



# Nebraska Game and Parks Commission

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July 15, 2013

Mr. Patrick J. O'Donnell  
Clerk of the Legislature  
Room 2018  
State Capitol  
Lincoln, NE 68509-4604

Dear Mr. O'Donnell:

As per State Statute 37-327.01 related to the Game Law Investigation Cash Fund, this letter shall serve as our thirteenth annual report.

The Game Law Investigation Cash Fund (Fund 23360) was created as a result of the passage of LB 788 during the Ninety-Sixth Legislative Session, 2000. The fund is to be funded through revenue collected under the Game Law and budgeted or allocated to the fund by the commission, and through donations from persons, wildlife groups and other charitable sources.

The fund became officially established with the initial transfer of \$5,000 from the Game Cash Fund (Fund 23320) on July 27, 2000. A total of \$23,142.64 of fines/penalties and interest earnings were collected during Fiscal Year 2012-2013. The June 30, 2013 balance was \$92,195.20. The attached memo from Duane Arp, Law Enforcement Division Assistant Administrator, identifies the financial activity of the private sector accounts used for undercover field operations during Fiscal Year 2012-2013.

Included herewith is a copy of the rules pertaining to record-keeping procedures for the Game Law Investigation Cash Fund as approved in October of 2000. If you have questions, or I can provide any further information, please feel free to contact me.

Sincerely,

Patrick H. Cole  
Division Administrator  
Budget and Fiscal Division

Cc: Jim Douglas, Director  
Tim McCoy, Deputy Director  
Craig Stover, Law Enforcement Administrator

Enclosures



**NEBRASKA GAME AND PARKS COMMISSION**  
**Law Enforcement Division**  
**memorandum**

**To:** Pat Cole, Administrator, Budget and Fiscal  
**From:** Duane Arp, Assistant Administrator, Law Enforcement Division  
**Subject:** Game Law Investigation Cash Fund Balance  
**Date:** July 15, 2013

*DA*

As required in Nebraska State Statute 37-327.01 and Nebraska Game and Parks Commission regulation Title 163, Chapter 1, 011.01B2, I hereby report the following expenditures, disbursements, transfers and interest for Fiscal Year 12 / 13 for the Game Law Investigation Cash Fund (GLICF). There are two tables contained in this report that summarize the activity in the GLICF accounts managed by the Law Enforcement Division of the Nebraska Game and Parks Commission.

The Law Enforcement Division of the Nebraska Game and Parks Commission currently maintains two active accounts holding GLICF funds in support of ongoing investigations as prescribed by state statutes. In 2002 the first GLICF account was opened by the division. This account was closed on November 29, 2004 at the conclusion of an investigation. A second account was opened later in 2004 and has remained open ever since. In 2010, a third account was opened in order to facilitate investigative operations. It should be noted that for the purposes of continuity, current account information will be referred to as Account #2 and Account #3 in this report and any reference to Account #1 can be found in previous reports.

**Current Account Summaries**

**Account #2** had a beginning balance as of July 1, 2012 of \$672.10. Between July 1, 2012 and July 1, 2013, there were \$78.24 in account maintenance fees and a Pay Pal Service charge of \$1.95. In addition, there was \$3.97 in interest earned.

There was one fund transfer of \$3,000.00 from the Lincoln account deposited directly into Account #2. Also, in a cooperative investigation with the United States Fish and Wildlife Service (USFWS) \$5000.00 of investigative cash fund monies were provided, of which \$3,552.00 were returned and deposited into Account #2. Authorized expenses itemized by the USFWS in support of this investigation were (\$1,000.00 guide fees, \$10.00 cashier's check service fee, \$438.00 for two undercover deer licenses). This cooperative investigation is now closed after the arrest and pending trial of the suspect on numerous counts of a felon being in possession of a firearm, federal lacey act and state wildlife charges.

