

LEGISLATIVE BILL 1165

Approved by the Governor April 19, 1994

Introduced by Bernard-Stevens, 42

AN ACT relating to game and parks; to amend sections 37-304.01, 37-507.01, 37-511, 37-609, 37-707, and 46-801, Reissue Revised Statutes of Nebraska, 1943, sections 37-705, 37-706, and 37-711, Revised Statutes Supplement, 1992, and sections 2-5002, 2-5003, 2-5005, 37-101, 37-102, 37-111, 37-503, 37-505, 37-702, and 37-703, Revised Statutes Supplement, 1993; to change provisions relating to and to provide duties for the Nebraska Aquaculture Board; to change the number of members on the board; to define terms; to change provisions relating to bait vendors, commercial fish culturists, fish hatcheries, and fish culture permits; to provide for bait dealers, aquaculturists, commercial aquaculturists, and aquaculture facility permits; to provide for the reporting of pathogens and quarantine as prescribed; to provide for license revocation; to harmonize provisions; to eliminate obsolete provisions and provisions relating to game and fur farming and fish culture; and to repeal the original sections, and also sections 37-704, 37-708, 37-709, and 37-710, Reissue Revised Statutes of Nebraska, 1943, and section 2-5004, Revised Statutes Supplement, 1993.

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

Section 1. That section 2-5002, Revised Statutes Supplement, 1993, be amended to read as follows:

2-5002. For purposes of sections 2-5002 to 2-5005 and section 4 of this act:

(1) Aquaculture shall have the definition found in section 2-3804.01;

(2) Aquaculture facility shall mean any facility, structure, lake, pond, tank, or tanker truck used for the purpose of propagating, selling, brokering, trading, or transporting live fish or viable gametes;

(3) Aquaculturist shall mean any individual, partnership, or corporation, other than an employee of a state or federal hatchery, involved in producing, transporting, or marketing cultured aquatic stock or products thereof;

(4) Aquatic disease shall mean any departure from a normal state of health of aquatic organisms caused by disease agents;

(5) Aquatic organism shall mean an individual member of any species of fish, mollusk, crustacean, aquatic reptile, aquatic amphibian, aquatic insect, or other aquatic invertebrate. Aquatic organism shall include the viable gametes, eggs or sperm, of an aquatic organism;

(6) Board shall mean the Nebraska Aquaculture Board;

(7) Commercial aquaculturist shall mean an aquaculturist engaged in the business of growing, selling, brokering, or processing live or viable aquatic organisms for commercial purposes;

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

(9) Cultured aquatic stock shall mean aquatic organisms raised from privately owned stocks and aquatic organisms lawfully acquired and held in private ownership until they become intermingled with wild aquatic organisms;

(10) Department shall mean the Department of Agriculture; and

(11) Director shall mean the Director of Agriculture.

Sec. 2. That section 2-5003, Revised Statutes Supplement, 1993, be amended to read as follows:

2-5003. There is hereby created the Nebraska Aquaculture Board. The board shall consist of (1) the aquaculturist employed by the Cooperative Extension Service pursuant to section 85-1,104.01, (2) ~~two employees~~ one employee of the commission who ~~are~~ is familiar with aquatic disease, appointed by the secretary of the commission, (3) ~~two employees~~ one employee of the department who ~~are~~ is familiar with the commercial marketing and processing of ~~aquatic organisms and their products or with the financing of commercial aquaculture~~, appointed by the director, and (4) two aquaculturists, appointed by the Governor. The board shall elect from its members a chairperson. The aquaculturists shall serve three-year terms, serve until their successors are appointed, and serve without compensation be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 3. That section 2-5005, Revised Statutes Supplement, 1993, be amended to read as follows:

2-5005. The board shall have authority to may consider and recommend to the Legislature appropriate legislation, including, but not limited to, legislation concerning the following:

(1) Fees to fund all direct and indirect costs of the administration and enforcement of the legislation;

(2) Standards applicable to products of cultured aquatic stock offered for sale;

(3) The establishment of standards for and certification of private aquaculture facilities which may include, but need not be limited to, standards for commercial aquaculturists with respect to sanitation, financial stability, disease control, and the movement of aquaculture products offered for sale;

