

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 566

Introduced by Natural Resources Committee: Hughes, 44, Chairperson;
Albrecht, 17; Bostelman, 23; Geist, 25; Kolowski, 31;
McCollister, 20; Quick, 35; Walz, 15.

Read first time January 18, 2017

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to wildlife; to adopt the Interstate Wildlife
- 2 Violator Compact.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 41 of this act shall be known and may be
2 cited as the Interstate Wildlife Violator Compact. The Legislature hereby
3 adopts the Interstate Wildlife Violator Compact and enters into such
4 compact with all states legally joining the compact in the form
5 substantially as contained in sections 1 to 41 of this act.

6 Sec. 2. The Legislature and the participating compact states find
7 that:

8 (1) Wildlife resources are managed in trust by the respective
9 compact states for the benefit of all residents and visitors;

10 (2) The protection of the wildlife resources of the compact states
11 are materially affected by the degree of compliance with such states'
12 statutes, laws, ordinances, regulations, and administrative rules
13 relating to the management of such resources;

14 (3) The preservation, protection, management, and restoration of
15 wildlife contributes immeasurably to the aesthetic, recreational, and
16 economic aspects of such natural resources;

17 (4) Wildlife resources are valuable without regard to political
18 boundaries; therefore, every person should be required to comply with
19 wildlife preservation, protection, management, and restoration laws,
20 ordinances, regulations, and administrative rules of the participating
21 compact states as a condition precedent to the continuance or issuance of
22 any license to hunt, fish, trap, or possess wildlife;

23 (5) Violation of wildlife laws interferes with the management of
24 wildlife resources and may endanger the safety of persons and property;

25 (6) The mobility of many wildlife law violators necessitates the
26 maintenance of channels of communication among the various states;

27 (7) In most instances, a person who is cited for a wildlife
28 violation in a state other than that person's own state:

29 (a) Is required to post collateral or a bond to secure appearance
30 for a trial at a later date;

31 (b) Is taken into custody until the collateral or bond is posted; or

1 (c) Is taken directly to court for an immediate appearance;

2 (8) The purpose of the enforcement practices set forth in
3 subdivision (7) of this section is to ensure compliance with the terms of
4 a wildlife citation by the cited person who, if permitted to proceed
5 after receiving the citation, could return to the person's home state and
6 disregard the person's duty under the terms of the citation;

7 (9) In most instances, a person receiving a wildlife citation in
8 that person's home state is permitted to accept the citation from the
9 officer at the scene of the violation and immediately proceed after
10 agreeing or being instructed to comply with the terms of the citation;

11 (10) The practices described in subdivision (7) of this section
12 cause unnecessary inconvenience and, at times, a hardship for the person
13 who is unable at the time to post collateral, furnish a bond, stand
14 trial, or pay a fine and is thus compelled to remain in custody until
15 some alternative arrangement is made; and

16 (11) The enforcement practices described in subdivision (7) of this
17 section consume an undue amount of law enforcement time.

18 Sec. 3. It is the policy of the State of Nebraska and the
19 participating compact states to:

20 (1) Promote compliance with the statutes, laws, ordinances,
21 regulations, and administrative rules relating to management of wildlife
22 resources in their respective states;

23 (2) Recognize the suspension of wildlife license privileges of any
24 person whose license privileges have been suspended by a participating
25 state and may treat such suspension as if it had occurred in their state;

26 (3) Allow a violator, as provided in section 7 of this act, to
27 accept a wildlife citation and proceed without delay, whether or not a
28 resident of the state in which the citation was issued, if the violator's
29 home state is party to the Interstate Wildlife Violator Compact;

30 (4) Report to the appropriate participating state, as provided in a
31 compact manual adopted by the participating compact states, any

1 conviction recorded against any person whose home state was not the
2 issuing state;

3 (5) Allow the home state to recognize and treat convictions recorded
4 against its residents, which convictions occurred in a participating
5 state, as though they occurred in the home state;

6 (6) Extend cooperation to its fullest extent among the participating
7 states for enforcing compliance with the terms of a wildlife citation
8 issued in one participating state to a resident of another participating
9 state;

10 (7) Maximize effective use of law enforcement personnel and
11 information; and

12 (8) Assist court systems in the efficient disposition of wildlife
13 violations.

14 Sec. 4. The purpose of the Interstate Wildlife Violator Compact is
15 to provide a means through which participating states may join in a
16 reciprocal program to effectuate the policies enumerated in section 3 of
17 this act in a uniform and orderly manner and to provide for the fair and
18 impartial treatment of wildlife violators operating within participating
19 states in recognition of each violator's right to due process and the
20 sovereign status of a participating state.