Three (3) new investigations were initiated during this time period (fiscal year 2012/2013) with one additional investigation that has carried over from 2011/2012 for a total of four (4) investigations that remain open at this time. Total expenditures in support of these investigations were \$1,269.48 (including bank fees/service charges). Itemized, these expenses were; meal expenses (\$39.12), guide fees (\$300.00), equipment purchase (\$281.29), purchase of cell phone/minutes (\$222.03), covert drivers licenses (\$79.50) wildlife purchase (\$160.00), evidence/contraband purchase (\$187.54). The standard meal reimbursement and travel policies for the Game and Parks Commission have been adhered to for any such expense. There were no salaries, front monies or informant payments made during this time period. The current balance in the account as of July 1, 2013 is \$5,878.40.

<b>Account #2</b>				
<b>Description</b>	<b>Date</b>	<b>Income</b>	<b>Expenses</b>	<b>Balance</b>
Beginning Balance – 7/1/2012	7/1/2012			\$672.10
Account Interest Earned –FY 12/13	7/1/2012 – 7/1/2013	\$3.97		\$676.07
Fund Transfer	10/23/2012	\$3000.00		\$3676.07
Banking Fees – FY 12/13	7/1/2012 – 7/1/2013		\$78.24	\$3597.83
Pay Pal Service Charge	6/26/2013		\$1.95	\$3595.88
Expenditures	7/1/2012 – 7/1/2013		\$1269.48	\$2326.40
Funds Returned by USFWS	12/18/2013	\$3552.00		\$5878.40
<b>Account Totals / Current Balance</b>	<b>7/1/2013</b>	<b>\$6555.97</b>	<b>\$1349.67</b>	<b>\$5878.40</b>

Account #3 had a beginning balance of \$2,337.14 as of July 1, 2012. While no interest is being earned on this account there are no banking fees. While this account experienced no activity during this fiscal year at this time we feel it is important to maintain this account in support of any future enforcement operations. As of July 1, 2013, the current balance in this account is \$2,337.14.

<b>Account #3</b>				
<b>Description</b>	<b>Date</b>	<b>Income</b>	<b>Expenses</b>	<b>Balance</b>
Beginning Balance	7/1/2012			\$2,337.14
Banking Fees	7/1/2012 – 7/1/2013		\$0.00	
Account Interest Earned	7/1/2012 – 7/1/2013		\$0.00	
Expenditures	7/1/2012 – 7/1/2013		\$0.00	
<b>Account Totals / Current Balance</b>	<b>7/1/2013</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$2,337.14</b>

cc: Craig Stover, Administrator, Law Enforcement Division  
file

Agency Number 033 GAME & PARKS COMMISSION  
Agency Division  
Fund 23360 GAME LAW INVESTIGATION

ACCOUNT CODE AND DESCRIPTION	DEBIT CURRENT MONTH	CREDIT CURRENT MONTH	ACCOUNT BALANCE DEBIT	ACCOUNT BALANCE CREDIT
Assets				
10000 Assets				
11100 GENERAL CASH	340.79		92,195.20	
Fund 23360 Assets Total	340.79		92,195.20	
Fund Equity				
30000 Fund Equity				
349100 UNDESIGNATED				
Fund 23360 Fund Equity Total				77,052.56
Revenues				
480000 Revenues - Miscellaneous				
481100 INVESTMENT INCOME		165.79		1,942.64
485100 FINES FORFEITS & PENALTY		175.00		21,200.00
Major Account 480000 Total		340.79		23,142.64
Fund 23360 Revenues Total		340.79		23,142.64
Expenditures				
520000 Operating Expenses				
559100 OTHER OPERATING EXP				
Major Account 520000 Total			8,000.00	
Fund 23360 Expenditures Total			8,000.00	
Fund 23360 Total	340.79	340.79	100,195.20	100,195.20

(2) Money for the change cash funds shall be taken from the State Game Fund or the State Park Cash Revolving Fund.

(3) The amount of each change cash fund shall be determined by the commission based upon need at each location. At no location shall the sum of money to be used as a change cash fund exceed ten thousand dollars.

(4) Personnel at each location where a change cash fund has been established shall make a monthly accounting of such fund to the commission. The commission shall make a monthly accounting of all change cash funds to the State Treasurer.

Source: Laws 1976, LB 717, § 3; Laws 1978, LB 613, § 1; Laws 1983, LB 163, § 1; Laws 1983, LB 619, § 1; Laws 1989, LB 185, § 1; Laws 1995, LB 48, § 1; R.S. 1943, (1996), § 81-814.01; Laws 1998, LB 922, § 84.

