

LEGISLATURE OF NEBRASKA  
 ONE HUNDREDTH LEGISLATURE  
 FIRST SESSION  
**LEGISLATIVE BILL 299**

FINAL READING

Introduced by Hudkins, 21; Engel, 17

Read first time January 11, 2007

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Game Law; to amend sections 37-406,  
 2 37-414, 37-449, 37-4,111, 37-513, 37-527, 37-548,  
 3 37-614, 37-803, 37-811, and 77-27,119.01, Reissue Revised  
 4 Statutes of Nebraska, and sections 37-407, 37-426,  
 5 37-427, 37-431, 37-447, 37-450, 37-452, and 37-457,  
 6 Revised Statutes Cumulative Supplement, 2006; to change  
 7 provisions relating to licenses, permits, stamps, and  
 8 fees; to provide for a lifetime Nebraska migratory  
 9 waterfowl stamp; to prohibit trapping in the county road  
 10 right-of-way; to change and eliminate provisions relating  
 11 to hunting wild turkey; to provide for the revocation and  
 12 suspension of permits for trapping in the county road  
 13 right-of-way; to rename a fund; to harmonize provisions;

1                   and to repeal the original sections.

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

1           Section 1. Section 37-406, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           37-406 (1) Licenses, permits, and stamps required under  
4 the Game Law shall be issued by the commission and may be procured  
5 from the secretary of the commission. The commission may provide  
6 for the electronic issuance of any license, permit, or stamp  
7 required under the Game Law and may enter into contracts to procure  
8 necessary services and supplies for the electronic issuance of  
9 licenses, permits, and stamps. Except for permits issued under  
10 sections 37-462 and 37-463, the commission may provide for the  
11 issuance of any license, permit, or stamp required under the Game  
12 Law in the form of a number which identifies the holder in the  
13 records of the commission. The commission may designate itself  
14 and other persons, firms, and corporations as agents to issue  
15 licenses, permits, and stamps and collect the prescribed fees. ~~Any~~  
16 The commission and any person, firm, or corporation, ~~other than~~  
17 ~~the secretary of the commission or an employee of the commission,~~  
18 authorized by the commission to issue licenses, permits, and stamps  
19 shall be entitled to collect and retain an additional fee of not  
20 less than fifty cents and not more than ~~one dollar,~~ as established  
21 ~~by the commission pursuant to section 37-327,~~ two dollars, for each  
22 license, permit, or stamp issued as reimbursement for the clerical  
23 work of issuing the license, permit, or stamp and collecting and  
24 remitting the fees.

25           (2) The commission shall adopt and promulgate rules and

1 regulations regarding electronic issuance of licenses, permits,  
2 and stamps, including electronic issuance devices, deposits by  
3 agents, and remittance of fees. The commission may provide for the  
4 electronic issuance of a license, permit, or stamp by acknowledging  
5 the purchase of such license, permit, or stamp without requiring a  
6 physical license, permit, or stamp or facsimile of such.

7 (3) It shall be unlawful for any person to duplicate  
8 any electronically issued license, permit, or stamp. Any person  
9 violating this subsection shall be guilty of a Class III  
10 misdemeanor and shall be fined at least seventy-five dollars, and  
11 any license, permit, or stamp involved in such violation shall be  
12 confiscated by the court.

13 Sec. 2. Section 37-407, Revised Statutes Cumulative  
14 Supplement, 2006, is amended to read:

15 37-407 The commission may offer multiple-year permits or  
16 combinations of permits at reduced rates and may establish fees  
17 pursuant to section 37-327 to be paid to the state for resident  
18 and nonresident hunting permits, annual fishing permits, three-day  
19 fishing permits, one-day fishing permits, combination hunting and  
20 fishing permits, fur-harvesting permits, and nonresident special  
21 two-day hunting permits issued for periods of two consecutive days  
22 between the ~~fourth Wednesday in November~~ Wednesday immediately  
23 preceding Thanksgiving Day and December 31 of the same calendar  
24 year and limited to one special two-day permit per applicant per  
25 year, as follows:

1           (1) Resident fees shall be (a) ~~not less than eleven~~  
2 ~~dollars and~~ not more than thirteen dollars for hunting, (b) ~~not~~  
3 ~~less than fifteen dollars and~~ not more than seventeen dollars and  
4 fifty cents for fishing, (c) ~~not less than ten dollars and~~ not more  
5 than eleven dollars and fifty cents for a three-day fishing permit,  
6 (d) ~~not less than five dollars and~~ not more than eight dollars for  
7 a one-day fishing permit, (e) ~~not less than twenty-five dollars and~~  
8 not more than twenty-nine dollars for both fishing and hunting, and  
9 (f) ~~not less than fifteen dollars and~~ not more than twenty dollars  
10 for fur harvesting; and

11           (2) Nonresident fees shall be (a) ~~not less than resident~~  
12 ~~fees and~~ not more than two hundred sixty dollars for a period of  
13 time specified by the commission for fur harvesting one thousand  
14 or less fur-bearing animals and ~~not less than fifteen dollars~~  
15 ~~additional and~~ not more than seventeen dollars and fifty cents  
16 additional for each one hundred or part of one hundred fur-bearing  
17 animals harvested, (b) (i) for persons sixteen years of age and  
18 older, ~~not less than sixty-seven dollars and~~ not more than eighty  
19 dollars for hunting and (ii) for persons under sixteen years of  
20 age, not less than the fee required pursuant to subdivision (1) (a)  
21 of this section for hunting, (c) ~~not less than twenty-five dollars~~  
22 ~~and~~ not more than thirty-five dollars for a special two-day hunting  
23 permit plus the cost of a habitat stamp, (d) ~~not less than six~~  
24 ~~dollars and~~ not more than nine dollars for a one-day fishing  
25 permit, (e) ~~not less than fourteen dollars and~~ not more than

1 sixteen dollars and fifty cents for a three-day fishing permit,  
2 and (f) ~~not less than forty dollars and~~ not more than forty-nine  
3 dollars and fifty cents for an annual fishing permit.

4 Sec. 3. Section 37-414, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 37-414 (1) The commission shall establish and administer  
7 a bow hunter education program consisting of a minimum of (a)  
8 ten hours of classroom instruction or (b) independent study on  
9 the part of the student sufficient to pass an examination given  
10 by the commission followed by such student's participation in a  
11 minimum of four hours of practical instruction. The program shall  
12 provide instruction in the safe use of bow hunting equipment, the  
13 fundamentals of bow hunting, shooting and hunting techniques, game  
14 identification, conservation management, and hunter ethics. When  
15 establishing such a program, the commission shall train volunteers  
16 as bow hunter education training instructors. The commission shall  
17 issue a certificate of successful completion to any person who  
18 satisfactorily completes a bow hunter education program established  
19 by the commission and shall print, purchase, or otherwise acquire  
20 materials necessary for effective program operation. The commission  
21 shall adopt and promulgate rules and regulations for carrying out  
22 and administering such program.

23 (2) A person born on or after January 1, 1977, who is  
24 hunting antelope, deer, elk, or mountain sheep, ~~or wild turkey~~ with  
25 a bow and arrow pursuant to any provision of sections 37-447 to

1 37-453 ~~and 37-457~~ shall have on his or her person a bow hunter  
2 education certificate of successful completion issued by his or  
3 her state or province of residence or a bow hunter education  
4 certificate issued by an accredited program recognized by the  
5 commission.

6           Sec. 4. Section 37-426, Revised Statutes Cumulative  
7 Supplement, 2006, is amended to read:

8           37-426 (1) Except as provided in subsection (4) of this  
9 section:

10           (a) No resident of Nebraska sixteen years of age or  
11 older and no nonresident of Nebraska regardless of age shall  
12 hunt, harvest, or possess any game bird, upland game bird, game  
13 animal, or fur-bearing animal unless, at the time of such hunting,  
14 harvesting, or possessing, such person has an unexpired habitat  
15 stamp as prescribed by the rules and regulations of the commission  
16 prior to the time of hunting, harvesting, or possessing such bird  
17 or animal;

