

LEGISLATIVE BILL 166

Approved by the Governor February 16, 1989

Introduced by Lamb, 43

AN ACT relating to game and fish; to amend sections 37-503.05 and 37-505, Reissue Revised Statutes of Nebraska, 1943; to provide for the sale of nongame fish and bullheads as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 37-503.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-503.05. When authorized by the Game and Parks Commission and when necessary for proper fish management, the owner of any privately owned pond may remove fish therefrom by methods other than hook and line and in any quantity. The commission shall adopt and promulgate rules and regulations which authorize the use of commercial seining vendor ~~permittees permits~~, equipment, and methods, authorized in section 37-502. Nongame fish and bullheads seined or taken pursuant to this section may be sold by the commercial seining vendor permittee. Such sale of bullheads shall not be deemed a violation of section 37-505. ~~in furtherance of this section~~. The removal of fish in accordance with this section shall not be deemed a violation of section 37-517, 37-525, or 37-610, except that the owner of a privately owned pond which is privately stocked and which does not connect by inflow or outflow with other water outside such land shall be exempt from any regulation or control.

Sec. 2. That section 37-505, Reissue Revised Statutes of Nebraska, 1943, 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 this act at any time except as provided in section 37-503.05, whether killed or taken within or without this state. It shall be

unlawful for any commercial institution, commission house, restaurant, or cafe keeper to have in its, his, or her possession at any time game birds or game animals protected by this act. Game fish lawfully shipped in from without the state, by residents of this state, or game or fish lawfully acquired from a lawful game farm, from or a person having a fish culture permit, or, in the case of bullheads, pursuant to section 37-503.05 may be sold in this state. The burden of proof shall be upon every such dealer and keeper 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 imported from without the state or was lawfully acquired from a licensed game farm, from or a person having a fish culture permit, or, in the case of bullheads, pursuant to section 37-503.05. 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 without this state or from a licensed fish hatchery, in accordance with the rules and regulations adopted and promulgated by of the Game and Parks Commission. The fee for a nonresident fish dealer's permit shall be one hundred dollars.

Sec. 3. That original sections 37-503.05 and 37-505, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.