

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 1162**

FINAL READING

Introduced by Lautenbaugh, 18.

Read first time January 23, 2008

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Game Law; to amend sections 37-448,  
2 37-451, 37-458, 37-462, 37-463, 37-465, 37-478, 37-479,  
3 37-483, 37-484, 37-497, 37-4,104, 37-4,105, 37-4,106,  
4 and 37-4,108, Reissue Revised Statutes of Nebraska,  
5 sections 37-415 and 37-438, Revised Statutes Cumulative  
6 Supplement, 2006, and section 37-426, Revised Statutes  
7 Supplement, 2007; to remove certain statutory minimum  
8 fees; and to repeal the original sections.

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

1           Section 1. Section 37-415, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           37-415 (1) The commission may issue to any Nebraska  
4 resident a lifetime fishing, hunting, or combination hunting and  
5 fishing permit upon application and payment of the appropriate fee.  
6 The fee for a resident lifetime hunting permit shall be ~~not less~~  
7 ~~than one hundred twenty-five dollars~~ and not more than two hundred  
8 ninety-nine dollars, the fee for a resident lifetime fishing permit  
9 shall be ~~not less than one hundred seventy-five dollars~~ and not  
10 more than three hundred forty-five dollars plus the cost of a  
11 lifetime aquatic habitat stamp, and the fee for a resident lifetime  
12 combination hunting and fishing permit shall be ~~not less than~~  
13 ~~two hundred seventy-five dollars~~ and not more than five hundred  
14 ninety-eight dollars plus the cost of a lifetime aquatic habitat  
15 stamp, as such fees are established by the commission pursuant to  
16 section 37-327. Payment of the fee shall be made in a lump sum at  
17 the time of application.

18           (2) A resident lifetime permit shall not be made invalid  
19 by reason of the holder subsequently residing outside the state.

20           (3) The commission may issue to any nonresident a  
21 lifetime fishing, hunting, or combination hunting and fishing  
22 permit upon application and payment of the appropriate fee. The fee  
23 for a nonresident lifetime hunting permit shall be ~~not less than~~  
24 ~~six hundred twenty-five dollars~~ and not more than twelve hundred  
25 fifty dollars, the fee for a nonresident lifetime fishing permit

1 shall be ~~not less than four hundred fifty dollars~~ and not more than  
2 eight hundred fifty dollars plus the cost of a lifetime aquatic  
3 habitat stamp, and the fee for a nonresident lifetime combination  
4 hunting and fishing permit shall be ~~not less than nine hundred~~  
5 ~~seventy-five dollars~~ and not more than two thousand dollars plus  
6 the cost of a lifetime aquatic habitat stamp, as such fees are  
7 established by the commission pursuant to section 37-327. Payment  
8 of the fee shall be made in a lump sum at the time of application.

9 (4) A replacement resident or nonresident lifetime permit  
10 may be issued if the original has been lost or destroyed. The fee  
11 for a replacement shall be not less than one dollar and fifty cents  
12 and not more than five dollars, as established by the commission.

13 (5) The commission may adopt and promulgate rules and  
14 regulations to carry out this section and sections 37-416 and  
15 37-417. Such rules and regulations may include, but need not be  
16 limited to, establishing fees which vary based on the age of the  
17 applicant.

18 Sec. 2. Section 37-426, Revised Statutes Supplement,  
19 2007, is amended to read:

20 37-426 (1) Except as provided in subsection (4) of this  
21 section:

22 (a) No resident of Nebraska sixteen years of age or  
23 older and no nonresident of Nebraska regardless of age shall  
24 hunt, harvest, or possess any game bird, upland game bird, game  
25 animal, or fur-bearing animal unless, at the time of such hunting,

1 harvesting, or possessing, such person has an unexpired habitat  
2 stamp as prescribed by the rules and regulations of the commission  
3 prior to the time of hunting, harvesting, or possessing such bird  
4 or animal;

