

LEGISLATIVE BILL 1447

Approved by the Governor March 21, 1972

Introduced by J. James Waldron, 42nd District

AN ACT to amend sections 37-501 and 37-513, Revised Statutes Supplement, 1969, relating to game and fish; to provide for construction, operation and use of recall pens as prescribed; to provide a fee; to change provisions for field trials; 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, 1969, be amended to read as follows:

37-501. It shall be unlawful (1) to shoot from any public highway 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 with the aid of an artificial light attached to or used from a motor vehicle; Provided, that 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-by-nets-for-propagation-purposes-upon--a permit-issued-by-the-commission except as specified in subsection (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 in or on any vehicle on any public highway, unless such shotgun is unloaded.

Sec. 2. The construction, operation and maintenance of a facility commonly known as a recall pen, also known as a recapture pen, which is used for the recapture of banded game birds originating from licensed game farms in conjunction with dog training or dog trial activities shall be legal when the person owning or controlling such recall pen shall, prior to the operation thereof, have paid an annual fee of ten dollars to the Game and Parks Commission for each recall pen under his ownership or control. The Game and Parks Commission is hereby authorized to promulgate rules and regulations for the possession, use and licensing of recall pens. Nothing in this section shall authorize the use of recall pens for the trapping of wild game birds.

Sec. 3. That section 37-513, Revised Statutes Supplement, 1969, be amended to read as follows:

37-513. (1) It shall be unlawful for any person ~~{a} to train or run any hunting dog or dogs, including pointers, setters, droppers, retrievers, springers, or spaniels, during the period from April 4 to July 15 of each year, in fields or upon lands where game birds or game animals may be found or which are apt to be frequented by game birds or {b} to allow such a dog or dogs to run loose in such fields or upon such lands from April 4 to July 15 of each year to kill or capture game birds or game animals while training or running a dog~~ except as provided in subsection (4) of section 37-501; Provided, that game birds obtained from the holder of a game farm permit, which were have been transported and are tagged according to commission regulations, and which are being used for training purposes by the holder of a required permit may be pursued and taken at any time on

specified land areas designated, approved, and operated according to rules and regulations established by the commission or during a sporting dog trial, which is conducted under written authority of the commission.

~~(2) No game birds, referred to in subsection (1) of this section, shall be taken during the prescribed closed season except as provided in subsection (1) of this section.~~ No dog under the provisions of this section shall be run upon private property at any time without the express permission of the landowner or tenant.

Sec. 4. That original sections 37-501 and 37-513, Revised Statutes Supplement, 1969, are repealed.