

LEGISLATIVE BILL 216

Approved by the Governor February 20, 1978

Introduced by Dworak, 22; Hefner, 19

AN ACT to amend sections 37-232 and 37-233, Reissue Revised Statutes of Nebraska, 1943, and section 37-235, Revised Statutes Supplement, 1977, relating to game and fish; to provide when the Game and Parks Commission shall issue permits to use aircraft to shoot coyotes; to change penalties; and to repeal the original sections.

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

Section 1. That section 37-232, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-232. It shall be unlawful for any person (1) while airborne in any aircraft to shoot or attempt to shoot for the purpose of killing any bird, fish, or other animal, (2) to use any aircraft to harass any bird, fish, or other animal, or (3) to knowingly participate in using any aircraft for such purposes unless he is the holder of a currently-valid permit issued under the provisions of section 37-233 and engages only in activities permitted by such permit, or (4) to shoot or attempt to shoot any coyote from an aircraft under the authority of a permit issued under the provisions of section 37-233, unless permission has first been obtained from the landowners or tenants over whose land the aircraft is to be used to shoot or attempt to shoot coyotes.

Sec. 2. That section 37-233, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-233. (1) The Game and Parks Commission may shall, to aid in the protection of livestock and other domesticated animals, issue a special permit authorizing the holder thereof to use aircraft for the purpose of hunting, shooting, or attempting to shoot coyotes. Such permit shall be issued only after it is shown that (a) the coyote population is so large in an area as to present a substantial threat to livestock and other domesticated animals, and (b) property owners will not be detrimentally affected by such issuance. Such permit shall be issued upon the payment of an annual fee of five dollars and shall expire on December 31 following the date of its issuance. The annual fee for the permit

shall be five dollars and the permit shall expire on December 31 following the date of issuance. The form of such permit and of the application therefor shall be prescribed by the commission. The Game and Parks Commission shall adopt necessary rules and regulations to carry out this section, and may designate areas in which the coyote population may present a threat or cause substantial damage to livestock and restrict the issuance of permits only to such areas. The Game and Parks Commission, its officers and agents, and any law enforcement or peace officer of this state shall have the authority to enforce the provisions of this act.

Sec. 3. That section 37-235, Revised Statutes Supplement, 1977, be amended to read as follows:

37-235. Any person violating the provisions of sections 37-232 to 37-234 shall be guilty of a Class \forall II misdemeanor.

Sec. 4. That original sections 37-232 and 37-233, Reissue Revised Statutes of Nebraska, 1943, and section 37-235, Revised Statutes Supplement, 1977, are repealed.