

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 299

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, 37-527, 37-548, 37-803, 37-811,
3 and 77-27,119.01, Reissue Revised Statutes of Nebraska,
4 and sections 37-407, 37-426, 37-427, 37-431, 37-447,
5 37-450, 37-452, and 37-457, Revised Statutes Cumulative
6 Supplement, 2006; to change provisions relating to
7 licenses, permits, stamps, and fees; to provide for a
8 lifetime Nebraska migratory waterfowl stamp; to change
9 and eliminate provisions relating to hunting wild turkey;
10 to rename a fund; to harmonize provisions; and to repeal
11 the original sections.

12 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 and December 31 of the
23 same calendar year and limited to one special two-day permit per
24 applicant per year, as follows:

25 (1) Resident fees shall be (a) ~~not less than eleven~~

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

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

1 and (f) ~~not less than forty dollars and~~ not more than forty-nine
2 dollars and fifty cents for an annual fishing permit.

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

5 37-414 (1) The commission shall establish and administer
6 a bow hunter education program consisting of a minimum of (a)
7 ten hours of classroom instruction or (b) independent study on
8 the part of the student sufficient to pass an examination given
9 by the commission followed by such student's participation in a
10 minimum of four hours of practical instruction. The program shall
11 provide instruction in the safe use of bow hunting equipment, the
12 fundamentals of bow hunting, shooting and hunting techniques, game
13 identification, conservation management, and hunter ethics. When
14 establishing such a program, the commission shall train volunteers
15 as bow hunter education training instructors. The commission shall
16 issue a certificate of successful completion to any person who
17 satisfactorily completes a bow hunter education program established
18 by the commission and shall print, purchase, or otherwise acquire
19 materials necessary for effective program operation. The commission
20 shall adopt and promulgate rules and regulations for carrying out
21 and administering such program.

22 (2) A person born on or after January 1, 1977, who is
23 hunting antelope, deer, elk, or mountain sheep, ~~or wild turkey~~ with
24 a bow and arrow pursuant to any provision of sections 37-447 to
25 37-453 ~~and 37-457~~ shall have on his or her person a bow hunter

1 education certificate of successful completion issued by his or
2 her state or province of residence or a bow hunter education
3 certificate issued by an accredited program recognized by the
4 commission.

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

7 37-426 (1) Except as provided in subsection (4) of this
8 section:

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

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

25 (c) No resident of Nebraska sixteen years of age or

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

7 ~~(2)~~ (2)(a) The commission may issue a lifetime habitat
8 stamp upon application and payment of the appropriate fee. The fee
9 for a lifetime habitat stamp shall be twenty times the fee required
10 in subsection (5) of this section for an annual habitat stamps.
11 stamp. Payment of such fee shall be made in a lump sum at the time
12 of application. A replacement lifetime habitat stamp may be issued
13 if the original is lost or destroyed. The fee for a replacement
14 shall be not less than one dollar and fifty cents and not more than
15 five dollars, as established by the commission.

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

1 commission.

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

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

25 (5) Any person to whom a stamp has been issued shall,

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

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

25 37-427 The habitat stamp, aquatic habitat stamp, or

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

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

9 37-431 (1)(a) The Nebraska Habitat Fund is created.
10 The commission shall remit fees received for habitat stamps and
11 Nebraska migratory waterfowl stamps to the State Treasurer for
12 credit to the Nebraska Habitat Fund. Any money in the fund
13 available for investment shall be invested by the state investment
14 officer pursuant to the Nebraska Capital Expansion Act and the
15 Nebraska State Funds Investment Act. No expenditure shall be made
16 from the Nebraska Habitat Fund until the commission has presented a
17 habitat plan to the Committee on Appropriations of the Legislature
18 for its approval.

19 (b) Fees received for lifetime habitat stamps and
20 lifetime Nebraska migratory waterfowl stamps shall be credited to
21 the Nebraska Habitat Fund and shall not be expended but may be
22 invested by the state investment officer pursuant to the Nebraska
23 Capital Expansion Act and the Nebraska State Funds Investment Act.
24 Income from such investments may be expended by the commission
25 pursuant to section 37-432.

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

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

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

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

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

9 37-447 (1) The commission may issue permits for the
10 hunting of deer and prescribe and establish regulations and
11 limitations for the hunting, transportation, and possession
12 of deer. The commission may offer multiple-year permits or
13 combinations of permits at reduced rates. The commission
14 may specify by regulation the information to be required on
15 applications for such permits. Regulations and limitations for the
16 hunting, transportation, and possession of deer may include, but
17 not be limited to, regulations and limitations as to the type,
18 caliber, and other specifications of firearms and ammunition used
19 and specifications for bows and arrows used. Such regulations and
20 limitations may further specify and limit the method of hunting
21 deer and may provide for dividing the state into management units
22 or areas, and the commission may enact different deer hunting
23 regulations for the different management units pertaining to sex,
24 species, and age of the deer hunted.