21 Sec. 5. For purposes of the Interstate Wildlife Violator Compact:

22 (1) Citation means any summons, complaint, summons and complaint,
23 ticket, penalty assessment, or other official document that is issued to
24 a person by a wildlife officer or other peace officer for a wildlife
25 violation and that contains an order requiring the person to respond;

26 (2) Collateral means any cash or other security deposited to secure
27 an appearance for trial in connection with the issuance by a wildlife
28 officer or other peace officer of a citation for a wildlife violation;

29 (3) Compliance means, with respect to a citation, the act of
30 answering a citation through an appearance in a court or tribunal, or
31 through the payment of fines, costs, and surcharges, if any;

1 (4) Conviction means a conviction, including any court conviction,
2 for any offense that is related to the preservation, protection,
3 management, or restoration of wildlife and that is prohibited by state
4 statute, law, regulation, ordinance, or administrative rule. The term
5 also includes the forfeiture of any bail, bond, or other security
6 deposited to secure appearance by a person charged with having committed
7 any such offense, the payment of a penalty assessment, a plea of nolo
8 contendere, and the imposition of a deferred or suspended sentence by the
9 court;

10 (5) Court means a court of law, including magistrate's court and the
11 justice of the peace court, if any;

12 (6) Home state means the state of primary residence of a person;

13 (7) Issuing state means the participating state which issues a
14 wildlife citation to the violator;

15 (8) License means any license, permit, or other public document that
16 conveys to the person to whom it was issued the privilege of pursuing,
17 possessing, or taking any wildlife regulated by statute, law, regulation,
18 ordinance, or administrative rule of a participating state;

19 (9) Licensing authority means the Game and Parks Commission or the
20 department or division within each participating state that is authorized
21 by law to issue or approve licenses or permits to hunt, fish, trap, or
22 possess wildlife;

23 (10) Participating state means any state that enacts legislation to
24 become a member of the Interstate Wildlife Violator Compact;

25 (11) Personal recognizance means an agreement by a person made at
26 the time of issuance of the wildlife citation that such person will
27 comply with the terms of the citation;

28 (12) State means any state, territory, or possession of the United
29 States, the District of Columbia, the Commonwealth of Puerto Rico, the
30 provinces of Canada, and other countries;

31 (13) Suspension means any revocation, denial, or withdrawal of any

1 or all license privileges, including the privilege to apply for,
2 purchase, or exercise the benefits conferred by any license;

3 (14) Terms of the citation means those conditions and options
4 expressly stated in the citation;

5 (15) Wildlife means all species of animals including mammals, birds,
6 fish, reptiles, amphibians, mollusks, and crustaceans, which are defined
7 as wildlife and are protected or otherwise regulated by statute, law,
8 regulation, ordinance, or administrative rule in a participating state.
9 Species included in the definition of wildlife for purposes of the
10 Interstate Wildlife Violator Compact are based on state or local law;

11 (16) Wildlife law means the Game Law or any statute, law,
12 regulation, ordinance, or administrative rule developed and enacted for
13 the management of wildlife resources and the uses thereof;

14 (17) Wildlife officer means any conservation officers and any
15 individual authorized by a participating state to issue a citation for a
16 wildlife violation; and

17 (18) Wildlife violation means any cited violation of a statute, law,
18 regulation, ordinance, or administrative rule developed and enacted for
19 the management of wildlife resources and the uses thereof.

20 Sec. 6. When issuing a citation for a wildlife violation, a
21 wildlife officer shall issue a citation to any person whose primary
22 residence is in a participating state in the same manner as though the
23 person were a resident of the issuing state and may not require such
24 person to post collateral to secure appearance if the officer receives
25 the personal recognizance of such person that the person will comply with
26 the terms of the citation as provided in section 7 of this act .

27 Sec. 7. Personal recognizance is acceptable:

28 (1) If not prohibited by state or local law or the compact manual;
29 and

30 (2) If the violator provides adequate proof of identification to the
31 wildlife officer.

1 Sec. 8. Upon conviction or failure of a person to comply with the
2 terms of a wildlife citation, the appropriate official shall report the
3 conviction or failure to comply to the licensing authority of the
4 participating state in which the wildlife citation was issued. The report
5 shall be made in accordance with procedures specified by the issuing
6 state and shall contain information as specified in the compact manual as
7 minimum requirements for effective processing by the home state.

8 Sec. 9. Upon receipt of the report of conviction or noncompliance
9 pursuant to section 8 of this act, the licensing authority of the issuing
10 state shall transmit to the licensing authority of the home state of the
11 violator the information in form and content as prescribed in the compact
12 manual.