(4) Procedures regarding granting, denying, suspending, or revoking an aquaculture facility permit and appeals processes relating thereto;

(5) Procedures and responsibilities for quarantine of aquaculture facilities upon the determination that a situation exists which threatens imminent danger to existing wild aquatic populations or to human health and safety and that no more reasonable means exist to control the situation including, but not limited to, controlling unwanted aquatic species and procedures for controlling aquatic infectious diseases that may affect wild aquatic or cultured aquatic stock;

(6) Procedures for contracting services of any specialist in this state or in any other state or with any other government agency, through intergovernmental agreement, contract, or memorandum of understanding, to implement and enforce the legislation;

(7) Penalties for violations of the aquaculture plan developed by the board;

(8) The evaluation and consideration of which terms of the aquaculture industry need further definition as well as an evaluation of the impact of such legislation;

(9) Barriers to entry in the business of aquaculture and ways to reduce or eliminate such barriers which may include an evaluation of tax exemptions and education; and

(10) The interrelationship between the department in promotion of and the commission in the regulation of cultured aquatic stock, ~~7 and~~

~~(11) Additional board responsibilities beyond the final report.~~

Sec. 4. The board shall:

(1) Advise the commission, the department, and the University of Nebraska Institute of Agriculture and Natural Resources on current and future regulations and issues which may enhance the development of the aquaculture industry;

(2) Conduct public meetings for the purpose of addressing current issues affecting aquaculture, as well as obtaining feedback from the commercial aquaculturists;

(3) Join in consultation with the commission and department on all matters pertaining to commercial aquaculturists and aquaculture, including the importation of nonindigenous species into Nebraska for commercial use; and

(4) Review any orders of the commission for the quarantine or destruction of aquatic organisms which are affected with prohibited pathogens. The board may make recommendations to the commission regarding such orders.

Sec. 5. That section 37-101, Revised Statutes Supplement, 1993, be amended to read as follows:

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

(1) Aquaculture shall have the definition found in section 2-3804.01;

(2) Aquaculture facility shall mean any facility, structure, lake, pond, tank, or tanker truck used for the purpose of propagating, selling, brokering, trading, or transporting live fish or viable gametes;

(3) Aquaculturist shall mean any individual, partnership, limited liability company, or corporation, other than an employee of a state or federal hatchery, involved in producing, transporting, or marketing cultured aquatic stock or products thereof;

(4) Aquatic disease shall mean any departure from a normal state of health of aquatic organisms caused by disease agents;

(5) Aquatic organism shall mean an individual member of any species of fish, mollusk, crustacean, aquatic reptile, aquatic amphibian, aquatic insect, or other aquatic invertebrate. Aquatic organism shall include the viable gametes, eggs or sperm, of an aquatic organism;

(6) 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;

(7) ~~Commercial aquaculturist shall mean an aquaculturist engaged in the business of growing, selling, brokering, or processing live or viable aquatic organisms for commercial purposes;~~

(8) ~~(2) Commercial exploitation shall mean buying, selling, or bartering for economic or financial gain by any person, partnership, association, or corporation;~~

(9) ~~(3) Commission shall mean the Game and Parks Commission;~~

(10) ~~Cultured aquatic stock shall mean aquatic organisms raised from privately owned stocks and aquatic organisms lawfully acquired and held in private ownership until they become intermingled with wild aquatic organisms;~~

(11) ~~(4) Ecologic harm shall mean significant loss, disadvantage, or injury to the relationships between organisms and their environment;~~

(12) ~~(5) Economic harm shall mean significant loss, disadvantage, or injury to personal or material resources;~~

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

(14) ~~(7) 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;~~

(15) ~~(8) Fur-bearing animals shall mean all beaver, martens, minks except mutation minks, muskrats, raccoons, opossums, and others;~~

(16) ~~(9) 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 the Game Law;~~

(17) ~~(10) Game animals shall mean all antelope, cottontail rabbits, deer, elk, mountain sheep, and squirrels;~~

(18) ~~(11) 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;~~

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

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

(21) ~~(14) Officer shall mean every person authorized to enforce the Game Law;~~

(22) ~~(15) Person, owner, proprietor, grantee, lessee, and licensee shall mean and include individuals, partnerships, limited liability companies, associations, corporations, and municipalities;~~