18           (b) No resident or nonresident of Nebraska shall take or  
19 possess any aquatic organism requiring a Nebraska fishing permit,  
20 including any fish, bullfrog, snapping turtle, tiger salamander,  
21 or mussel, unless, at the time of such taking or possessing, such  
22 person has an unexpired aquatic habitat stamp as prescribed by the  
23 rules and regulations of the commission prior to the time of taking  
24 or possessing a fish, bullfrog, snapping turtle, tiger salamander,  
25 or mussel; and

1           (c) No resident of Nebraska sixteen years of age or  
2 older and no nonresident of Nebraska regardless of age shall hunt,  
3 harvest, or possess any migratory waterfowl unless, at the time  
4 of such hunting, harvesting, or possessing, such person has an  
5 unexpired Nebraska migratory waterfowl stamp as prescribed by the  
6 rules and regulations of the commission prior to the time of  
7 hunting, harvesting, or possessing such migratory waterfowl.

8           ~~(2)~~ (2)(a) The commission may issue a lifetime habitat  
9 stamp upon application and payment of the appropriate fee. The fee  
10 for a lifetime habitat stamp shall be twenty times the fee required  
11 in subsection (5) of this section for an annual habitat stamps.  
12 stamp. Payment of such fee shall be made in a lump sum at the time  
13 of application. A replacement lifetime habitat stamp may be issued  
14 if the original is lost or destroyed. The fee for a replacement  
15 shall be not less than one dollar and fifty cents and not more than  
16 five dollars, as established by the commission.

17           (b) The commission may issue a lifetime Nebraska  
18 migratory waterfowl stamp upon application and payment of the  
19 appropriate fee. The fee for a lifetime Nebraska migratory  
20 waterfowl stamp shall be twenty times the fee required in  
21 subsection (5) of this section for an annual Nebraska migratory  
22 waterfowl stamp. Payment of such fee shall be made in a lump sum at  
23 the time of application. A replacement Nebraska lifetime migratory  
24 waterfowl stamp may be issued if the original is lost or destroyed.  
25 The fee for a replacement shall be not less than one dollar and



1 fifty cents and not more than five dollars, as established by the  
2 commission.

3 (3) The commission may issue a lifetime aquatic habitat  
4 stamp upon application and payment of the appropriate fee. The  
5 fee for a lifetime aquatic habitat stamp shall be not less than  
6 seventy-five dollars and not more than one hundred twenty-five  
7 dollars as established by the commission pursuant to section  
8 37-327. Payment of such fee shall be made in a lump sum at the time  
9 of application. A lifetime aquatic habitat stamp shall not be made  
10 invalid by reason of the holder subsequently residing outside the  
11 state. A replacement lifetime aquatic habitat stamp may be issued  
12 if the original is lost or destroyed. The fee for a replacement  
13 shall not be less than one dollar and fifty cents and not more than  
14 five dollars, as established by the commission.

15 (4) Habitat stamps are not required for holders of  
16 limited permits issued under section 37-455. Aquatic habitat stamps  
17 are not required (a) when a fishing permit is not required,  
18 (b) for holders of permits pursuant to section 37-424, or (c)  
19 for holders of lifetime fishing permits or lifetime combination  
20 hunting and fishing permits purchased prior to January 1, 2006.  
21 Nebraska migratory waterfowl stamps are not required for hunting,  
22 harvesting, or possessing any species other than ducks, geese, or  
23 brant. For purposes of this section, a showing of proof of the  
24 electronic issuance of a stamp by the commission shall fulfill the  
25 requirements of this section.