5 (b) No resident or nonresident of Nebraska shall take or  
6 possess any aquatic organism requiring a Nebraska fishing permit,  
7 including any fish, bullfrog, snapping turtle, tiger salamander,  
8 or mussel, unless, at the time of such taking or possessing, such  
9 person has an unexpired aquatic habitat stamp as prescribed by the  
10 rules and regulations of the commission prior to the time of taking  
11 or possessing a fish, bullfrog, snapping turtle, tiger salamander,  
12 or mussel; and

13 (c) No resident of Nebraska sixteen years of age or  
14 older and no nonresident of Nebraska regardless of age shall hunt,  
15 harvest, or possess any migratory waterfowl unless, at the time  
16 of such hunting, harvesting, or possessing, such person has an  
17 unexpired Nebraska migratory waterfowl stamp as prescribed by the  
18 rules and regulations of the commission prior to the time of  
19 hunting, harvesting, or possessing such migratory waterfowl.

20 (2) (a) The commission may issue a lifetime habitat stamp  
21 upon application and payment of the appropriate fee. The fee for a  
22 lifetime habitat stamp shall be twenty times the fee required in  
23 subsection (5) of this section for an annual habitat stamp. Payment  
24 of such fee shall be made in a lump sum at the time of application.  
25 A replacement lifetime habitat stamp may be issued if the original

1 is lost or destroyed. The fee for a replacement shall be not less  
2 than one dollar and fifty cents and not more than five dollars, as  
3 established by the commission.

4 (b) The commission may issue a lifetime Nebraska  
5 migratory waterfowl stamp upon application and payment of the  
6 appropriate fee. The fee for a lifetime Nebraska migratory  
7 waterfowl stamp shall be twenty times the fee required in  
8 subsection (5) of this section for an annual Nebraska migratory  
9 waterfowl stamp. Payment of such fee shall be made in a lump sum at  
10 the time of application. A replacement Nebraska lifetime migratory  
11 waterfowl stamp may be issued if the original is lost or destroyed.  
12 The fee for a replacement shall be not less than one dollar and  
13 fifty cents and not more than five dollars, as established by the  
14 commission.

15 (3) The commission may issue a lifetime aquatic habitat  
16 stamp upon application and payment of the appropriate fee. The  
17 fee for a lifetime aquatic habitat stamp shall be ~~not less than~~  
18 ~~seventy-five dollars~~ and not more than one hundred twenty-five  
19 dollars as established by the commission pursuant to section  
20 37-327. Payment of such fee shall be made in a lump sum at the time  
21 of application. A lifetime aquatic habitat stamp shall not be made  
22 invalid by reason of the holder subsequently residing outside the  
23 state. A replacement lifetime aquatic habitat stamp may be issued  
24 if the original is lost or destroyed. The fee for a replacement  
25 shall not be less than one dollar and fifty cents and not more than

1 five dollars, as established by the commission.

2 (4) Habitat stamps are not required for holders of  
3 limited permits issued under section 37-455. Aquatic habitat stamps  
4 are not required (a) when a fishing permit is not required,  
5 (b) for holders of permits pursuant to section 37-424, or (c)  
6 for holders of lifetime fishing permits or lifetime combination  
7 hunting and fishing permits purchased prior to January 1, 2006.  
8 Nebraska migratory waterfowl stamps are not required for hunting,  
9 harvesting, or possessing any species other than ducks, geese, or  
10 brant. For purposes of this section, a showing of proof of the  
11 electronic issuance of a stamp by the commission shall fulfill the  
12 requirements of this section.