**§ 37-327. Commission; fees; duty to establish; limit on increase.**

(1) The commission shall establish fees for licenses, permits, stamps, bands, registrations, and certificates issued under the Game Law and the State Boat Act and shall establish the fee required by section 37-562 as provided in such law, act, and section. The commission shall not increase any fee more than six percent in any one year, except that if a fee has not been increased by such percentage in a prior year after 1993, the difference between a six percent increase and the actual percentage increase in such prior year may be added to the percentage increase in a subsequent year. Such fees shall be collected and disposed of as provided in such law, act, and section. The commission shall, as provided in such law, act, and section, establish issuance fees to be retained by authorized agents of such licenses, permits, stamps, bands, registrations, and certificates under such law, act, and section. The commission shall establish such fees by the adoption and promulgation of rules and regulations.

(2) Prior to establishing any fee, the commission shall, at least thirty days prior to the hearing required in section 84-907, make the following information available for public review:

(a) The commission's policy on the minimum cash balance to be maintained in the fund in which the revenue from the fee being established is deposited and the justification in support of such policy;

(b) Monthly estimates of cash fund revenue, expenditures, and ending balances for the current fiscal year and the following two fiscal years for the fund in which the revenue from the fee being established is deposited. Estimates shall be prepared for both the current fee schedule and the proposed fee schedule; and

(c) A statement of the reasons for establishing the fee at the proposed level.

Source: Laws 1993, LB 235, § 1; R.S. 1943, (1996), § 81-814.02; Laws 1998, LB 922, § 85; Laws 1999, LB 176, § 16.

**§ 37-327.01. Game Law Investigation Cash Fund; created; use; investment; record-keeping duties.**

(1) The Game Law Investigation Cash Fund is created. The commission shall use the fund for the purpose of obtaining evidence for enforcement of the Game Law. The fund shall be funded through revenue collected under the Game Law and budgeted or allocated to the fund by the commission, and through donations from persons, wildlife groups, and other charitable sources. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) For the purpose of establishing and maintaining legislative oversight and accountability, the commission shall formulate record-keeping procedures for all expenditures, disbursements, and transfers of cash from the Game Law Investigation Cash Fund. Based on these record-keeping procedures, the commission shall prepare and deliver to the Clerk of the Legislature by September 15 of each year a detailed report of the previous fiscal year which includes, but is not limited to: (a) The June 30 balance in the Game Law Investigation Cash Fund and the amounts delivered to the commission for distribution to agents and informants; (b) the total amount of expenditures; (c) the purpose of the expenditures including: (i) Salaries and any expenses of all agents and informants; (ii) front money for wildlife purchases; (iii) type of wildlife and amount purchased; and (iv) amount of front money recovered; (d) the total number of informants on payroll; and (e) the results procured through such transactions. Each member of the Legislature shall receive a copy of such report by making a request for it to the secretary of the commission.

(3) The commission shall adopt and promulgate rules and regulations to carry out this section.

Source: Laws 2000, LB 788, § 1.

**(c) LANDS**

**§ 37-328. Commission; acquire site for headquarters; consent of Governor.**

The commission, with the consent of the Governor, may, out of funds appropriated for that purpose, acquire a site in Lincoln and erect thereon one or more buildings to serve the commission as a state headquarters.

Source: Laws 1965, c. 554, § 1, p. 1832; R.S. 1943, (1996), § 81-805.03; Laws 1998, LB 922, § 86.