(23) ~~(16) Raptor shall mean any bird of the Falconiformes or Strigiformes, except the golden and bald eagles;~~

(24) ~~(17) Raw fur shall mean the green pelts of any fur-bearing animal except commercially reared mutations;~~

(25) ~~(18) Trapping shall mean to take or attempt to take any fur-bearing animal by any snare, steel-jawed spring trap, or box trap; and~~

(26) ~~(19) 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. 6. That section 37-102, Revised Statutes Supplement, 1993, be amended to read as follows:

37-102. Sections 37-101 to 37-726 and 37-1401 to 37-1408 and section 20 of this act shall be known and may be cited as the Game Law.

Sec. 7. That section 37-111, Revised Statutes Supplement, 1993, be amended to read as follows:

37-111. The commission shall adopt and promulgate rules and regulations which include (1) provisions for scientific or educational purposes as provided in section 37-209, (2) provisions for commercial seining vendors as provided in section 37-502, (3) provisions for bait ~~vendors~~ dealers as provided in section 37-503, and (4) provisions for ~~commercial fish culturists~~ aquaculturists as provided in section 37-702, and (5) ~~recommendations developed by the Nebraska Aquaculture Board as provided in section 2-5004.~~

Sec. 8. That section 37-304.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-304.01. It shall also be unlawful for anyone, except a holder of a game farm or ~~fish culture~~ aquaculture facility permit, to have in his or her possession, except during the open season thereon, any unmounted game, game bird or game fish, except as provided in sections 37-304 to 37-304.02 or the game regulations of the commission made ~~in accordance therewith~~ pursuant to such sections.

Sec. 9. That section 37-503, Revised Statutes Supplement, 1993, be

amended to read as follows:

37-503. It shall be unlawful (1) to catch or take or attempt to catch or take minnows, except for bait, (2) to catch or take or attempt to catch or take minnows by the use of minnow seines of more than twenty feet in length or four feet in depth, (3) to catch or take or attempt to catch or take minnows with minnow seines or traps, the meshes of which are other than one-fourth inch square, (4) for any person except a licensed fish breeder aquaculturist or bait vendor dealer to buy, sell, barter, offer to buy, sell, or barter, or have in his or her possession minnows for any purpose whatsoever except for use as bait, and (5) to keep or retain any game fish taken while netting or taking or attempting to net or take minnows for bait, and game fish so taken, of whatever size, shall be immediately returned to the water from which taken and no minnows shall be taken from reservoirs, lakes, or bayous.

Individuals, either resident or nonresident, over sixteen years of age selling minnows or salamanders as bait for profit shall be required to purchase from the commission a bait vendor's dealer's permit for a fee of not less than twenty-five dollars and not more than thirty-two dollars for residents and not less than one hundred fifty dollars and not more than two hundred dollars for nonresidents, as established by the commission pursuant to section 81-814.02. Individuals over sixteen years of age and residents of this state selling crayfish or leopard or striped frogs shall purchase from the commission a resident bait vendor's dealer's permit for a fee of not less than twenty-five dollars and not more than thirty-two dollars, as established by the commission pursuant to such section, except that if such individual holds a permit for minnows or salamanders as provided in this section, such permit shall include crayfish and leopard or striped frogs.

Sec. 10. That section 37-505, Revised Statutes Supplement, 1993, 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 the Game Law at any time except as provided in section 37-503.05, whether such bird, animal, or fish was killed or taken within or outside this state, except that game fish lawfully shipped in from outside this state by residents of this state or game or fish lawfully acquired from a licensed game farm, from a person having a fish culture aquaculture permit, or, in the case of bullheads, pursuant to section 37-503.05 may be sold in this state, and the burden of proof shall be upon any such buyer, seller, or possessor 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 shipped in from outside this state or was lawfully acquired from one of such sources. 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 outside this state or from a licensed fish hatchery aquaculture facility in accordance with rules and regulations adopted and promulgated by the commission. The fee for a nonresident fish dealer's permit shall be not less than fifty dollars and not more than sixty-five dollars, as established by the commission pursuant to section 81-814.02.

