

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 392**

Introduced by Schilz, 47; Carlson, 38.

Read first time January 13, 2011

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Game Law; to amend sections 37-202,  
2 37-524, 37-547, 37-548, 37-1214, and 37-1215, Reissue  
3 Revised Statutes of Nebraska, and section 37-201, Revised  
4 Statutes Cumulative Supplement, 2010; to define terms; to  
5 provide for inspection, impoundment, and decontamination  
6 relating to aquatic invasive species; to provide duties  
7 for the Game and Parks Commission; to provide for an  
8 aquatic invasive species stamp; to create a program; to  
9 harmonize provisions; and to repeal the original  
10 sections.

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

1           Section 1. Section 37-201, Revised Statutes Cumulative  
2 Supplement, 2010, is amended to read:

3           37-201 Sections 37-201 to 37-811 and sections 3 to 10 of  
4 this act shall be known and may be cited as the Game Law.

5           Sec. 2. Section 37-202, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           37-202 For purposes of the Game Law, unless the context  
8 otherwise requires, the definitions found in sections 37-203 to  
9 37-247 and sections 3 to 5 of this act are used.

10           Sec. 3. Aquatic invasive species means exotic or  
11 nonnative aquatic organisms listed in rules and regulations of the  
12 commission which pose a significant threat to the aquatic resources,  
13 water supplies, or water infrastructure of this state.

14           Sec. 4. Authorized inspector means a person who meets the  
15 requirements established in rules and regulations of the commission  
16 to inspect for aquatic invasive species and includes, but is not  
17 limited to, a conservation officer and a peace officer as defined in  
18 section 49-801.

19           Sec. 5. Conveyance means a motor vehicle, a vessel, a  
20 trailer, or any associated equipment or containers which may contain  
21 or carry aquatic invasive species.

22           Sec. 6. (1) No person shall possess, import, export,  
23 purchase, sell, or transport aquatic invasive species except when a  
24 species is being removed from a conveyance and is caught and  
25 immediately killed or disposed of properly as determined by the

1 commission. The commission shall adopt and promulgate rules and  
2 regulations governing the inspection, decontamination, and treatment  
3 of conveyances capable of containing or transporting aquatic invasive  
4 species.

5 (2) Any person who (a) fails or refuses to submit to an  
6 inspection of a conveyance requested by an authorized inspector or  
7 (b) refuses to permit or prevents proper decontamination or treatment  
8 of a conveyance as prescribed by the authorized inspector is guilty  
9 of a Class III misdemeanor and upon conviction shall be fined not  
10 less than five hundred dollars. Such person's conveyance shall also  
11 be subject to impoundment as specified in section 7 of this act.

12 Sec. 7. (1) Any authorized inspector may stop any  
13 conveyance and inspect for the presence of aquatic invasive species  
14 or for proof of required inspection.

15 (2) Any authorized inspector may order the  
16 decontamination of a conveyance upon a determination that an aquatic  
17 invasive species is present after an inspection is conducted as  
18 provided in this section.

19 (3) Any conservation officer or any peace officer as  
20 defined in section 49-801 may impound a conveyance if:

21 (a) An authorized inspector finds that an aquatic  
22 invasive species is present after conducting an inspection authorized  
23 by this section;

24 (b) The person transporting the conveyance refuses to  
25 submit to an inspection authorized by this section; or

1           (c) The person transporting the conveyance refuses to  
2 comply with an order authorized by this section to decontaminate the  
3 conveyance.

4           Sec. 8. (1) The operator of a vessel registered outside  
5 Nebraska shall purchase an aquatic invasive species stamp valid for  
6 one calendar year prior to launching on or entering into any waters  
7 of the state. The cost of such stamp shall be thirty dollars. Such  
8 stamp may be purchased electronically or through any vendor  
9 authorized by the commission to sell other permits and stamps issued  
10 under the Game Law. The commission shall remit funds collected  
11 pursuant to this section to the State Treasurer for credit to the  
12 State Game Fund, to be used as provided in section 9 of this act.

