

LEGISLATIVE BILL 435

Approved by the Governor April 2, 1979

Introduced by Constitutional Revision and Recreation Committee, Reutzell, 15, Chmn.; Carsten, 2; Hefner, 19; Stoney, 4; George, 16; Koch, 12; Pirsch, 10

AN ACT to amend section 37-213, Revised Statutes Supplement, 1978, relating to game and parks; to make an additional act unlawful; to harmonize an exemption; and to repeal the original section.

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

Section 1. That section 37-213, Revised Statutes Supplement, 1978, be amended to read as follows:

37-213. Unless holding a permit as in this act required, it shall be unlawful (1) for any person to trap or otherwise take or attempt to take, or have in possession any fur-bearing animal or raw fur, (2) for any person who is a resident of the State of Nebraska and is sixteen years old 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 of the age of sixteen years or older to hunt or take or attempt to hunt or take any migratory waterfowl without first obtaining and affixing to his hunting permit a federal migratory bird hunting stamp. All such stamps affixed to hunting permits must 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, 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 the owner or invitee of the owner of any body of water (a) located entirely upon privately-owned land, (b) which is entirely privately stocked, (c) which does not connect by inflow or outflow with other water outside said land, and (d) when such owner 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; Provided, that no fishing permit shall be required for fishing in any duly licensed commercial put and take fishery operating under rules and regulations prescribed by the Game and Parks 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 or to angle for or take or attempt to angle for or take any kind of fish 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 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 or .22 rimfire rifle or handgun, except that this provision shall not apply to 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. Any violation of the provisions of this section shall constitute a Class II misdemeanor and the offender shall be fined at least forty dollars.

If the offense shall be failure to hold a hunting, fishing, 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. 2. That original section 37-213, Revised Statutes Supplement, 1978, is repealed.