13 (5) Any person to whom a stamp has been issued shall,  
14 immediately upon request, exhibit evidence of issuance of the  
15 stamp to any officer. Any person hunting, fishing, harvesting,  
16 or possessing any game bird, upland game bird, game animal, or  
17 fur-bearing animal or any aquatic organism requiring a fishing  
18 permit in this state without evidence of issuance of the  
19 appropriate stamp shall be deemed to be without such stamp. A  
20 habitat stamp shall be issued upon the payment of a fee of ~~not~~  
21 ~~less than thirteen dollars and~~ not more than sixteen dollars per  
22 stamp. An aquatic habitat stamp shall be issued in conjunction  
23 with each fishing permit for a fee of ~~not less than five dollars~~  
24 ~~and~~ not more than seven dollars and fifty cents per stamp for  
25 annual fishing permits, three-day fishing permits, or combination

1 hunting and fishing permits and a fee of ~~not less than seventy-five~~  
2 ~~dollars and~~ not more than one hundred dollars for lifetime fishing  
3 or combination hunting and fishing permits. The fee established  
4 under section 37-407 for a one-day fishing permit shall include an  
5 aquatic habitat stamp. One dollar from the sale of each one-day  
6 fishing permit shall be remitted to the State Treasurer for  
7 credit to the Nebraska Aquatic Habitat Fund. A Nebraska migratory  
8 waterfowl stamp shall be issued upon the payment of a fee of ~~not~~  
9 ~~less than five dollars and~~ not more than ten dollars per stamp. The  
10 commission shall establish the fees pursuant to section 37-327.

11           Sec. 3. Section 37-438, Revised Statutes Cumulative  
12 Supplement, 2006, is amended to read:

13           37-438 (1) The commission shall devise permits in two  
14 forms: Annual and temporary.

15           (2) The annual permit may be purchased by any person  
16 and shall be valid through December 31 in the year for which the  
17 permit is issued. The fee for the annual permit for a resident  
18 motor vehicle shall be ~~not less than fourteen dollars and~~ not more  
19 than twenty dollars per permit. The fee for the annual permit for  
20 a nonresident motor vehicle shall not be more than twenty-five  
21 dollars. The commission shall establish such fees by the adoption  
22 and promulgation of rules and regulations.

23           (3) A temporary permit may be purchased by any person and  
24 shall be valid until noon of the day following the date of issue.  
25 The fee for the temporary permit for a resident motor vehicle shall

1 be ~~until January 1, 2007, not more than three dollars, and on and~~  
2 ~~after January 1, 2007,~~ not more than four dollars. The fee for the  
3 temporary permit for a nonresident motor vehicle shall not be more  
4 than five dollars. The commission shall establish such fees by the  
5 adoption and promulgation of rules and regulations. The commission  
6 may issue temporary permits which are either valid for any area or  
7 valid for a single area.

8           Sec. 4. Section 37-448, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           37-448 (1) Subject to rules and regulations adopted and  
11 promulgated by the commission, the secretary of the commission  
12 may designate special deer depredation seasons by executive order.  
13 The secretary may designate a depredation season whenever he or  
14 she determines that deer are causing excessive property damage.  
15 The secretary shall specify the number of permits to be issued,  
16 shooting hours, the length of the depredation season, and the  
17 geographic area in which hunting will be permitted. Each such  
18 permit shall give the holder the right to take one deer. Hunting  
19 during a special depredation season shall be limited to residents  
20 and shall be restricted to firearms which are permissible for use  
21 during the regular deer season.

22           (2) The depredation season may commence not less than  
23 five days after the first public announcement that the depredation  
24 season has been established. Permits shall be issued beginning  
25 not less than three days after the first public announcement of



1 the depredation season and shall be issued in an impartial manner  
2 at a location determined by the secretary. The commission shall,  
3 pursuant to section 37-327, establish and charge a fee of ~~not less~~  
4 ~~than twenty dollars~~ and not more than twenty-five dollars for a  
5 special depredation season permit. Fifty percent of the fee shall  
6 be paid by the commission to a landowner or operator within the  
7 designated area upon satisfactory proof a deer was killed upon  
8 his or her farm or ranch during the special depredation season.  
9 Receipt of a depredation season permit shall not in any way affect  
10 a person's eligibility for a regular season permit.