**§ 37-329. State park system; real estate; acquisition; eminent domain; consent of Legislature.**

With the consent of the Legislature, the commission is authorized and empowered to acquire, in the

NEBRASKA ADMINISTRATIVE CODE

COMMISSION MEETING DATE: AUGUST 31, 2000

TITLE 163 - NEBRASKA GAME AND PARKS COMMISSION

CHAPTER 1 - ADMINISTRATION

012 Rules Pertaining to Record-Keeping Procedures for The Game Law Investigation Cash Fund.

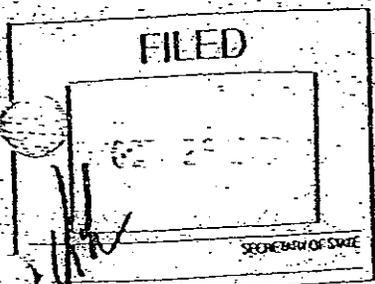
012.01 These rules and regulations governing record-keeping procedures for The Game Law Investigation Cash Fund are adopted under authority of Laws 2000, LB 788 Section 1. These rules and regulations are effective following enactment by the Game and Parks Commission, approval by the Attorney General and Governor and when five days have elapsed since filing with the Secretary of State.

012.01A Record keeping procedures for expenditures, disbursements, and transfers of cash from the Game Law Investigation Cash Fund.

012.01A1 The Budget and Fiscal Division shall request transfer of funds from the Game Law Investigation Cash Fund to the indicated fund officer in the Law Enforcement Division upon written request from the Administrator of the Law Enforcement Division or, in his absence, the Assistant Administrator of the Law Enforcement Division.

012.01A2 Funds received by the Law Enforcement Division from the Game Law Investigation Cash Fund will be deposited in readily-available commercial accounts or held in cash, if needed, for short periods of time.

012.01A3 All funds expended shall be tracked by identification numbers which will allow the accounting of all amounts distributed to agents and informants or for other purposes, purpose of the expenditure, and the results procured from such transactions.



APPROVED

*Amendments*  
APPROVED

DON STENBERG  
ATTORNEY GENERAL

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*W. John* BY *Kenneth Melton*

Title 163  
Chapter 1

012.01A4 The recorded purpose of expenditures shall include: (a) salaries and any expenses of all agents and informants; (b) front money for wildlife purchases; (c) type of wildlife and amount purchased; (d) amount of front money recovered.

012.01A5 The Law Enforcement Division shall adopt policies establishing the format of the detailed confidential and summary records for all expenditures from the fund and all recoveries or additions to the fund generated while funds are under the control of the division such as recovered front money through subsequent investigatory sales, interest earned on ready funds, etc.

012.01B Reporting procedures for expenditures, disbursements and transfers of cash from the Game Law Investigation Cash Fund.

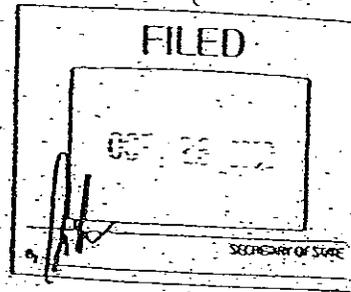
012.01B1 The Budget and Fiscal Division shall prepare a summary of all Game Law Investigation Cash Fund money transferred to the Law Enforcement Division for each fiscal year by August 1<sup>st</sup> of each year for the previous fiscal year including the date, amount and recipient of each such transfer. Said report will be provided to the Board of Commissioners, Director, Assistant Director and the Administrator of the Law Enforcement Division.

012.01B2 The Law Enforcement Division shall prepare a summary report of all receipts of funds from the Game Law Investigation Cash Fund, any interest or other income to those funds while under division control, and all expenditures or disbursements of such funds in sufficient detail to provide an accurate summary of activity generated by and results realized from fund expenditures while protecting the identity of informants and agents. Said report shall be completed by August 15<sup>th</sup> each year for the previous fiscal year and shall be provided to the Board of Commissioners, Director and the Assistant Director.

Title 163  
Chapter 1

012.01B3 The Budget and Fiscal and Law Enforcement Division summary reports shall be combined by the Budget and Fiscal Division for the Commission and delivered to the Clerk of the Legislature by September 15<sup>th</sup> of each year for the previous fiscal year including all information as required in Laws 2000, LB 788. Section 1.

012.01B4 A copy of the summary report sent to the Clerk of the Legislature shall be provided to any member of the Legislature by the Budget and Fiscal Division upon request to the Secretary of the Commission.



APPROVED

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*[Handwritten Signature]*  
GOVERNOR

*Amendment*  
APPROVED  
DON STENBERG  
ATTORNEY GENERAL

OCT 10 2000

BY *[Handwritten Signature]*