13 Sec. 10. Upon receipt of a report from the licensing authority of
14 the issuing state reporting the failure of a violator to comply with the
15 terms of a citation, the licensing authority of the home state shall
16 notify the violator and may initiate a suspension action in accordance
17 with the home state's suspension procedures and may suspend the
18 violator's license privileges until satisfactory evidence of compliance
19 with the terms of the wildlife citation has been furnished by the issuing
20 state to the home state licensing authority. Due process safeguards shall
21 be accorded.

22 Sec. 11. Upon receipt of a report of conviction from the licensing
23 authority of the issuing state, the licensing authority of the home state
24 may enter such conviction in its records and may treat such conviction as
25 though it occurred in the home state for the purposes of the suspension
26 of license privileges if the violation resulting in a suspension could
27 have been the basis for suspension of license privileges in the home
28 state.

29 Sec. 12. The licensing authority of the home state shall maintain a
30 record of actions taken and shall make reports to issuing states as
31 provided in the compact manual.

1 Sec. 13. All participating states may recognize the suspension of
2 license privileges of any person by any participating state as though the
3 violation resulting in the suspension had occurred in their state and
4 could have been the basis for suspension of license privileges in their
5 state.

6 Sec. 14. Each participating state shall communicate suspension
7 information to other participating states in form and content as
8 contained in the compact manual.

9 Sec. 15. Except as expressly required by the Interstate Wildlife
10 Violator Compact, nothing in the Interstate Wildlife Violator Compact may
11 be construed to affect the right of any participating state to apply any
12 of its laws relating to license privileges to any person or circumstance
13 or to invalidate or prevent any agreement or other cooperative
14 arrangement between a participating state and a nonparticipating state
15 concerning wildlife law enforcement.

16 Sec. 16. For the purposes of administering the Interstate Wildlife
17 Violator Compact and to serve as a governing body for the resolution of
18 all matters relating to the operation of the Interstate Wildlife Violator
19 Compact, a board of compact administrators is established. The board is
20 composed of one representative from each of the participating states to
21 be known as the compact administrator. The compact administrator shall be
22 appointed by the head of the licensing authority of each participating
23 state and serves and is subject to removal in accordance with the laws of
24 the state that the compact administrator represents. A compact
25 administrator may provide for the discharge of duties and the performance
26 of functions as a board member by an alternate. An alternate is not
27 entitled to serve unless written notification of the identity of the
28 alternate has been given to the board.

29 Sec. 17. Each member of the board of compact administrators is
30 entitled to one vote. No action of the board is binding unless taken at a
31 meeting at which a majority of the total number of the board's votes are

1 cast in favor of the action. Action by the board may be only at a meeting
2 at which a majority of the participating states is represented.

3 Sec. 18. The board shall elect annually from its membership a
4 presiding officer and a vice presiding officer.

5 Sec. 19. The board shall adopt bylaws not inconsistent with the
6 Interstate Wildlife Violator Compact or the laws of a participating state
7 for the conduct of its business and may amend and rescind its bylaws.

8 Sec. 20. The board may accept for any of its purposes and functions
9 under the Interstate Wildlife Violator Compact any and all donations and
10 grants of money, equipment, supplies, materials, and services,
11 conditional or otherwise, from any state, the United States, or any
12 governmental agency, and receive, utilize, and dispose of the same.

13 Sec. 21. The board may contract with, or accept services or
14 personnel from, any governmental or intergovernmental agency, any
15 individual, firm, or corporation, or any private nonprofit organization
16 or institution.

17 Sec. 22. The board shall formulate all necessary procedures and
18 develop uniform forms and documents for administering the Interstate
19 Wildlife Violator Compact. All procedures and forms adopted pursuant to
20 board action must be contained in a compact manual.

21 Sec. 23. The Interstate Wildlife Violator Compact becomes effective
22 at such time as it is adopted in a substantially similar form by two or
23 more states.

24 Sec. 24. Entry into the compact shall be made by a resolution of
25 ratification approved by the Game and Parks Commission and submitted to
26 the presiding officer of the board.

27 Sec. 25. The resolution shall substantially be in the form and
28 content as provided in the compact manual and shall include the
29 following:

30 (1) A citation of the authority from which the state is empowered to
31 become a party to the Interstate Wildlife Violator Compact;

1 (2) An agreement of compliance with the terms and provisions of the
2 Interstate Wildlife Violator Compact; and

3 (3) An agreement that compact entry is with all states participating
4 in the compact and with all additional states legally becoming a party to
5 the compact.

6 Sec. 26. The effective date of entry shall be specified by the
7 applying state but may not be less than sixty days after notice has been
8 given by the presiding officer of the board of the compact administrators
9 or by the secretariat of the board to each participating state that the
10 resolution from the applying state has been received.