25 (2) The number of such permits may be limited as provided

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

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

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

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

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

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

11 37-449 The commission may issue permits for hunting
12 antelope and may establish separate and, when necessary, different
13 regulations therefor within the limitations prescribed in sections
14 37-447 and 37-452 for hunting deer. The commission may offer
15 multiple-year permits or combinations of permits at reduced rates.

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

1 permits as described in sections 37-447 and 37-452 shall also apply
2 to the distribution of antelope permits.

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

5 37-450 The commission may issue permits for hunting
6 elk and may establish separate and, when necessary, different
7 regulations therefor within the limitations prescribed in sections
8 37-447 and 37-452 for hunting deer. Permits to hunt elk issued
9 pursuant to this section shall not be issued to nonresidents. The
10 commission shall, pursuant to section 37-327, establish and charge
11 a nonrefundable application fee of ~~not less than seven dollars~~
12 ~~and~~ not more than eight dollars and fifty cents and a fee of
13 ~~not less than one hundred thirty dollars~~ and not more than one
14 hundred forty-nine dollars and fifty cents for each elk permit
15 issued. A person may obtain only one antlered-elk permit in his or
16 her lifetime except for a limited permit to hunt elk pursuant to
17 section 37-455. The provisions for the distribution of deer permits
18 and the authority of the commission to determine eligibility of
19 applicants for permits as described in sections 37-447 and 37-452
20 shall also apply to the distribution of elk permits.

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

23 37-452 No person shall be issued a permit to hunt deer,
24 antelope, elk, ~~wild turkey~~, or mountain sheep unless such person
25 is at least twelve years of age, except that any person who is

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

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

6 37-457 (1) The commission may issue permits for hunting
7 wild turkey and prescribe and establish regulations and limitations
8 for the hunting, transportation, and possession of wild turkey.
9 The commission may offer multiple-year permits or combinations of
10 permits at reduced rates. The number of such permits may be limited
11 as provided by the regulations of the commission, but the permits
12 shall be disposed of in an impartial manner. Such permits may be
13 issued to allow wild turkey hunting in the Nebraska National Forest
14 and other game reserves and such other areas as the commission
15 may designate whenever the commission deems that permitting such
16 hunting would not be detrimental to the proper preservation of
17 wildlife in such forest, reserves, or areas.

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

23 (3) The commission may issue nonresident permits after
24 preference has been given for the issuance of resident permits as
25 provided in rules and regulations adopted and promulgated by the

1 commission. The commission may require a predetermined application
2 period for permit applications in specified management units.

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

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

9 37-4,111 The commission may adopt and promulgate rules
10 and regulations to ~~permit~~ provide for the issuance of permits for
11 the taking of paddlefish. The commission may, pursuant to section
12 37-327, establish and charge a ~~nonrefundable application fee of not~~
13 ~~less than five dollars and not more than ten dollars.~~ Permits, as
14 authorized by the commission, shall be awarded by random drawing to
15 eligible applicants. No permit fee shall be charged in addition to
16 the nonrefundable application fee. fee of not more than thirty-five
17 dollars. All fees collected under this subsection shall be remitted
18 to the State Treasurer for credit to the State Game Fund.

19 Sec. 13. Section 37-527, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 37-527 (1) For purposes of this section, hunter orange
22 means a daylight fluorescent orange color with a dominant wave
23 length between five hundred ninety-five and six hundred five
24 nanometers, an excitation purity of not less than eighty-five
25 percent, and a luminance factor of not less than forty percent.

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

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

8 (4) This section shall not apply to archery hunters
9 hunting during a non-center-fire firearm season or in a management
10 unit where a current center-fire firearm season is not open. The
11 commission may adopt and promulgate rules and regulations allowing
12 additional exceptions.

13 Sec. 14. Section 37-548, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 37-548 (1) It shall be unlawful for any person to import
16 into the state or release to the wild any live wildlife including
17 the viable gametes, eggs or sperm, except those which are approved
18 by rules and regulations of the commission or as otherwise provided
19 in the Game Law. It shall be unlawful to commercially exploit or
20 export from the state any dead or live wildlife taken from the wild
21 except those which are exempted by rules and regulations of the
22 commission. Any person violating this subsection shall be guilty of
23 a Class III misdemeanor.

24 (2) The commission shall adopt and promulgate rules
25 and regulations to carry out subsection (1) of this section.