Sec. 11. That section 37-507.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-507.01. Whenever the possession, use, importation, storage, taxidermy for millinery purposes, sale, or offering or exposing for sale of fish, game, or song, insectivorous, or other birds is prohibited or restricted, the prohibition or restriction, when not specifically stated to be otherwise, shall mean any part of such fish, game, or song, insectivorous, or other birds. Any nonresident person who takes, hunts, kills, pursues, or attempts to take, hunt, kill, or pursue or has in his or her possession any wild mammal, bird, turtle, mussel, or amphibian shall first obtain and have in his or her possession a nonresident hunting permit as provided in section 37-204, except that a nonresident bait vendor's dealer's permit as provided in section 37-503 shall be the only permit required of nonresidents to take, hunt, kill, pursue, or attempt to take, hunt, kill, or pursue or to have in his or her possession any salamander.

Sec. 12. That section 37-511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-511. It shall be unlawful (1) to mutilate or destroy the house or den of any fur-bearing animals except where such houses or dens obstruct a public or private ditch or watercourse; or cut down or into any tree containing the den or nest of any fur-bearing animal for the purpose of capturing, taking, or killing such animal; or (2) to use spears or any like

device in hunting or taking fur-bearing animals, or to use explosives, chemicals, or smokers of any kind to drive fur-bearing animals out of holes, dens, or houses. ~~If - PROVIDED, that where any dam, canal, drainage ditch, irrigation ditch, private fish pond, fish hatchery aquaculture facility, artificial waterway, railroad embankment, or other property is being damaged or destroyed by muskrats, the Game and Parks Commission may issue a permit to the owner or owners of such dam, canal, drainage ditch, irrigation ditch, private fish pond, fish hatchery aquaculture facility, artificial waterway, railroad embankment, or other property, to take or destroy such muskrats, and the commission is authorized to make and enforce such rules in connection with the issuance of such permits as it may deem are necessary to prevent the illegal destruction of muskrats by any holder of such a permit.~~

Sec. 13. That section 37-609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-609. Whenever any conservation officer, deputy conservation officer, or employee of the Game and Parks Commission, sheriff, deputy sheriff, or other police officer of the state ~~shall have~~ has reason to believe that any person, commercial institution, commission house, restaurant or cafe keeper, or fish dealer ~~aquaculturist~~ has in his, her, or its possession any game, fish aquatic organisms, raw fur, nets, or devices contrary to law, he or she may file or cause to be filed ~~his or her~~ a sworn complaint to such effect before any magistrate having jurisdiction and may procure a search warrant and execute the same ~~such~~ warrant.

Sec. 14. That section 37-702, Revised Statutes Supplement, 1993, be amended to read as follows:

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

Sec. 15. That section 37-703, Revised Statutes Supplement, 1993, be amended to read as follows:

37-703. Permits for game farming, fur farming, and private fish culture ~~aquaculture facilities~~ may be issued by the commission upon written application by any qualified person. Such application shall state (1) the name, residence, and place of business of the applicant, (2) the exact description of the land upon which such game farm, fur farm, or private fish hatchery ~~aquaculture facility~~ is to be located, together with the nature of the applicant's title to the land, whether in fee or under lease, and (3) the kind and approximate number of game animals, game birds, fur-bearing animals, except mutation foxes or minks, or fish ~~prepared aquatic organisms~~ authorized to be kept or reared on such farm or in such hatchery ~~facility~~. The annual fee for a private fish hatchery or minnow hatchery ~~aquaculture facility~~ permit shall be not less than fifty dollars and not more than sixty-five dollars, as established by the commission pursuant to section 81-814.02. Such permits shall expire on December 31.

Sec. 16. That section 37-705, Revised Statutes Supplement, 1992, be amended to read as follows:

37-705. Upon payment of the permit fees required by the Game Law, game animals and game birds, fur-bearing animals, and ~~game fish or minnows aquatic organisms~~, 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 ~~section 37-703~~ except as provided in ~~section 37-719 sections 37-535 to 37-538 and 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 aquatic organisms~~ from the natural resources of Nebraska or (2) to purchase such animals, birds, or fish ~~aquatic organisms~~ from anyone in Nebraska except the commission or persons holding legal permits for the propagation and disposal of the same.