13           (2) The aquatic invasive species stamp purchased under  
14 subsection (1) of this section shall be displayed starboard aft in  
15 such a manner that the stamp is visible when the vessel is underway.

16           Sec. 9. The Aquatic Invasive Species Program is created.  
17 Twenty percent of all boat registration fees collected pursuant to  
18 section 37-1214 and money from the sales of aquatic invasive species  
19 stamps pursuant to section 8 of this act shall provide funding for  
20 the program. The program shall monitor and sample waters of the state  
21 for aquatic invasive species, hire personnel, including, but not  
22 limited to, an aquatic invasive species coordinator and temporary  
23 staff, and purchase equipment to inspect and decontaminate  
24 conveyances under sections 6 to 8 of this act, provide additional  
25 enforcement, education, and research relating to control of aquatic

1 invasive species, and conduct aquatic invasive species removal  
2 projects as needed.

3           Sec. 10. The commission shall adopt and promulgate rules  
4 and regulations to carry out sections 6 to 9 of this act.

5           Sec. 11. Section 37-524, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           37-524 (1) It shall be unlawful for any person,  
8 partnership, limited liability company, association, or corporation  
9 to import into the state or possess aquatic invasive species or the  
10 animal known as the San Juan rabbit or any other species of wild  
11 vertebrate animal, including domesticated cervine animals as defined  
12 in section 54-701.03, declared by the commission following public  
13 hearing and consultation with the Department of Agriculture to  
14 constitute a serious threat to economic or ecologic conditions,  
15 except that the commission may authorize by specific written permit  
16 the acquisition and possession of such species for educational or  
17 scientific purposes. It shall also be unlawful to release to the wild  
18 any nonnative bird or nonnative mammal without written authorization  
19 from the commission. Any person, partnership, limited liability  
20 company, association, or corporation violating the provisions of this  
21 subsection shall be guilty of a Class IV misdemeanor.

22           (2) Following public hearing and consultation with the  
23 Department of Agriculture, the commission may, by rule and  
24 regulation, regulate or limit the importation and possession of any  
25 aquatic invasive species or wild vertebrate animal, including a

1 domesticated cervine animal as defined in section 54-701.03, which is  
2 found to constitute a serious threat to economic or ecologic  
3 conditions.

4           Sec. 12. Section 37-547, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           37-547 It is the intent of the Legislature to prevent the  
7 release or importation into the State of Nebraska of any aquatic  
8 invasive species or any live wildlife which may cause economic or  
9 ecologic harm or be injurious to human beings, agriculture,  
10 horticulture, forestry, water, or wildlife or wildlife resources of  
11 the state. It is further the intent of the Legislature to prevent the  
12 commercial exploitation or exportation of any aquatic invasive  
13 species or any dead or live wildlife taken from the wild.

14           Sec. 13. Section 37-548, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           37-548 (1) It shall be unlawful for any person to import  
17 into the state or release to the wild any aquatic invasive species or  
18 any live wildlife including the viable gametes, eggs or sperm, except  
19 those which are approved by rules and regulations of the commission  
20 or as otherwise provided in the Game Law. It shall be unlawful to  
21 commercially exploit or export from the state any aquatic invasive  
22 species or dead or live wildlife taken from the wild except those  
23 which are exempted by rules and regulations of the commission. Any  
24 person violating this subsection shall be guilty of a Class III  
25 misdemeanor.

1           (2) The commission shall adopt and promulgate rules and  
2 regulations to carry out subsection (1) of this section. In adopting  
3 such rules and regulations, the commission shall be governed by the  
4 Administrative Procedure Act. Such rules and regulations shall  
5 include a listing of (a) the aquatic invasive species or wildlife  
6 which may be released or imported into the state and (b) the aquatic  
7 invasive species or wildlife taken from the wild which may be  
8 commercially exploited or exported from the state. The rules and  
9 regulations for release, importation, commercial exploitation, and  
10 exportation of species other than commercial fish and bait fish shall  
11 include, but not be limited to, requirements for annual permits for  
12 release or importation or for commercial exploitation or exportation,  
13 permit fees, the number of individual animals of a particular species  
14 that may be released, imported, collected, or exported under a  
15 permit, and the manner and location of release or collection of a  
16 particular species. The rules and regulations may be amended,  
17 modified, or repealed from time to time, based upon investigation and  
18 the best available scientific, commercial, or other reliable data.