11 Sec. 5. Section 37-451, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 37-451 The commission may issue permits for hunting  
14 mountain sheep and may establish separate and, when necessary,  
15 different regulations therefor within the limitations prescribed in  
16 subsection (1) of section 37-447 and section 37-452 for hunting  
17 deer. Such regulations shall include provisions allowing persons  
18 who find dead mountain sheep, or any part of a mountain sheep,  
19 to turn over to the commission such mountain sheep or part of a  
20 mountain sheep. The commission may dispose of such mountain sheep  
21 or part of a mountain sheep as it deems reasonable and prudent.  
22 Except as otherwise provided in this section, the permits shall be  
23 issued to residents of Nebraska. The commission shall, pursuant to  
24 section 37-327, establish and charge a nonrefundable application  
25 fee of ~~not less than twenty dollars~~ and not more than twenty-five

1 dollars for permits issued only to residents. Any number of  
2 resident-only permits, as authorized by the commission, shall be  
3 awarded by random drawing to eligible applicants. No permit fee  
4 shall be charged in addition to the nonrefundable application fee.  
5 No more than one additional permit may be authorized and issued  
6 pursuant to an auction open to residents and nonresidents. The  
7 auction shall be conducted according to rules and regulations  
8 prescribed by the commission. Any money derived from the sale  
9 of permits by auction shall be used only for perpetuation and  
10 management of mountain sheep, elk, and deer. If the commission  
11 determines to limit the number of permits issued for any or all  
12 management units, the commission shall by rule and regulation  
13 determine eligibility requirements for the permits. A person may  
14 obtain only one mountain sheep permit in his or her lifetime.

15           Sec. 6. Section 37-458, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           37-458 (1) The commission shall, to aid in the protection  
18 of livestock and other domesticated animals, issue a special permit  
19 authorizing the holder to use aircraft for the purpose of shooting  
20 or attempting to shoot coyotes. Such permit shall be issued only  
21 after it is shown that (a) the coyote population is so large  
22 in an area as to present a substantial threat to livestock and  
23 other domesticated animals and (b) property owners will not be  
24 detrimentally affected by such issuance.

25           (2) The annual fee for the permit shall be ~~not less than~~

1 ~~seven dollars and~~ not more than eight dollars and fifty cents, as  
2 established by the commission pursuant to section 37-327, and the  
3 permit shall expire on December 31 following the date of issuance.  
4 The form of such permit and of the application for the permit shall  
5 be prescribed by the commission.

6 (3) The commission shall adopt and promulgate necessary  
7 rules and regulations to carry out this section and may designate  
8 areas in which the coyote population may present a threat or  
9 cause substantial damage to livestock and restrict the issuance of  
10 permits only to such areas. The commission, officers and agents of  
11 the commission, and any other peace officer of this state shall  
12 have the authority to enforce this section and section 37-509.

13 Sec. 7. Section 37-462, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 37-462 (1) It shall be unlawful for any person to perform  
16 taxidermy services on any game for any person other than himself  
17 or herself without first obtaining a taxidermist permit from  
18 the commission. The permit shall be conspicuously posted at the  
19 location where taxidermy services are performed. The application  
20 for the permit shall include the applicant's social security  
21 number. The annual fee for such permit shall be ~~not less than~~  
22 ~~seven dollars and~~ not more than eight dollars and fifty cents,  
23 as established by the commission pursuant to section 37-327. Such  
24 permit shall expire on December 31 of the year for which issued.

25 (2) Original application for a taxidermist permit shall

1 be made to the commission upon such form and containing such  
2 information as may be prescribed by the commission. The application  
3 shall include the address of the premises where taxidermist  
4 services will be provided and a statement of the applicant's  
5 qualifications and experience as a taxidermist. Requests for  
6 renewals of existing permits shall be made by letter to the  
7 commission not later than thirty days preceding the expiration date  
8 of the permit.

9 (3) A permit shall authorize a taxidermist to (a)  
10 receive, transport, hold in custody or possession, mount, or  
11 otherwise prepare game and return such game to the legal owner or  
12 his or her agent from whom received and (b) sell game which he or  
13 she has lawfully acquired and mounted. Such mounted specimens may  
14 be placed on consignment by the taxidermist for sale and may be  
15 held by such consignee for the purpose of sale.