1           (5) Any person to whom a stamp has been issued shall,  
2 immediately upon request, exhibit evidence of issuance of the  
3 stamp to any officer. Any person hunting, fishing, harvesting,  
4 or possessing any game bird, upland game bird, game animal, or  
5 fur-bearing animal or any aquatic organism requiring a fishing  
6 permit in this state without evidence of issuance of the  
7 appropriate stamp shall be deemed to be without such stamp. A  
8 habitat stamp shall be issued upon the payment of a fee of not  
9 less than thirteen dollars and not more than sixteen dollars per  
10 stamp. An aquatic habitat stamp shall be issued in conjunction  
11 with each fishing permit for a fee of not less than five dollars  
12 and not more than seven dollars and fifty cents per stamp for  
13 annual fishing permits, three-day fishing permits, or combination  
14 hunting and fishing permits and a fee of not less than seventy-five  
15 dollars and not more than one hundred dollars for lifetime fishing  
16 or combination hunting and fishing permits. The fee established  
17 under section 37-407 for a one-day fishing permit shall include an  
18 aquatic habitat stamp. One dollar from the sale of each one-day  
19 fishing permit shall be remitted to the State Treasurer for  
20 credit to the Nebraska Aquatic Habitat Fund. A Nebraska migratory  
21 waterfowl stamp shall be issued upon the payment of a fee of not  
22 less than five dollars and not more than ten dollars per stamp. The  
23 commission shall establish the fees pursuant to section 37-327.

24           Sec. 5. Section 37-427, Revised Statutes Cumulative  
25 Supplement, 2006, is amended to read:

1           37-427 The habitat stamp, aquatic habitat stamp, or  
2 Nebraska migratory waterfowl stamp required by section 37-426 is  
3 not transferable and, except for the lifetime habitat stamp, the  
4 lifetime aquatic habitat stamp, the lifetime Nebraska migratory  
5 waterfowl stamp, and a habitat stamp purchased for a permit which  
6 is valid into the next calendar year, expires at midnight on  
7 December 31 in the year for which the stamp is issued.

8           Sec. 6. Section 37-431, Revised Statutes Cumulative  
9 Supplement, 2006, is amended to read:

10           37-431 (1)(a) The Nebraska Habitat Fund is created.  
11 The commission shall remit fees received for habitat stamps and  
12 Nebraska migratory waterfowl stamps to the State Treasurer for  
13 credit to the Nebraska Habitat Fund. Any money in the fund  
14 available for investment shall be invested by the state investment  
15 officer pursuant to the Nebraska Capital Expansion Act and the  
16 Nebraska State Funds Investment Act. No expenditure shall be made  
17 from the Nebraska Habitat Fund until the commission has presented a  
18 habitat plan to the Committee on Appropriations of the Legislature  
19 for its approval.

20           (b) Fees received for lifetime habitat stamps and  
21 lifetime Nebraska migratory waterfowl stamps shall be credited to  
22 the Nebraska Habitat Fund and shall not be expended but may be  
23 invested by the state investment officer pursuant to the Nebraska  
24 Capital Expansion Act and the Nebraska State Funds Investment Act.  
25 Income from such investments may be expended by the commission

1 pursuant to section 37-432.

2 (2) (a) The Nebraska Aquatic Habitat Fund is created. The  
3 commission shall remit fees received for aquatic habitat stamps and  
4 one dollar of the one-day fishing permit fee as provided in section  
5 37-426 to the State Treasurer for credit to the Nebraska Aquatic  
6 Habitat Fund. Any money in the fund available for investment  
7 shall be invested by the state investment officer pursuant to  
8 the Nebraska Capital Expansion Act and the Nebraska State Funds  
9 Investment Act. No expenditure shall be made from the Nebraska  
10 Aquatic Habitat Fund until the commission has presented a habitat  
11 plan to the Committee on Appropriations and the Committee on  
12 Natural Resources of the Legislature for their approval.

13 (b) Fees received for lifetime aquatic habitat stamps  
14 shall be credited to the Nebraska Aquatic Habitat Fund and shall  
15 not be expended but may be invested by the state investment officer  
16 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
17 State Funds Investment Act. Income from such investments may be  
18 expended by the commission pursuant to section 37-432.

19 (3) The secretary of the commission and any county clerk  
20 or public official designated to sell habitat stamps, aquatic  
21 habitat stamps, or Nebraska migratory waterfowl stamps shall be  
22 liable upon their official bonds or equivalent commercial insurance  
23 policy for failure to remit the money from the sale of the stamps,  
24 as required by sections 37-426 to 37-433, coming into their hands.  
25 Any agent who receives stamp fees and who fails to remit the

1 fees to the commission within a reasonable time after demand by  
2 the commission shall be liable to the commission in damages for  
3 double the amount of the funds wrongfully withheld. Any agent  
4 who purposefully fails to remit such fees with the intention of  
5 converting them is guilty of theft. The penalty for such violation  
6 shall be determined by the amount converted as specified in section  
7 28-518.

