

AMENDMENTS TO LB 391

(Amendments to E & R amendments, ER159)

Introduced by Schilz

1 1. Insert the following new sections:

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

4 37-201 Sections 37-201 to 37-811 and sections 3 to 7 of
5 this act shall be known and may be cited as the Game Law.

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

8 37-202 For purposes of the Game Law, unless the context
9 otherwise requires, the definitions found in sections 37-203 to
10 37-247 and sections 3 to 5 of this act are used.

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

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

20 Sec. 5. Conveyance means a motorboat as defined in
21 section 37-1204, a personal watercraft as defined in section
22 37-1204.01, a vessel as defined in section 37-1203, a trailer, or

1 any associated equipment or containers which may contain or carry
2 aquatic invasive species.

3 Sec. 6. (1) No person shall possess, import, export,
4 purchase, sell, or transport aquatic invasive species except when
5 a species is being removed from a conveyance and is caught
6 and immediately killed or disposed of properly as determined by
7 the commission. The commission shall adopt and promulgate rules
8 and regulations governing the inspection, decontamination, and
9 treatment of conveyances capable of containing or transporting
10 aquatic invasive species.

11 (2) Any person who (a) fails or refuses to submit to
12 an inspection of a conveyance requested by an authorized inspector
13 or (b) refuses to permit or prevents proper decontamination or
14 treatment of a conveyance as prescribed by the authorized inspector
15 is guilty of a Class III misdemeanor and upon conviction shall be
16 fined not less than five hundred dollars. Such person's conveyance
17 shall also be subject to impoundment.

18 Sec. 7. The commission shall adopt and promulgate rules
19 and regulations to carry out section 6 of this act.

20 Sec. 8. Section 37-524, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 37-524 (1) It shall be unlawful for any person,
23 partnership, limited liability company, association, or corporation
24 to import into the state or possess aquatic invasive species,
25 the animal known as the San Juan rabbit, or any other species
26 of wild vertebrate animal, including domesticated cervine animals
27 as defined in section 54-701.03, declared by the commission

1 following public hearing and consultation with the Department of
2 Agriculture to constitute a serious threat to economic or ecologic
3 conditions, except that the commission may authorize by specific
4 written permit the acquisition and possession of such species for
5 educational or scientific purposes. It shall also be unlawful to
6 release to the wild any nonnative bird or nonnative mammal without
7 written authorization from the commission. Any person, partnership,
8 limited liability company, association, or corporation violating
9 the provisions of this subsection shall be guilty of a Class IV
10 misdemeanor.

11 (2) Following public hearing and consultation with the
12 Department of Agriculture, the commission may, by rule and
13 regulation, regulate or limit the importation and possession of
14 any aquatic invasive species or wild vertebrate animal, including a
15 domesticated cervine animal as defined in section 54-701.03, which
16 is found to constitute a serious threat to economic or ecologic
17 conditions.

18 Sec. 9. Section 37-547, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 37-547 It is the intent of the Legislature to prevent the
21 release or importation into the State of Nebraska of any aquatic
22 invasive species or any live wildlife which may cause economic
23 or ecologic harm or be injurious to human beings, agriculture,
24 horticulture, forestry, water, or wildlife or wildlife resources of
25 the state. It is further the intent of the Legislature to prevent
26 the commercial exploitation or exportation of any aquatic invasive
27 species or any dead or live wildlife taken from the wild.

1 Sec. 10. Section 37-548, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 37-548 (1) It shall be unlawful for any person to import
4 into the state or release to the wild any aquatic invasive species
5 or any live wildlife including the viable gametes, eggs or sperm,
6 except those which are approved by rules and regulations of the
7 commission or as otherwise provided in the Game Law. It shall
8 be unlawful to commercially exploit or export from the state any
9 aquatic invasive species or dead or live wildlife taken from the
10 wild except those which are exempted by rules and regulations
11 of the commission. Any person violating this subsection shall be
12 guilty of a Class III misdemeanor.

13 (2) The commission shall adopt and promulgate rules
14 and regulations to carry out subsection (1) of this section.
15 In adopting such rules and regulations, the commission shall
16 be governed by the Administrative Procedure Act. Such rules and
17 regulations shall include a listing of (a) the aquatic invasive
18 species or wildlife which may be released or imported into the
19 state and (b) the aquatic invasive species or wildlife taken from
20 the wild which may be commercially exploited or exported from
21 the state. The rules and regulations for release, importation,
22 commercial exploitation, and exportation of species other than
23 commercial fish and bait fish shall include, but not be limited to,
24 requirements for annual permits for release or importation or for
25 commercial exploitation or exportation, permit fees, the number of
26 individual animals of a particular species that may be released,
27 imported, collected, or exported under a permit, and the manner

1 and location of release or collection of a particular species.
2 The rules and regulations may be amended, modified, or repealed
3 from time to time, based upon investigation and the best available
4 scientific, commercial, or other reliable data.

5 (3) The commission shall establish permit fees as
6 required by subsection (2) of this section to cover the cost of
7 permit processing and enforcement of the permits and research into
8 and management of the ecological effects of release, importation,
9 commercial exploitation, and exportation. The commission shall
10 remit the fees to the State Treasurer for credit to the Wildlife
11 Conservation Fund.

12 (4) The commission may determine that the release,
13 importation, commercial exploitation, or exportation of aquatic
14 invasive species or wildlife causes economic or ecologic harm
15 by utilizing the best available scientific, commercial, and
16 other reliable data after consultation, as appropriate, with
17 federal agencies, other interested state and county agencies, and
18 interested persons and organizations.

19 (5) The commission shall, upon its own recommendation or
20 upon the petition of any person who presents to the commission
21 substantial evidence as to whether such additional species will or
22 will not cause ecologic or economic harm, conduct a review of any
23 listed or unlisted species proposed to be removed from or added to
24 the list published pursuant to subdivision (2)(a) of this section.
25 The review shall be conducted pursuant to subsection (4) of this
26 section.

27 (6) The commission shall, upon its own recommendation or

1 upon the petition of any person who presents to the commission
2 substantial evidence that commercial exploitation or exportation
3 will cause ecologic or economic harm or significant impact to a
4 an aquatic or wildlife population, conduct a review of any listed
5 or unlisted species proposed to be added to or removed from the
6 list published pursuant to subdivision (2)(b) of this section.
7 The review shall be conducted pursuant to subsection (4) of this
8 section.

9 Sec. 17. Original sections 37-202, 37-524, 37-547, and
10 37-548, Reissue Revised Statutes of Nebraska, and section 37-201,
11 Revised Statutes Cumulative Supplement, 2010, are repealed.

12 2. Renumber the remaining sections and correct internal
13 references accordingly.