16 (4) Permitholders shall keep accurate records of  
17 operations, on a calendar-year basis, showing the names and  
18 addresses of persons from and to whom specimens of game or the  
19 nests or eggs of such game were received or delivered, the number  
20 and species, and the dates of receipt and delivery. In addition to  
21 other records required by this subsection, the permitholder shall  
22 maintain proper invoices or other documents confirming his or her  
23 lawful acquisition of game being held by him or her, including game  
24 which is on consignment for sale. Permitholders shall retain such  
25 records not less than one year following the end of the calendar

1 year covered by the records. Such records shall be available for  
2 inspection by duly authorized employees or agents of the commission  
3 during normal business hours.

4 (5) Any violation of this section shall constitute a  
5 Class III misdemeanor.

6 Sec. 8. Section 37-463, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 37-463 (1) It shall be unlawful for any person, firm, or  
9 corporation dealing in raw furs to conduct such business without  
10 first obtaining from the commission a fur buyer's permit. If the  
11 applicant is an individual, the application shall include the  
12 applicant's social security number. The annual fee for this permit  
13 shall be ~~not less than one hundred twelve dollars~~ and not more  
14 than one hundred thirty-eight dollars for residents, as established  
15 by the commission pursuant to section 37-327. Any resident who  
16 has resided in this state continuously for a period of six months  
17 before making an application for a permit under this section shall  
18 be deemed to be a resident and may be issued a resident permit  
19 under this section. The fees for nonresidents of this state shall  
20 be equal to the fees charged for similar permits by the states of  
21 their respective residences but not less than five hundred dollars  
22 per annum for such nonresidents. Before a fur buyer's permit is  
23 issued to a nonresident of this state, the applicant shall execute  
24 and deliver to the secretary of the commission a corporate surety  
25 bond, running to the State of Nebraska, in the penal sum of one

1 thousand dollars to be approved by the commission, conditioned  
2 that the permitholder shall faithfully comply with all the laws of  
3 this state. Dealers sending buyers into the field away from their  
4 place of business shall provide each such buyer with a separate  
5 fur buyer's permit. Every nonresident buyer entering the state or  
6 who has buyers in this state shall carry a nonresident fur buyer's  
7 permit.

8 (2) Every resident and nonresident fur buyer shall keep  
9 a complete record of all furs bought or sold in a record book to  
10 be provided by the commission or any other form of record keeping  
11 approved by the commission. Such record shall include, but not be  
12 limited to, the number and kind of furs bought or sold, the name  
13 and address of the seller or buyer, the date and place of purchase  
14 or sale, and the permit number of the seller or fur buyer.

15 (3) It shall be unlawful for any fur buyer to have  
16 raw furs in his, her, or its possession unless the record gives  
17 positive evidence of the origin of such furs and unless such record  
18 balances at all times. Such record shall be open to inspection  
19 by conservation officers at any and all times and shall be made  
20 available to such officers upon demand.

21 (4) Any violation of any of the provisions of this  
22 section shall constitute a Class IV misdemeanor, and as a part of  
23 the penalty the court shall require the offender to purchase the  
24 required permit.

25 Sec. 9. Section 37-465, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           37-465 An application for an aquaculture permit to  
3 operate an aquaculture facility shall be made to the commission  
4 on a form prescribed by the commission. The application shall  
5 include (1) the name, social security number if the applicant is  
6 an individual, residence, and place of business of the applicant,  
7 (2) the exact description of the land upon which the facility is  
8 to be located and the nature of the applicant's title to the land,  
9 whether in fee or under lease, and (3) the kind and approximate  
10 number of aquatic organisms authorized to be kept or reared in  
11 the facility. The annual fee for an aquaculture permit shall be  
12 ~~not less than sixty-five dollars~~ and not more than seventy-five  
13 dollars, as established by the commission pursuant to section  
14 37-327. The permit shall expire at midnight on December 31 in the  
15 year for which the permit is issued.