1 In adopting such rules and regulations, the commission shall
2 be governed by the Administrative Procedure Act. Such rules and
3 regulations shall include a listing of (a) the wildlife which may
4 be released or imported into the state and (b) the wildlife taken
5 from the wild which may be commercially exploited or exported from
6 the state. The rules and regulations for release, importation,
7 commercial exploitation, and exportation of species other than
8 commercial fish and bait fish shall include, but not be limited to,
9 requirements for annual permits for release or importation or for
10 commercial exploitation or exportation, permit fees, the number of
11 individual animals of a particular species that may be released,
12 imported, collected, or exported under a permit, and the manner
13 and location of release or collection of a particular species.
14 The rules and regulations may be amended, modified, or repealed
15 from time to time, based upon investigation and the best available
16 scientific, commercial, or other reliable data.

17 (3) The commission shall establish permit fees as
18 required by subsection (2) of this section to cover the cost of
19 permit processing and enforcement of the permits and research into
20 and management of the ecological effects of release, importation,
21 commercial exploitation, and exportation. The commission shall
22 remit the fees to the State Treasurer for credit to the ~~Nongame and~~
23 ~~Endangered Species Wildlife Conservation~~ Fund.

24 (4) The commission may determine that the release,
25 importation, commercial exploitation, or exportation of wildlife

1 causes economic or ecologic harm by utilizing the best available
2 scientific, commercial, and other reliable data after consultation,
3 as appropriate, with federal agencies, other interested state and
4 county agencies, and interested persons and organizations.

5 (5) The commission shall, upon its own recommendation or
6 upon the petition of any person who presents to the commission
7 substantial evidence as to whether such additional species will or
8 will not cause ecologic or economic harm, conduct a review of any
9 listed or unlisted species proposed to be removed from or added to
10 the list published pursuant to subdivision (2)(a) of this section.
11 The review shall be conducted pursuant to subsection (4) of this
12 section.

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

21 Sec. 15. Section 37-803, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 37-803 The Legislature finds and declares:

24 (1) That it is the policy of this state to conserve
25 species of wildlife for human enjoyment, for scientific purposes,

1 and to insure their perpetuation as viable components of their
2 ecosystems;

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

7 (3) That this state shall assist in the protection of
8 species of wildlife and wild plants which are determined to be
9 threatened or endangered elsewhere pursuant to the Endangered
10 Species Act by prohibiting the taking, possession, transportation,
11 exportation from this state, processing, sale or offer for sale,
12 or shipment within this state of such endangered species and by
13 carefully regulating such activities with regard to such threatened
14 species. Exceptions to such prohibitions, for the purpose of
15 enhancing the conservation of such species, may be permitted as set
16 forth in the Nongame and Endangered Species Conservation Act; and

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

22 Sec. 16. Section 37-811, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 37-811 There is hereby created the ~~Nongame and Endangered~~
25 ~~Species Wildlife~~ Conservation Fund. The fund shall be used

1 to assist in carrying out the Nongame and Endangered Species
2 Conservation Act, to pay for research into and management of
3 the ecological effects of the release, importation, commercial
4 exploitation, and exportation of wildlife species pursuant to
5 section 37-548, and to pay any expenses incurred by the Department
6 of Revenue or any other agency in the administration of the
7 income tax designation program required by section 77-27,119.01.
8 Money shall be transferred into such fund from the General Fund
9 by the State Treasurer in an amount to be determined by the
10 Tax Commissioner which shall be equal to the total amount of
11 contributions designated pursuant to section 77-27,119.01. Any
12 money in the Nongame and Endangered Species Wildlife Conservation
13 Fund available for investment shall be invested by the state
14 investment officer pursuant to the Nebraska Capital Expansion Act
15 and the Nebraska State Funds Investment Act. Money remaining in the
16 Nongame and Endangered Species Conservation Fund on the effective
17 date of this act shall be transferred to the Wildlife Conservation
18 Fund on such date.

19 Sec. 17. Section 77-27,119.01, Reissue Revised Statutes
20 of Nebraska, is amended to read:

21 77-27,119.01 The Tax Commissioner shall include on the
22 individual income tax return form space in which the individual
23 taxpayer may, if a refund is due, designate one dollar or a
24 greater amount of such refund as a contribution to the ~~Nongame and~~
25 ~~Endangered Species~~ Wildlife Conservation Fund created in section

1 37-811.

2 Sec. 18. Original sections 37-406, 37-414, 37-449,
3 37-4,111, 37-527, 37-548, 37-803, 37-811, and 77-27,119.01, Reissue
4 Revised Statutes of Nebraska, and sections 37-407, 37-426, 37-427,
5 37-431, 37-447, 37-450, 37-452, and 37-457, Revised Statutes
6 Cumulative Supplement, 2006, are repealed.