit. In every case of conviction for any of said such offenses, it is hereby made the duty of the court or magistrate before whom such conviction is obtained to further enter judgment in favor of the State of Nebraska and against the defendant for liquidated damages in a sum as hereinbefore set forth, in this section and to collect the same by execution or otherwise. Failure to obtain conviction on a criminal charge shall not be a bar to a separate civil action for such liquidated damages. It shall be the duty of all magistrates collecting such damages to forthwith remit the same to the secretary of the commission, who shall forthwith deposit the same with the State Treasurer, and the treasurer shall place the same in the State Game Fund.

Sec. 44. That section 37-702, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-702. Any citizen of Nebraska, who qualifies as a commercial fish culturist, after securing a permit as herein provided in sections 37-703 and 37-704, may establish and maintain upon private lands, ponds for the culture and propagation of game fish or minnows, subject to the restrictions imposed by this act the Game Law.

Sec. 45. That section 37-705, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-705. Upon payment of the permit fees required by this act the Game Law, game animals and game birds, fur-bearing animals, and game fish or minnows, lawfully held in possession in any other state or country, may be imported into this state by any legal holder of a breeder's permit described in sections 37-703 and 37-704, except as provided in section 37-719. Such permit shall not confer upon the holder the right (1) to take wild game animals, fur-bearing animals, game birds, or game fish or minnows from the natural resources of Nebraska, ~~nor~~ or (2) to purchase such animals, birds, or fish from anyone in Nebraska except the commission or persons holding legal permits for the propagation and disposal of the same.

Sec. 46. That section 37-706, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-706. Game and fish propagated or raised under a permit issued under sections 37-702 to 37-712

may be sold or offered for sale and transported at any time, subject to rules and regulations adopted by the Game and Parks Commission Commission.

(1) Before any live game of any kind raised under authority of any propagation permit is shipped out of the state, it ~~must~~ shall be offered to the commission for propagating purposes. The secretary of ~~such~~ the commission shall, within ten days, advise the licensee whether it desires to purchase the same. If not purchased by the commission, it may be exported if properly tagged as hereinafter provided in this section. Game so raised, when slaughtered, may be shipped anywhere if tagged as herein required provided in this section.

(2) Before any game raised or produced under authority of any propagating permits is shipped or removed from any premises, the licensee shall apply to the commission for a tag, which shall be supplied at cost. The tag shall be composed of two parts and, when detached, one part thereof, containing the name and address of both shipper and purchaser and the kind, number, and weight of the game shipped or removed, shall be attached to the bird or animal. The other part of the tag, containing the same information and such additional information as the commission may require, shall immediately be returned to the commission. The tag attached to a bird or animal shall so remain until the carcass of any bird is sold; or the carcass of any animal is cut up for retail consumption, at which time the tag shall be removed by the person receiving or finally disposing of the bird or animal, and shall at once be forwarded to the commission.

(3) It is unlawful for any holder of a permit, or his or her agent or employee, to neglect to return to the commission any tag with the information thereon required; or to kill, sell, give away, remove, or ship any game bred or raised under the authority of any propagating permit, except in compliance with the provisions of this section.

(4) It is unlawful for any person to willfully or wantonly remove, mutilate, or destroy any tag attached to any bird or animal, according to the provisions of this section, except in the manner and the time and place as provided for in this section.

(5) It is unlawful for any person to willfully use any tag of the kind provided for in this section for carrying, removing, or shipment of shipping game taken or killed outside of the premises used for propagating the same, under authority of a permit, or for the

purpose of a second shipment of game from any such premises.

(6) The sale, purchase, or barter of any game bird or carcass thereof bearing shot marks or external wounds of any kind is prohibited, except, PROVIDED, that game birds obtained from the holder of a game farm permit, which are shot in a hunting dog trial approved as a worthy training program by the commission, and which were transported and tagged according to commission rules and regulations may be sold if permission for such sale is first obtained from the commission.

Each sale of fish raised under a permit issued under sections 37-702 to 37-712 shall be recorded on duplicate invoices, one copy to be given to the purchaser, the other to be retained by the seller for at least two years.

Any person violating the provisions of this section shall be guilty of a Class IV misdemeanor.

Sec. 47. That section 37-711, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-711. Any officer authorized to enforce this act the Game Law may, at any time, enter upon any game or fur farm or private hatchery for the purpose of inspecting the same; or for the purpose of enforcing this act the Game Law.

Sec. 48. For purposes of sections 37-901 to 37-914:

(1) Game birds shall mean coots, cranes, curlew, doves, ducks, geese, grouse, partridges, pheasants, plovers, prairie chickens, quail, rails, snipes, swans, woodcocks, wild turkeys, and all migratory waterfowl; and

(2) Upland game birds shall mean all species and subspecies of quail, partridges, pheasants, wild turkeys, and grouse, including prairie chickens, on which an open season is in effect.

Sec. 49. That section 37-902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-902. Upon receipt of the application, the Game and Parks Commission shall inspect the area proposed to be licensed described in such application and its premises and facilities. It The commission shall also inspect the area where game birds are to be propagated, reared, and liberated and the cover for game birds on such area. It The commission shall also ascertain the ability of the applicant to operate a

property of this character. If the commission finds (1) that the area contains not less than one hundred twenty acres and not more than thirty-two hundred acres is of the size specified in section 37-901, (2) that the area is contiguous, (3) that the area has the proper requirements for the operation of such a property, (4) that the game birds propagated or released thereon are not likely to be diseased and a menace to other game, (5) that the operation of such property will not work a fraud upon persons who may be permitted to hunt thereon, and (6) that the issuing of the license will otherwise be in the public interest, the commission shall approve such application and issue a game breeding and controlled shooting area license for the operation of such a property on the tract described in such application with the rights and subject to the limitations prescribed in sections 37-901 to 37-914.

Sec. 50. That original sections 37-101, 37-102, 37-201, 37-202, 37-204, 37-205 to 37-208, 37-212, 37-213, 37-301, 37-303, 37-304, 37-305 to 37-308, 37-402, 37-403, 37-404, 37-408, 37-410, 37-411, 37-413, 37-501, 37-504 to 37-507, 37-508 to 37-510, 37-516, 37-603, 37-606 to 37-608, 37-610 to 37-614, 37-702, 37-705, 37-706, 37-711, and 37-902, Revised Statutes of Nebraska, 1943, are repealed.