16           Sec. 10. Section 37-478, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           37-478 (1) To conduct an auction in this state of  
19 captive wild birds, captive wild mammals, or captive wildlife as  
20 specified in subsection (1) of section 37-477, a person shall  
21 apply to the commission on a form prescribed by the commission  
22 for a captive wildlife auction permit. An applicant for a permit  
23 shall specify the dates of the auction and shall apply for a  
24 permit for each auction to be held in the state. The application  
25 for the permit shall include the applicant's social security

1 number. The fee for such permit shall be ~~not less than fifty~~  
2 ~~dollars and~~ not more than sixty-five dollars, as established by  
3 the commission pursuant to section 37-327. The commission shall  
4 adopt and promulgate rules and regulations specifying application  
5 requirements and procedures, reporting and inspection requirements,  
6 and other requirements related to auction activities.

7 (2) A permitholder shall not (a) take wild birds, wild  
8 mammals, or other wildlife from the wild in Nebraska or (b)  
9 purchase wild birds, wild mammals, or other wildlife from any  
10 person other than the commission or a person authorized to  
11 propagate and dispose of wild birds, wild mammals, or other  
12 wildlife. A permit under this section is not required for an  
13 auction of domesticated cervine animals as defined in section  
14 54-701.03.

15 Sec. 11. Section 37-479, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 37-479 (1) To purchase, possess, propagate, or sell  
18 captive wild birds, captive wild mammals, or captive wildlife  
19 as specified in subsection (1) of section 37-477 or to sell  
20 parts thereof, except as provided in section 37-505, a person  
21 shall apply to the commission on a form prescribed by the  
22 commission for a captive wildlife permit. The commission shall  
23 adopt and promulgate rules and regulations specifying application  
24 requirements and procedures. The permit shall expire on December  
25 31. The application for the permit shall include the applicant's



1 social security number. The annual fee for such permit shall be ~~not~~  
2 ~~less than twenty-five dollars~~ and not more than thirty dollars, as  
3 established by the commission pursuant to section 37-327. A holder  
4 of a captive wildlife permit shall report to the commission by  
5 January 15 for the preceding calendar year on forms provided by  
6 the commission. The commission shall adopt and promulgate rules and  
7 regulations specifying the requirements for the reports.

8 (2) A permitholder shall not (a) take wild birds, wild  
9 mammals, or wildlife from the wild in Nebraska or (b) purchase wild  
10 birds, wild mammals, or wildlife from any person other than the  
11 commission or a person authorized to propagate and dispose of wild  
12 birds, wild mammals, or wildlife. A permit under this section is  
13 not required for possession or production of domesticated cervine  
14 animals as defined in section 54-701.03.

15 Sec. 12. Section 37-483, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 37-483 The construction, operation, and maintenance of  
18 a facility commonly known as a recall pen, also known as a  
19 recapture pen, which is used for the recapture of marked game  
20 birds originating from the holder of a captive wildlife permit  
21 in conjunction with dog training or dog trial activities shall be  
22 legal if the person owning or controlling such recall pen, prior to  
23 the operation thereof, pays an annual fee of ~~not less than thirteen~~  
24 ~~dollars~~ and not more than fifteen dollars, as established by the  
25 commission pursuant to section 37-327, for each recall pen under

1 his or her ownership or control. The commission shall adopt and  
2 promulgate rules and regulations for the issuance of permits for  
3 recall pens and for the possession and use of recall pens. Nothing  
4 in this section shall authorize the use of recall pens for the  
5 trapping of other wild birds.

