

LEGISLATIVE BILL 73

Approved by the Governor March 26, 1981

Introduced by Constitutional Revision and Recreation Committee, Labedz, 5, Chpn.; Carsten, 2; Higgins, 9; H. Peterson, 35; Vickers, 38

AN ACT to amend sections 37-502, 37-503, and 37-507.01, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to permit the Game and Parks Commission to establish hours for taking certain fish; to change certain permit fees as prescribed; to provide an exception; 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 37-502, 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, 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~~ as provided by rules and regulations of the Game and Parks Commission. Game fish may be taken by bow and arrow 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 sixty-five dollars, and nonresident, sixty one hundred thirty dollars; (b) for each additional five hundred lineal feet of seine or trammel net, or fraction thereof, resident, five twenty dollars, and nonresident, ten forty dollars; (c) for each additional ten hoop nets net, and--for--ten wing nets net or fish traps trap or other device, or combination thereof,--or--fraction--thereof, permitted by the commission and used under the commercial seining vendor permit, resident, five two dollars, and nonresident, ten four 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. 2. That section 37-503, Reissue Revised Statutes of Nebraska, 1943, 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-quarter of an inch square; (4) for any person, except a licensed fish breeder or bait vendor, to buy, sell, or barter, or offer to buy, sell, or barter or have in his or her possession minnows for any purpose whatsoever except for use as bait; (5) to keep or retain any game fish taken while netting or taking, or attempting to net or take, minnows for bait, and all game fish, of whatever size netted or taken, 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 a bait vendor's permit, which will be provided by and can be obtained from the commission for a fee of, resident, twenty-five dollars, and nonresident, one hundred fifty dollars. Individuals, over sixteen years of age and residents of this state, selling crayfish or leopard or striped frogs, shall be required to purchase from the commission a resident bait vendor permit for a fee of twenty-five dollars; Provided, 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. 3. 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, 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; Provided, that any nonresident person who takes, hunts, kills, or 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 defined in subdivision (2) of section 37-204, except that a nonresident bait vendor's permit as defined in section 37-503 shall be the only permit required of nonresidents to take, hunt, kill, or pursue, or to attempt to take, hunt, kill, or pursue, or to have in his or her possession any salamander.

Sec. 4. This act shall become operative on January 1, 1982.

Sec. 5. That original sections 37-502, 37-503, and 37-507.01, Reissue Revised Statutes of Nebraska,

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1943, are repealed.