8           Sec. 7. Section 37-447, Revised Statutes Cumulative  
9 Supplement, 2006, is amended to read:

10           37-447 (1) The commission may issue permits for the  
11 hunting of deer and prescribe and establish regulations and  
12 limitations for the hunting, transportation, and possession  
13 of deer. The commission may offer multiple-year permits or  
14 combinations of permits at reduced rates. The commission  
15 may specify by regulation the information to be required on  
16 applications for such permits. Regulations and limitations for the  
17 hunting, transportation, and possession of deer may include, but  
18 not be limited to, regulations and limitations as to the type,  
19 caliber, and other specifications of firearms and ammunition used  
20 and specifications for bows and arrows used. Such regulations and  
21 limitations may further specify and limit the method of hunting  
22 deer and may provide for dividing the state into management units  
23 or areas, and the commission may enact different deer hunting  
24 regulations for the different management units pertaining to sex,  
25 species, and age of the deer hunted.

1           (2) The number of such permits may be limited as provided  
2 by the rules and regulations of the commission, and except as  
3 provided in section 37-454, the permits shall be disposed of in  
4 an impartial manner. Whenever the commission deems it advisable to  
5 limit the number of permits issued for any or all management units,  
6 the commission shall, by rules and regulations, determine who shall  
7 be eligible to obtain such permits. In establishing eligibility,  
8 the commission may give preference to persons who did not receive a  
9 permit during the previous year or years.

10           (3) Such permits may be issued to allow deer hunting in  
11 the Nebraska National Forest and other game reserves and such other  
12 areas as the commission may designate whenever the commission deems  
13 that permitting such hunting will not be detrimental to the proper  
14 preservation of wildlife in Nebraska in such forest, reserves, or  
15 areas.

16           (4) The commission shall, pursuant to section 37-327,  
17 establish and charge a fee of not more than twenty-nine dollars  
18 for residents and not more than two hundred fourteen dollars for  
19 nonresidents for each permit issued under this section, except that  
20 the fee for a statewide buck-only permit shall be two and one-half  
21 times the amount of a regular deer permit.

22           (5) The commission may issue nonresident permits after  
23 preference has been given for the issuance of resident permits as  
24 provided in rules and regulations adopted and promulgated by the  
25 commission. The commission may require a predetermined application

1 period for permit applications in specified management units. Such  
2 permits shall be issued after a reasonable period for making  
3 application, as established by the commission, has expired. When  
4 more valid applications are received for a designated management  
5 unit than there are permits available, such permits shall be  
6 allocated on the basis of a random drawing. All valid applications  
7 received during the predetermined application period shall be  
8 considered equally in any such random drawing without regard to  
9 time of receipt of such applications by the commission.

10           Sec. 8. Section 37-449, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           37-449 The commission may issue permits for hunting  
13 antelope and may establish separate and, when necessary, different  
14 regulations therefor within the limitations prescribed in sections  
15 37-447 and 37-452 for hunting deer. The commission may offer  
16 multiple-year permits or combinations of permits at reduced rates.

17 The commission may, pursuant to section 37-327, establish and  
18 charge a nonrefundable application fee of ~~not less than five~~  
19 ~~dollars and~~ not more than seven dollars. The commission shall,  
20 pursuant to section 37-327, establish and charge a fee of ~~not~~  
21 ~~less than twenty-five dollars and~~ not more than twenty-nine dollars  
22 for residents and ~~not less than one hundred thirty dollars and~~  
23 not more than one hundred forty-nine dollars and fifty cents  
24 for nonresidents for each permit issued under this section. The  
25 provisions for the distribution of deer permits and the authority

1 of the commission to determine eligibility of applicants for  
2 permits as described in sections 37-447 and 37-452 shall also apply  
3 to the distribution of antelope permits.

