

LEGISLATIVE BILL 489

Approved by the Governor March 20, 1975

Introduced by Syas, 13

AN ACT to amend sections 37-301 and 37-502, Reissue Revised Statutes of Nebraska, 1943, and section 37-204, Revised Statutes Supplement, 1974, relating to game and fish; to provide that nongame fish be regulated by the Game and Parks Commission; to increase permit fees; to provide an operative date; and to repeal the original sections.

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

Section 1. That section 37-204, Revised Statutes Supplement, 1974, be amended to read as follows:

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

(1) Beginning January 1, 1970, resident fees shall be four dollars and fifty cents for both hunting, four dollars for fishing, eight dollars for both fishing and hunting, and three dollars and fifty cents for trapping or otherwise taking fur-bearing animals pursuant to the regulations of the Game and Parks Commission;

(2) By nonresidents, for trapping or otherwise taking one thousand or less fur-bearing animals, one hundred dollars for a period of time specified by the commission and five dollars additional for each one hundred or part of one hundred fur-bearing animals taken or trapped; the commission may limit the number of days for which such a permit is issued and the number of fish or game birds taken on one permit, and is authorized to issue coupons attached to nonresident permits for the purpose of tagging and identification. No hunting 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 subdivision, scheduled dog trials shall mean events wherein 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 Game and Parks Commission. Commencing January 1, ~~1968~~ 1976, the fee for the nonresident hunting permit shall be twenty-five dollars, the fee for the nonresident fishing

permit shall be ~~three~~ five dollars for ~~three~~ five days, ~~or six--dollars--per--year~~, and all other nonresident permits shall be at the rate above stated, and commencing ~~January-17-1973~~, the fee for a nonresident annual fishing permit shall be ~~ten~~ fifteen dollars per year; and

(3) 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 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 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 regardless of age shall be required to obtain a permit, and all nonresident anglers under sixteen years of age must be accompanied by a parent or guardian possessing the required nonresident fishing permit.

Sec. 2. 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, in accordance with the provisions of this act, other provisions of law and lawful regulations, to fix, prescribe, and publish 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 or fishing gear used in the taking, killing, hunting, 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 or pursued, or as to the taking, killing, hunting, 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, trapping 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 regulations may be amended, modified, or repealed from time to time, subject to the above limitations and

standards, and such regulations and all amendments, modifications, and repeals thereof shall be based upon investigation and available but reliable data relative to the above limitations and standards. Each regulation and each amendment, modification, or repeal thereof, when made and issued, shall be placed on file in the office of the commission, a certified copy thereof shall be sent by either registered or certified mail to the clerk and sheriff of each county, the whole or any part of which is affected thereby, not less than fifteen days before the taking effect of such order, and eight copies shall be filed with the Nebraska Publications Clearinghouse. These officers shall immediately post such copy so received in a conspicuous place in his or her office.

(2) A copy of each such 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 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 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 sections 84-901 to 84-916, 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 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. 3. That section 37-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-502. (1) It is hereby declared unlawful to take, catch, kill, destroy, or attempt to take or catch any fish, except as hereinafter provided, by means other than angling with hook and line. It shall be unlawful for any person to use, while fishing in this state in any lake, pond, or reservoir or in their inlets, outlets, and canals within one half mile of such lake, pond, or reservoir, more than two lines with two hooks on each line; Provided, this provision shall not apply to ice fishing. It shall be unlawful to attempt to take or catch any fish by snagging fish externally by hook and line, except in the Missouri River, ~~from--October--1 through--April--30~~ as provided by rules and regulations of the Game and Parks Commission. It shall be unlawful for any person to use, while fishing in any waters in this state a line having more than five hooks thereon, or lines having more than fifteen hooks in the aggregate. One hook shall mean a single, double, or treble pointed hook, and all hooks attached as a part of an artificial bait or lure shall be counted as one hook. Nongame fish may be taken by spearing or by bow and arrow between sunrise and sunset. Game fish may be taken by bow and arrow ~~between sunrise and sunset from April 1 to December 1~~ as provided by rules and regulations of the Game and Parks Commission.

(2) The commission may by the enactment of rules and regulations, allow, control, regulate or prohibit the use of seines, nets and other devices and methods in the taking of fish from the Missouri River. The commission shall have authority to enact rules and regulations as to the method of taking, bag limits, size limits, possession, transporting, or selling of all species of fish in the Missouri River. Individuals shall apply to the commission on forms prescribed by the commission for an annual commercial seining vendor permit, and shall receive such permit before taking or selling fish as prescribed in this section.

(3) The commission shall collect the following fees from residents and nonresidents for all permits issued under the provisions of subsection (2) of this section: (a) For each commercial seining vendor permit permitting the legal use of five hundred lineal feet of seine or fraction thereof, and five hundred lineal feet of trammel net or fraction thereof, and ten hoop nets without wings, and permitting the use of one helper providing the helper is in the same boat as the person holding the permit, resident, twenty-five dollars, and

nonresident, sixty dollars; (b) for each additional five hundred lineal feet of seine or trammel net, or fraction thereof, resident, five dollars, and nonresident, ten dollars; (c) for each additional ten hoop nets, and for ten wing nets or fish traps or other device, or combination thereof, or fraction thereof, permitted by the commission and used under the commercial seining vendor permit, resident, five dollars, and nonresident, ten dollars. All commercial seining vendor permits shall expire at midnight on December 31 following their issuance. All money received by the commission shall be disposed of as provided in section 37-206. The commission shall furnish to any permittee without cost a tag numbered and stamped so as to show the year of issuance, and for what issued, for each net, seine or device, and it shall be unlawful to use such net, seine or device without first having procured such tag and fastened the same thereto.

(4) The commission may, by enactment of rules and regulations, open specified waters to under-water powered spear fishing and may by rules and regulations limit or control such powered spear fishing.

Sec. 4. This act shall become operative on January 1, 1976.

Sec. 5. That original sections 37-301 and 37-502, Reissue Revised Statutes of Nebraska, 1943, and section 37-204, Revised Statutes Supplement, 1974, are repealed.