6 Sec. 13. Section 37-484, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 37-484 Any person or persons owning, holding, or  
9 controlling by lease or otherwise, which possession must be for  
10 a term of five or more years, any contiguous tract or tracts of  
11 land having an area of not less than one hundred twenty acres and  
12 not more than one thousand two hundred eighty acres who desires  
13 to establish a game breeding and controlled shooting area to  
14 propagate, preserve, and shoot game birds under the regulations  
15 as provided in sections 37-484 to 37-496 shall make application  
16 to the commission for a license as provided by such sections.  
17 Such application shall be made under oath of the applicant or  
18 one of its principal officers if the applicant is an association,  
19 club, or corporation and shall be accompanied by a license fee of  
20 ~~not less than one hundred thirty dollars~~ and not more than one  
21 hundred forty-nine dollars and fifty cents, as established by the  
22 commission pursuant to section 37-327. Any controlled shooting area  
23 existing on February 18, 1987, shall continue in operation on the  
24 existing acreage until such controlled shooting area license is  
25 not renewed or canceled. If the applicant is an individual, the

1 application shall include the applicant's social security number.

2           Sec. 14. Section 37-497, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           37-497 (1) The commission may take such steps as it deems  
5 necessary to provide for the protection and management of raptors.

6           (2) The commission may issue falconry licenses to permit  
7 the taking and possession of raptors for the purpose of practicing  
8 falconry. No such license may be issued to an applicant unless he  
9 or she is a resident of the state, has paid the fees required in  
10 this subsection, and has passed a written and oral examination  
11 concerning raptors given by the commission or an authorized  
12 representative of the commission. The commission shall charge a  
13 fee for each license of ~~not less than fourteen dollars~~ and not more  
14 than seventeen dollars for persons fourteen to seventeen years of  
15 age and ~~not less than forty dollars~~ and not more than forty-six  
16 dollars for persons eighteen years of age and older, as established  
17 by the commission pursuant to section 37-327. If the applicant  
18 fails to pass either examination or both of them, he or she shall  
19 not be entitled to reapply for a falconry license for a period of  
20 six months after the date of the examination. A person less than  
21 fourteen years of age shall not be issued a falconry license, and  
22 a person from fourteen to seventeen years of age may be issued  
23 such a license only if he or she is sponsored by an adult person  
24 who has a valid falconry license. All falconry licenses shall be  
25 nontransferable and shall expire three years after the date of

1 issuance. If the commission is satisfied as to the competency and  
2 fitness of an applicant whose license has expired, a license may  
3 be renewed without requiring further examination under such terms  
4 and conditions as are established by the commission. Species of  
5 raptors which may be taken, captured, or held in possession shall  
6 include only those species authorized by the commission. The number  
7 of each species of raptors which may be taken, captured, or held in  
8 possession shall be subject to regulation by the commission.

9 (3) The commission may issue captive propagation licenses  
10 to permit the captive propagation of raptors. No such license may  
11 be issued to an applicant unless he or she is a resident of  
12 the state and has paid the fee required in this subsection. The  
13 fee for each license shall be ~~not less than two hundred dollars~~  
14 ~~and~~ not more than two hundred thirty dollars, as established  
15 by the commission pursuant to section 37-327. All such licenses  
16 shall be nontransferable, shall expire three years after the  
17 date of issuance, and may be renewed under terms and conditions  
18 established by the commission. The commission shall authorize the  
19 species and the number of each such species which may be taken,  
20 captured, acquired, or held in possession. The commission shall  
21 adopt and promulgate rules and regulations governing the issuance  
22 and conditions of captive propagation licenses.

23 Sec. 15. Section 37-4,104, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 37-4,104 (1) Individuals shall apply to the commission

1 on forms prescribed by the commission for an annual commercial  
2 fishing permit and shall not take or sell fish as prescribed in  
3 this section and section 37-543 before receiving such permit.

4 (2) The commission shall, pursuant to section 37-327,  
5 establish and collect fees from residents and nonresidents for all  
6 commercial fishing permits as follows:

7 (a) ~~Not less than eighty-five dollars and not more than~~  
8 ~~ninety-eight dollars for residents and not less than one hundred~~  
9 ~~seventy dollars and not more than one hundred ninety-five dollars~~  
10 ~~and fifty cents for nonresidents for each commercial fishing permit~~  
11 ~~permitting the legal use of five hundred lineal feet of seine or~~  
12 ~~fraction thereof, and five hundred lineal feet of trammel net or~~  
13 ~~fraction thereof, and ten hoop nets without wings, and permitting~~  
14 ~~the use of one helper if the helper is in the same boat as the~~  
15 ~~person holding the permit;~~