4 Sec. 9. Section 37-450, Revised Statutes Cumulative  
5 Supplement, 2006, is amended to read:

6 37-450 The commission may issue permits for hunting  
7 elk and may establish separate and, when necessary, different  
8 regulations therefor within the limitations prescribed in sections  
9 37-447 and 37-452 for hunting deer. Permits to hunt elk issued  
10 pursuant to this section shall not be issued to nonresidents. The  
11 commission shall, pursuant to section 37-327, establish and charge  
12 a nonrefundable application fee of ~~not less than seven dollars~~  
13 ~~and~~ not more than eight dollars and fifty cents and a fee of  
14 ~~not less than one hundred thirty dollars~~ and not more than one  
15 hundred forty-nine dollars and fifty cents for each elk permit  
16 issued. A person may obtain only one antlered-elk permit in his or  
17 her lifetime except for a limited permit to hunt elk pursuant to  
18 section 37-455. The provisions for the distribution of deer permits  
19 and the authority of the commission to determine eligibility of  
20 applicants for permits as described in sections 37-447 and 37-452  
21 shall also apply to the distribution of elk permits.

22 Sec. 10. Section 37-452, Revised Statutes Cumulative  
23 Supplement, 2006, is amended to read:

24 37-452 No person shall be issued a permit to hunt deer,  
25 antelope, elk, ~~wild turkey~~, or mountain sheep unless such person



1 is at least twelve years of age, except that any person who is  
2 twelve through fifteen years of age shall only hunt deer, antelope,  
3 elk, ~~wild turkey~~, or mountain sheep when accompanied by a person  
4 twenty-one years of age or over having a valid hunting permit.

5 Sec. 11. Section 37-457, Revised Statutes Cumulative  
6 Supplement, 2006, is amended to read:

7 37-457 (1) The commission may issue permits for hunting  
8 wild turkey and prescribe and establish regulations and limitations  
9 for the hunting, transportation, and possession of wild turkey.  
10 The commission may offer multiple-year permits or combinations of  
11 permits at reduced rates. The number of such permits may be limited  
12 as provided by the regulations of the commission, but the permits  
13 shall be disposed of in an impartial manner. Such permits may be  
14 issued to allow wild turkey hunting in the Nebraska National Forest  
15 and other game reserves and such other areas as the commission  
16 may designate whenever the commission deems that permitting such  
17 hunting would not be detrimental to the proper preservation of  
18 wildlife in such forest, reserves, or areas.

19 (2) The commission shall, pursuant to section 37-327,  
20 establish and charge a fee of ~~not less than twenty dollars and~~  
21 not more than twenty-three dollars for residents and ~~not less~~  
22 ~~than eighty-five dollars and~~ not more than ninety-five dollars for  
23 nonresidents for each permit issued under this section.

24 (3) The commission may issue nonresident permits after  
25 preference has been given for the issuance of resident permits as

1 provided in rules and regulations adopted and promulgated by the  
2 commission. The commission may require a predetermined application  
3 period for permit applications in specified management units.

4 (4) The provisions of section 37-447 for the distribution  
5 of deer permits also ~~shall~~ may apply to the distribution of wild  
6 turkey permits. No permit to hunt wild turkey shall be issued  
7 without payment of the fee required by this section.

8 Sec. 12. Section 37-4,111, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 37-4,111 The commission may adopt and promulgate rules  
11 and regulations to ~~permit~~ provide for the issuance of permits for  
12 the taking of paddlefish. The commission may, pursuant to section  
13 37-327, establish and charge a ~~nonrefundable application fee of not~~  
14 ~~less than five dollars and not more than ten dollars.~~ Permits, as  
15 authorized by the commission, shall be awarded by random drawing to  
16 eligible applicants. No permit fee shall be charged in addition to  
17 the nonrefundable application fee. fee of not more than thirty-five  
18 dollars. All fees collected under this section shall be remitted to  
19 the State Treasurer for credit to the State Game Fund.

20 Sec. 13. Section 37-513, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 37-513 (1) It shall be unlawful to shoot at any wildlife  
23 from any highway or roadway, which includes that area of land from  
24 the center of the traveled surface to the right-of-way on either  
25 side. Any person violating this ~~section~~ subsection shall be guilty

1 of a Class III misdemeanor and shall be fined at least fifty  
2 dollars.