11 Sec. 27. A participating state may withdraw from participation in
12 the Interstate Wildlife Violator Compact by official written notice to
13 each participating state. Withdrawal does not become effective until
14 ninety days after the notice of withdrawal is given. The notice shall be
15 directed to the compact administrator of each member state. Withdrawal of
16 any state does not affect the validity of the Interstate Wildlife
17 Violator Compact as to the remaining participating states.

18 Sec. 28. The Interstate Wildlife Violator Compact may be amended
19 from time to time. Amendments shall be presented in resolution form to
20 the presiding officer of the board of the compact administrators and
21 shall be initiated by one or more participating states.

22 Sec. 29. Adoption of an amendment requires endorsement by all
23 participating states and becomes effective thirty days after the date of
24 the last endorsement.

25 Sec. 30. Failure of a participating state to respond to the compact
26 presiding officer within one hundred twenty days after receipt of a
27 proposed amendment constitutes endorsement of the amendment.

28 Sec. 31. The Interstate Wildlife Violator Compact shall be
29 liberally construed so as to effectuate its purposes. The provisions of
30 the Interstate Wildlife Violator Compact are severable, and if any
31 phrase, clause, sentence, or provision of the Interstate Wildlife

1 Violator Compact is declared to be contrary to the constitution of any
2 participating state or the United States, or the applicability thereof to
3 any government, agency, individual, or circumstance is held invalid, the
4 validity of the remainder of the compact is not affected thereby. If the
5 Interstate Wildlife Violator Compact is held contrary to the constitution
6 of any participating state, the compact remains in full force and effect
7 as to the remaining states and in full force and effect as to the
8 participating state affected as to all severable matters.

9 Sec. 32. The Game and Parks Commission shall enforce the Interstate
10 Wildlife Violator Compact and shall do all things within its jurisdiction
11 that are appropriate in order to effectuate the purposes and the intent
12 of the compact.

13 Sec. 33. The Game and Parks Commission is authorized on behalf of
14 the state to enter or withdraw from the Interstate Wildlife Violator
15 Compact pursuant to the terms of sections 23 to 27 of this act.

16 Sec. 34. The Game and Parks Commission is authorized to adopt
17 amendments to the Interstate Wildlife Violator Compact pursuant to the
18 terms of sections 28 to 30 of this act.

19 Sec. 35. If the Game and Parks Commission receives notice of the
20 suspension of a person's hunting, trapping, or fishing privileges by a
21 participating state, the commission shall determine whether the violation
22 leading to the suspension could have led to the forfeiture of privileges
23 under this state's law. If the commission determines that the person's
24 privileges could have been forfeited, the commission may suspend the
25 person's privileges to hunt, trap, or fish in this state for the same
26 period as imposed by the participating state not to exceed the maximum
27 limits allowed by such state's law.

28 Sec. 36. If the Game and Parks Commission receives notice of a
29 conviction of a state resident from the licensing authority of the
30 issuing state, the commission may treat the conviction as if it had
31 occurred in this state and shall determine whether the conviction could

1 have led to the forfeiture of the resident's hunting, trapping, or
2 fishing privileges under the Game Law. If the commission determines that
3 the resident's privileges could have been forfeited, the commission may
4 suspend the resident's privileges to hunt, trap, or fish in this state
5 for the same period as the issuing state, not to exceed the limit that
6 could have been imposed under the Game Law.

7 Sec. 37. Notice of the suspension shall be sent to the person, who
8 shall surrender any current Nebraska hunting, trapping, or fishing
9 licenses to the Game and Parks Commission within ten days.

10 Sec. 38. A person whose privileges have been suspended and who,
11 while such suspension is in effect, (1) hunts, traps, or fishes in this
12 state, (2) applies for or purchases any licenses or permits to hunt,
13 trap, or fish in this state, or (3) refuses to surrender any current
14 hunting, trapping, or fishing licenses as required is guilty of a Class I
15 misdemeanor.

16 Sec. 39. The Game and Parks Commission may suspend the hunting,
17 trapping, or fishing privileges of any resident of this state upon
18 notification from the licensing authority of an issuing state that the
19 resident has failed to comply with the terms of a citation issued for a
20 wildlife violation. The suspension remains in effect until the commission
21 receives satisfactory evidence of compliance from the issuing state.

22 Sec. 40. Notice of the suspension shall be sent to the resident,
23 who shall surrender all current Nebraska hunting, trapping, or fishing
24 licenses to the Game and Parks Commission within ten days.

25 Sec. 41. Upon suspending the hunting, trapping, or fishing
26 privileges of any person pursuant to sections 35 to 40 of this act, the
27 Game and Parks Commission shall immediately notify the person in writing.
28 The person may, within twenty days of the notice, request a review or
29 hearing according to section 37-618. Following the review or hearing
30 according to section 37-618, the commission, through its authorized
31 agent, may, based on the evidence, affirm, modify, or rescind the

1 suspension of privileges.