19           (3) The commission shall establish permit fees as  
20 required by subsection (2) of this section to cover the cost of  
21 permit processing and enforcement of the permits and research into  
22 and management of the ecological effects of release, importation,  
23 commercial exploitation, and exportation. The commission shall remit  
24 the fees to the State Treasurer for credit to the Wildlife  
25 Conservation Fund.

1           (4) The commission may determine that the release,  
2 importation, commercial exploitation, or exportation of aquatic  
3 invasive species or wildlife causes economic or ecologic harm by  
4 utilizing the best available scientific, commercial, and other  
5 reliable data after consultation, as appropriate, with federal  
6 agencies, other interested state and county agencies, and interested  
7 persons and organizations.

8           (5) The commission shall, upon its own recommendation or  
9 upon the petition of any person who presents to the commission  
10 substantial evidence as to whether such additional species will or  
11 will not cause ecologic or economic harm, conduct a review of any  
12 listed or unlisted species proposed to be removed from or added to  
13 the list published pursuant to subdivision (2)(a) of this section.  
14 The review shall be conducted pursuant to subsection (4) of this  
15 section.

16           (6) The commission shall, upon its own recommendation or  
17 upon the petition of any person who presents to the commission  
18 substantial evidence that commercial exploitation or exportation will  
19 cause ecologic or economic harm or significant impact to an aquatic  
20 or a wildlife population, conduct a review of any listed or unlisted  
21 species proposed to be added to or removed from the list published  
22 pursuant to subdivision (2)(b) of this section. The review shall be  
23 conducted pursuant to subsection (4) of this section.

24           Sec. 14. Section 37-1214, Reissue Revised Statutes of  
25 Nebraska, is amended to read:



1                   37-1214 (1) Except as otherwise provided in section  
2 37-1211, the owner of each motorboat shall register such vessel or  
3 renew the registration every three years as provided in section  
4 37-1226. The owner of such vessel shall file an initial application  
5 for a certificate of number pursuant to section 37-1216 with a county  
6 treasurer on forms approved and provided by the commission. The  
7 application shall be signed by the owner of the vessel, shall contain  
8 the year manufactured, and shall be accompanied by a fee for the  
9 three-year period of ~~not less than twenty dollars and not more than~~  
10 ~~twenty-three~~ twenty-eight dollars for Class 1 boats, ~~not less than~~  
11 ~~forty dollars and not more than forty six~~ fifty-six dollars for Class  
12 2 boats, ~~not less than sixty dollars and not more than sixty seven~~  
13 ~~dollars and fifty cents~~ eighty dollars for Class 3 boats, and ~~not~~  
14 ~~less than one hundred dollars and not more than one hundred fifteen~~  
15 thirty-eight dollars for Class 4 boats. ~~, as established by the~~  
16 ~~commission pursuant to section 37-327.~~

17                   (2) If a county board consolidates services under the  
18 office of a designated county official other than the county  
19 treasurer pursuant to section 23-186, the powers and duties of the  
20 county treasurer relating to registration under sections 37-1214 to  
21 37-1227 shall be performed by the designated county official.

22                   Sec. 15. Section 37-1215, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24                   37-1215 In the event an application is made after the  
25 beginning of any registration period for registration of any vessel

1 not previously registered by the applicant in this state, the license  
2 fee under subsection (1) of section 37-1214 on such vessel shall be  
3 reduced by one thirty-sixth for each full month of the registration  
4 period already expired as of the date such vessel was acquired. The  
5 county treasurer or designated county official shall compute the  
6 registration fee on forms and pursuant to rules of the commission.

7           Sec. 16. Original sections 37-202, 37-524, 37-547,  
8 37-548, 37-1214, and 37-1215, Reissue Revised Statutes of Nebraska,  
9 and section 37-201, Revised Statutes Cumulative Supplement, 2010, are  
10 repealed.