3 (2) (a) It shall be unlawful to trap any wildlife in the  
4 county road right-of-way.

5 (b) For purposes of this subsection, county road  
6 right-of-way means the area which has been designated a part of the  
7 county road system and which has not been vacated pursuant to law.

8 Sec. 14. Section 37-527, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 37-527 (1) For purposes of this section, hunter orange  
11 means a daylight fluorescent orange color with a dominant wave  
12 length between five hundred ninety-five and six hundred five  
13 nanometers, an excitation purity of not less than eighty-five  
14 percent, and a luminance factor of not less than forty percent.

15 (2) Any person hunting deer, antelope, wild turkey, elk,  
16 or mountain sheep during an authorized firearm season in this state  
17 shall display on his or her head, chest, and back a total of not  
18 less than four hundred square inches of hunter orange material  
19 except as exempted by rules and regulations of the commission.

20 (3) Any person who violates this section shall be guilty  
21 of a Class V misdemeanor.

22 (4) This section shall not apply to archery hunters  
23 hunting during a non-center-fire firearm season or in a management  
24 unit where a current center-fire firearm season is not open. The  
25 commission may adopt and promulgate rules and regulations allowing

1 additional exceptions.

2           Sec. 15. Section 37-548, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           37-548 (1) It shall be unlawful for any person to import  
5 into the state or release to the wild any live wildlife including  
6 the viable gametes, eggs or sperm, except those which are approved  
7 by rules and regulations of the commission or as otherwise provided  
8 in the Game Law. It shall be unlawful to commercially exploit or  
9 export from the state any dead or live wildlife taken from the wild  
10 except those which are exempted by rules and regulations of the  
11 commission. Any person violating this subsection shall be guilty of  
12 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 wildlife which may  
18 be released or imported into the state and (b) the wildlife taken  
19 from the wild which may be commercially exploited or exported from  
20 the state. The rules and regulations for release, importation,  
21 commercial exploitation, and exportation of species other than  
22 commercial fish and bait fish shall include, but not be limited to,  
23 requirements for annual permits for release or importation or for  
24 commercial exploitation or exportation, permit fees, the number of  
25 individual animals of a particular species that may be released,

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

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

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

1 section.

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

10 Sec. 16. Section 37-614, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 37-614 (1) When a person pleads guilty to or is convicted  
13 of any violation listed in this subsection, the court shall, in  
14 addition to any other penalty, revoke and require the immediate  
15 surrender of all permits to hunt, fish, and harvest fur held by  
16 such person and suspend the privilege of such person to hunt,  
17 fish, and harvest fur and to purchase such permits for a period  
18 of not less than one nor more than three years. The court shall  
19 consider the number and severity of the violations of the Game Law  
20 in determining the length of the revocation and suspension. The  
21 violations shall be:

22 (a) Carelessly or purposely killing or causing injury to  
23 livestock with a firearm or bow and arrow;

24 (b) Purposely taking or having in his or her possession  
25 a number of game animals, game fish, game birds, or fur-bearing

1 animals exceeding twice the limit established pursuant to section  
2 37-314;

3 (c) Taking any species of wildlife protected by the Game  
4 Law during a closed season in violation of section 37-502;

5 (d) Resisting or obstructing any officer or any employee  
6 of the commission in the discharge of his or her lawful duties in  
7 violation of section 37-609; and

8 (e) Being a habitual offender of the Game Law.

9 (2) When a person pleads guilty to or is convicted of any  
10 violation listed in this subsection, the court may, in addition to  
11 any other penalty, revoke and require the immediate surrender of  
12 all permits to hunt, fish, and harvest fur held by such person and  
13 suspend the privilege of such person to hunt, fish, and harvest  
14 fur and to purchase such permits for a period of not less than  
15 one nor more than three years. The court shall consider the number  
16 and severity of the violations of the Game Law in determining the  
17 length of the revocation and suspension. The violations shall be:

18 (a) Hunting, fishing, or fur harvesting without a permit  
19 in violation of section 37-411;

20 (b) Hunting from a vehicle, aircraft, or boat in  
21 violation of section 37-513, 37-514, 37-515, 37-535, or 37-538;  
22 and

23 (c) Trapping wildlife in the county right-of-way in  
24 violation of section 37-513; and

25 ~~(e)~~ (d) Knowingly taking any wildlife on private land

1 without permission in violation of section 37-722.

