

LEGISLATIVE BILL 629

Approved by the Governor March 11, 1987

Introduced by Hartnett, 45

AN ACT relating to fish; to amend sections 37-503.05 and 37-610, Reissue Revised Statutes of Nebraska, 1943; to provide for rules and regulations authorizing the use of commercial seining vendor permittees, equipment, and methods; to provide an exception from a penalty; 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, equipment, and methods, authorized in section 37-502, in furtherance of this section. The removal of fish in accordance with ~~such authorization~~ this section shall not be deemed a violation of section 37-517, ~~or~~ 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 ~~said such~~ land, shall be exempt from any regulation or control.

Sec. 2. That section 37-610, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-610. Every device, net, and trap, and every ferret possessed, used, or attempted to be used by any person in hunting, taking, catching, killing, or destroying any game or fish contrary to law, is hereby declared to be a public nuisance, and subject to seizure and confiscation by any conservation officer, deputy conservation officer, or other person charged with the enforcement of this act. Ferrets and every trap, net, and device, the use of which is wholly prohibited, shall be destroyed upon seizure. All guns and nets while

being used illegally shall be seized upon the arrest of the person so using them, but all guns, legal fish nets, or other hunting or fishing equipment, used illegally which are seized for evidence upon arrest, shall be returned by the court to the person from whom said such guns, legal fish nets, or other hunting or fishing equipment were seized following disposition of the case. The possession of any and all nets, except minnow nets, shall be construed as illegal possession, and shall render such nets subject to confiscation and destruction by the state, and any person or persons possessing the same shall be guilty of a Class V misdemeanor. The provisions of this section shall not apply to the possession and legal use of seines or nets as provided in section sections 37-502 and 37-503.05.

Sec. 3. That original sections 37-503.05 and 37-610, 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.