Sec. 17. That section 37-706, Revised Statutes Supplement, 1992, be amended to read as follows:

37-706. Game and fish ~~aquatic organisms~~ 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 and promulgated by the commission.

(1) Before any live game of any kind raised under authority of any propagation permit is shipped out of the state, it shall be offered to the commission for propagating purposes. The secretary of the commission shall, within ten days, advise the permitholder whether it desires to purchase the same. If not purchased by the commission, it may be exported if tagged pursuant to subdivision (2) of this section. Game so raised, when

slaughtered, may be shipped anywhere if tagged or properly labeled pursuant to such subdivision.

(2)(a) Except as provided in subdivision (b) of this subdivision, before any game raised or produced under authority of any propagating permit is shipped or removed from any premises, the permit holder 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.

(b) Any permit holder who raises and processes game birds or animals for domestic trade only shall not be required to obtain a tag as prescribed in subdivision (a) of this subdivision. The permit holder shall identify any dressed and packaged game bird or animal with a label identifying the contents of the package, the name of the permit holder, and his or her permit number.

(3) It shall be unlawful for any permit holder 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 this section.

(4) It shall be unlawful for any person to willfully or wantonly remove, mutilate, or destroy any tag attached to any bird or animal, according to this section, except as provided in this section.

(5) It shall be unlawful for any person to willfully use any tag of the kind provided for in this section for carrying, removing, or 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 shall be prohibited, except 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 aquatic organisms 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 this section shall be guilty of a Class IV misdemeanor.

Sec. 18. That section 37-707, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-707. All holders of breeder's permits under sections 37-702 to 37-712, except holders of permits for aquaculture facilities, shall make reports on the first day of July and January to the Game and Parks Commission on blanks to be furnished by it. Such reports shall give a correct statement of the total number and kinds of animals ~~or birds or fish~~ sold or transported during the preceding six months, the names of the persons to whom the same were sold or transported, together with the names of the persons by whom the same were tagged and sealed, a statement of the increase or decrease of all kinds of animals ~~or fish~~ then possessed by such permit holder, and such other data as the commission may deem necessary for the protection of fish and game. Every such report shall be verified by the affidavit of the permit holder.

Sec. 19. That section 37-711, Revised Statutes Supplement, 1992, be amended to read as follows:

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

Sec. 20. (1) An aquaculturist who knows that aquatic organisms owned or controlled by him or her are affected with prohibited pathogens shall at once report such fact to the commission, stating all facts known to him or her with reference to the prohibited pathogens.

(2) If an aquaculture facility has aquatic organisms affected with prohibited pathogens, the commission may quarantine the aquaculture facility

and may order the destruction of the affected aquatic organisms upon a determination that a situation of imminent danger to existing aquatic organisms or human health and safety exists and that no more reasonable means exist to control the situation. A notice shall be posted at the quarantined aquaculture facility and a written notice shall be sent to the owner or operator of the aquaculture facility.

(3) The commission may revoke the aquaculture facility license of an aquaculture facility if the owner or operator does not comply with this section or a quarantine issued pursuant to this section.

Sec. 21. That section 46-801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-801. No person shall drain, lower, or in any manner reduce or divert the water supply of any natural or perennial lake, if the area exceeds twenty acres at low water stage or if the lake is of such depth and character as to have more economic importance for fish culture aquaculture, hunting, or other purpose than the bed of said such lake would have for agricultural purposes. Any person intending to drain, lower, divert, or in any way reduce the waters or water supply of any natural or perennial lake shall, before commencing the construction of any such work for drainage or diversion, make application to the Department of Water Resources for a permit to do so.

Sec. 22. That original sections 37-304.01, 37-507.01, 37-511, 37-609, 37-707, and 46-801, Reissue Revised Statutes of Nebraska, 1943, sections 37-705, 37-706, and 37-711, Revised Statutes Supplement, 1992, and sections 2-5002, 2-5003, 2-5005, 37-101, 37-102, 37-111, 37-503, 37-505, 37-702, and 37-703, Revised Statutes Supplement, 1993, and also sections 37-704, 37-708, 37-709, and 37-710, Reissue Revised Statutes of Nebraska, 1943, and section 2-5004, Revised Statutes Supplement, 1993, are repealed.