2 (3) When a person pleads guilty to or is convicted of  
3 any violation of the Game Law or the rules and regulations of the  
4 commission not listed in subsection (1) or (2) of this section, the  
5 court may, in addition to any other penalty, revoke and require  
6 the immediate surrender of all permits to hunt, fish, and harvest  
7 fur held by such person and suspend the privilege of such person  
8 to hunt, fish, and harvest fur and to purchase such permits for a  
9 period of one year.

10 Sec. 17. Section 37-803, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 37-803 The Legislature finds and declares:

13 (1) That it is the policy of this state to conserve  
14 species of wildlife for human enjoyment, for scientific purposes,  
15 and to insure their perpetuation as viable components of their  
16 ecosystems;

17 (2) That species of wildlife and wild plants normally  
18 occurring within this state which may be found to be threatened or  
19 endangered within this state shall be accorded such protection as  
20 is necessary to maintain and enhance their numbers;

21 (3) That this state shall assist in the protection of  
22 species of wildlife and wild plants which are determined to be  
23 threatened or endangered elsewhere pursuant to the Endangered  
24 Species Act by prohibiting the taking, possession, transportation,  
25 exportation from this state, processing, sale or offer for sale,



1 or shipment within this state of such endangered species and by  
2 carefully regulating such activities with regard to such threatened  
3 species. Exceptions to such prohibitions, for the purpose of  
4 enhancing the conservation of such species, may be permitted as set  
5 forth in the Nongame and Endangered Species Conservation Act; and

6 (4) That any funding for the conservation of nongame,  
7 threatened, and endangered species shall be made available to  
8 the commission from General Fund appropriations, the ~~Nongame and~~  
9 ~~Endangered Species~~ Wildlife Conservation Fund, or other sources of  
10 revenue not deposited in the State Game Fund.

11 Sec. 18. Section 37-811, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 37-811 There is hereby created the ~~Nongame and Endangered~~  
14 ~~Species~~ Wildlife Conservation Fund. The fund shall be used  
15 to assist in carrying out the Nongame and Endangered Species  
16 Conservation Act, to pay for research into and management of  
17 the ecological effects of the release, importation, commercial  
18 exploitation, and exportation of wildlife species pursuant to  
19 section 37-548, and to pay any expenses incurred by the Department  
20 of Revenue or any other agency in the administration of the  
21 income tax designation program required by section 77-27,119.01.  
22 Money shall be transferred into such fund from the General Fund  
23 by the State Treasurer in an amount to be determined by the  
24 Tax Commissioner which shall be equal to the total amount of  
25 contributions designated pursuant to section 77-27,119.01. Any

1 money in the ~~Nongame and Endangered Species~~ Wildlife Conservation  
2 Fund available for investment shall be invested by the state  
3 investment officer pursuant to the Nebraska Capital Expansion Act  
4 and the Nebraska State Funds Investment Act. Money remaining in the  
5 Nongame and Endangered Species Conservation Fund on the effective  
6 date of this act shall be transferred to the Wildlife Conservation  
7 Fund on such date.

8           Sec. 19. Section 77-27,119.01, Reissue Revised Statutes  
9 of Nebraska, is amended to read:

10           77-27,119.01 The Tax Commissioner shall include on the  
11 individual income tax return form space in which the individual  
12 taxpayer may, if a refund is due, designate one dollar or a  
13 greater amount of such refund as a contribution to the ~~Nongame and~~  
14 ~~Endangered Species~~ Wildlife Conservation Fund created in section  
15 37-811.

16           Sec. 20. Original sections 37-406, 37-414, 37-449,  
17 37-4,111, 37-513, 37-527, 37-548, 37-614, 37-803, 37-811, and  
18 77-27,119.01, Reissue Revised Statutes of Nebraska, and sections  
19 37-407, 37-426, 37-427, 37-431, 37-447, 37-450, 37-452, and 37-457,  
20 Revised Statutes Cumulative Supplement, 2006, are repealed.