

## LEGISLATIVE BILL 130

Approved by the Governor February 6, 2001

Introduced by Schrock, 38

AN ACT relating to game and parks; to amend sections 37-316, 37-418, and 37-624, Reissue Revised Statutes of Nebraska, and sections 37-543, 37-560, and 37-613, Revised Statutes Supplement, 2000; to change provisions relating to private wildlife management permits, the unlawful taking of wildlife and fish, property damage by certain animals, and the credentialing of certain federal officers; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 37-316, Reissue Revised Statutes of Nebraska, is amended to read:

37-316. The commission shall adopt and promulgate rules and regulations which include (1) provisions for scientific, ~~or educational, or private wildlife management~~ purposes as provided in section 37-418, (2) provisions for commercial fishing as provided in sections 37-4,104 and 37-543, (3) provisions for bait dealers as provided in section 37-4,105, and (4) provisions for aquaculturists as provided in section 37-468.

Sec. 2. Section 37-418, Reissue Revised Statutes of Nebraska, is amended to read:

37-418. Permits may be granted by the commission to any properly accredited person to take and collect for strictly scientific, ~~or educational, or private wildlife management~~ purposes any of the fauna hereby protected and their nests, eggs, and spawn. The commission shall adopt and promulgate rules and regulations to carry out this section, including, but not limited to, requirements relating to applications, eligibility, species which may be taken, methods of taking, and reporting.

Sec. 3. Section 37-543, Revised Statutes Supplement, 2000, is amended to read:

37-543. (1) It shall be unlawful for any person to take any fish, except as provided in this section, by means other than fishing with hook and line.

(2) 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, and neither line shall have more than two hooks. with two hooks on each line, except that this This subsection shall not apply to ice fishing.

(3) It shall be unlawful for any person to take any fish by snagging fish externally by hook and line, except in the Missouri River, as provided by rules and regulations of the commission.

(4) 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 means 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.

(5) Nongame fish may be taken by spearing or by bow and arrow as provided by rules and regulations of the commission.

(6) Sport fish may be taken by bow and arrow as provided by rules and regulations of the commission.

(7) The commission may by rules and regulations allow, control, regulate, or prohibit the use of seines, nets, and other devices and methods in the taking of fish. The commission may adopt rules and regulations as to the method of taking, bag limits, size limits, possession, transporting, or selling of all species of fish.

(8) Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 4. Section 37-560, Revised Statutes Supplement, 2000, is amended to read:

37-560. The commission is authorized, when written request has been filed by the property owner, to remove by any means at any time any deer, antelope, or elk causing damage to real or personal property. If it is necessary to kill any such deer, antelope, or elk to remove the same, the carcass thereof shall first be offered for human consumption. If human consumption is not possible, such carcass may be sold or disposed of in any other manner. The commission may adopt and promulgate rules and regulations

to carry out this section.

Sec. 5. Section 37-613, Revised Statutes Supplement, 2000, is amended to read:

37-613. (1) Any person who sells, purchases, takes, or possesses contrary to the Game Law any wildlife shall be liable to the State of Nebraska for the damages caused thereby. Such damages shall be:

- (a) Five thousand dollars for each mountain sheep;
- (b) One thousand five hundred dollars for each elk or moose or each individual animal of a threatened or endangered species of wildlife;
- (c) Seven hundred fifty dollars for each deer, antelope, bear, swan, or paddlefish;
- (d) One hundred dollars for each wild turkey;
- (e) Seventy-five dollars for each other game bird, other game animal, fur-bearing animal, other than raccoons, or the raw pelts thereof, or nongame wildlife in need of conservation as designated by the commission pursuant to section 37-805;
- (f) Fifty dollars for each wild bird not otherwise listed in this section;
- (g) Fifty dollars for each game fish measuring more than twelve inches in length;
- (h) Twenty-five dollars for each raccoon;
- (i) Twenty dollars for each other game fish; and
- (j) Twenty dollars for any other species of game not otherwise listed in this subsection.

(2) Such damages may be collected by the commission by civil action. In every case of conviction for any of such offenses, the court or magistrate before whom such conviction is obtained shall further enter judgment in favor of the State of Nebraska and against the defendant for liquidated damages in the amount set forth in this section and collect such damages by execution or otherwise. Failure to obtain conviction on a criminal charge shall not bar a separate civil action for such liquidated damages. Damages collected pursuant to this section shall be remitted to the secretary of the commission who shall remit them to the State Treasurer for credit to the State Game Fund.

Sec. 6. Section 37-624, Reissue Revised Statutes of Nebraska, is amended to read:

37-624. (1) The commission may enter into a memorandum of agreement for cooperative law enforcement with the United States Fish and Wildlife Service.

(2) Special agents and refuge officers of the United States Fish and Wildlife Service who are certified as federal law enforcement officers may be credentialed as conservation officers of the commission. The secretary, under the direction of the commission acting in official session, may credential such officers. Training requirements under section 81-1414 shall not apply to an officer credentialed under this subsection.

(3) Nothing in this section shall authorize special agents and refuge officers of the United States Fish and Wildlife Service who are credentialed as conservation officers pursuant to subsection (2) of this section to enforce any other laws of the State of Nebraska while exercising the authority specified in such subsection, nor shall any evidence discovered in the course of such agents' or officers' duties in enforcement of the Game Law or rules and regulations adopted and promulgated by the commission, which is evidence of a violation of any other laws of the State of Nebraska, be admissible in a subsequent prosecution for such violation.

Sec. 7. Original sections 37-316, 37-418, and 37-624, Reissue Revised Statutes of Nebraska, and sections 37-543, 37-560, and 37-613, Revised Statutes Supplement, 2000, are repealed.