16 (b) ~~Not less than twenty-five dollars and not more~~  
17 ~~than twenty-nine dollars for residents and not less than fifty~~  
18 ~~dollars and not more than sixty dollars for nonresidents for each~~  
19 ~~additional five hundred lineal feet of seine or trammel net or~~  
20 ~~fraction thereof; and~~

21 (c) ~~Not less than three dollars and not more than three~~  
22 ~~dollars and fifty cents for residents and not less than six~~  
23 ~~dollars and not more than seven dollars for nonresidents for each~~  
24 ~~additional hoop net, wing net, or fish trap or other device,~~  
25 ~~permitted by the commission and used under the commercial fishing~~

1 permit.

2 (3) All commercial fishing permits shall expire at  
3 midnight on December 31 following their issuance. All money  
4 received by the commission shall be deposited as provided in  
5 section 37-323. The commission shall furnish to any permit holder  
6 without cost a tag numbered and stamped so as to show the year of  
7 issuance and for what issued for each net, seine, or device, and it  
8 shall be unlawful to use such net, seine, or device without first  
9 having procured such tag and fastened it to such net, seine, or  
10 device.

11 Sec. 16. Section 37-4,105, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 37-4,105 It shall be unlawful for individuals, either  
14 resident or nonresident, to sell baitfish or amphibians except  
15 according to rules and regulations established by the commission.  
16 The commission may require a bait dealer's permit for a fee of ~~not~~  
17 ~~less than thirty-two dollars~~ and not more than thirty-seven dollars  
18 for residents and ~~not less than two hundred dollars~~ and not more  
19 than two hundred thirty dollars for nonresidents, as established by  
20 the commission pursuant to section 37-327.

21 If such permits are required by the commission, the  
22 application shall include the social security number of the  
23 applicant.

24 Sec. 17. Section 37-4,106, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1           37-4,106 Nonresidents holding a valid nonresident fish  
2 dealer's permit may possess, buy, sell, transport, and ship live  
3 baitfish, live fish, and other bait species as specified in  
4 commission rules and regulations legally obtained from outside this  
5 state or from a licensed aquaculture facility in accordance with  
6 rules and regulations adopted and promulgated by the commission.  
7 The application for the permit shall include the applicant's social  
8 security number. The fee for a nonresident fish dealer's permit  
9 shall be ~~not less than sixty-five dollars~~ and not more than  
10 seventy-five dollars, as established by the commission pursuant to  
11 section 37-327.

12           Sec. 18. Section 37-4,108, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           37-4,108 (1) No fishing permit shall be required for  
15 fishing in any duly licensed commercial put-and-take fishery  
16 operating under rules and regulations adopted and promulgated  
17 by the commission. The annual fee for licensing such commercial  
18 put-and-take fishery shall be ~~not less than sixty-five dollars~~ and  
19 not more than seventy-five dollars per year, as established by the  
20 commission pursuant to section 37-327, payable in advance, and no  
21 person shall operate such an establishment without first obtaining  
22 such license from the commission. Before issuing such license the  
23 commission shall investigate each such establishment annually and  
24 be satisfied that the same is a bona fide commercial put-and-take  
25 fishery operating within all applicable state and federal laws.

1                   (2) Any person violating this section shall be guilty of  
2 a Class II misdemeanor and shall be fined at least forty dollars.

3                   Sec. 19. Original sections 37-448, 37-451, 37-458,  
4 37-462, 37-463, 37-465, 37-478, 37-479, 37-483, 37-484, 37-497,  
5 37-4,104, 37-4,105, 37-4,106, and 37-4,108, Reissue Revised  
6 Statutes of Nebraska, sections 37-415 and 37-438, Revised Statutes  
7 Cumulative Supplement, 2006, and section 37-426, Revised Statutes  
8 Supplement, 2007, are repealed.