

AMENDMENTS TO LB 105

Introduced by Langemeier, 23.

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Section 28-1335, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           28-1335 A person commits a Class III misdemeanor if  
6 such person discharges any firearm or weapon using any form of  
7 compressed gas as a propellant from any public highway, road,  
8 or bridge in this state, unless otherwise allowed by statute.  
9 Upon conviction, the mandatory minimum fine shall be one hundred  
10 dollars.

11          Sec. 2. Section 37-201, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13          37-201 Sections 37-201 to 37-811 and section 33 of this  
14 act shall be known and may be cited as the Game Law.

15          Sec. 3. Section 37-314, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17          37-314 (1) The commission may, in accordance with  
18 the Game Law, other provisions of law, and lawful rules and  
19 regulations, fix, prescribe, and publish rules and regulations as  
20 to open seasons and closed seasons, either permanent or temporary,  
21 as to conservation orders or similar wildlife management activities  
22 authorized by the United States Fish and Wildlife Service, as to  
23 bag limits or the methods or type, kind, and specifications of

1 hunting, fur-harvesting, or fishing gear used in the taking of any  
2 game, game fish, nongame fish, game animals, fur-bearing animals,  
3 or game birds, as to the age, sex, species, or area of the state in  
4 which any game, game fish, nongame fish, game animals, fur-bearing  
5 animals, or game birds may be taken, or as to the taking of any  
6 particular kinds, species, or sizes of game, game fish, nongame  
7 fish, game animals, fur-bearing animals, and game birds in any  
8 designated waters or areas of this state after due investigation  
9 and having due regard to the distribution, abundance, economic  
10 value, breeding habits, migratory habits, and causes of depletion  
11 or extermination of the same in such designated waters or areas and  
12 having due regard to the volume of the hunting, fur harvesting,  
13 and fishing practiced therein and the climatic, seasonal, and other  
14 conditions affecting the protection, preservation, and propagation  
15 of the same in such waters or areas. Such rules and regulations may  
16 be amended, modified, or repealed from time to time, subject to  
17 such limitations and standards, and such rules and regulations and  
18 all amendments, modifications, and repeals thereof shall be based  
19 upon investigation and available but reliable data relative to such  
20 limitations and standards.

21 (2) Each such rule, regulation, amendment, modification,  
22 and repeal shall specify the date when it shall become effective  
23 and while it remains in effect shall have the force and effect of  
24 law.

25 (3) Regardless of the provisions of this section or  
26 of other sections of the Game Law which empower the commission  
27 to set seasons on game birds, fish, or animals or provide the

1 means and method by which such seasons are set or promulgated and  
2 regardless of the provisions of the Administrative Procedure Act,  
3 the commission may close or reopen any open season previously set  
4 on game birds, fish, or animals in all or any specific portion of  
5 the state. The commission shall only close or reopen such seasons  
6 by majority vote at a valid special meeting called under section  
7 37-104 and other provisions of statutes regarding the holding  
8 of public meetings. Any closing or reopening of an open season  
9 previously set by the commission shall not be effective for at  
10 least twenty-four hours after such action by the commission. The  
11 commission shall make every effort to make available to all forms  
12 of the news media the information on any opening or closing of  
13 any open season on game birds, fish, or animals previously set.  
14 The commission may only use this special provision allowing the  
15 commission to open or close game bird, fish, or animal seasons  
16 previously set in emergency situations in which the continuation  
17 of the open season would result in grave danger to human life  
18 or property. The commission may also close or reopen any season  
19 established by a conservation order under the same provisions  
20 pertaining to closing and reopening seasons in this section.

21 (4) Any person violating the rules and regulations  
22 adopted and promulgated pursuant to this section shall be guilty  
23 of a Class III misdemeanor and shall be fined at least one hundred  
24 dollars upon conviction.

25 Sec. 4. Section 37-327, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 37-327 (1) The commission shall establish fees for

1 licenses, permits, stamps, bands, registrations, and certificates  
2 issued under the Game Law and the State Boat Act and shall  
3 establish the fee required by section 37-562 as provided in such  
4 law, act, and section. The commission shall not increase any  
5 fee more than six percent ~~in any one~~ per year, except that if  
6 a fee has not been increased by such percentage in a ~~prior~~  
7 ~~year after 1993~~, the immediately preceding year, the difference  
8 between a six percent increase and the actual percentage increase  
9 in such ~~prior~~ preceding year may be added to the percentage  
10 increase in a ~~subsequent~~ the following year. Such fees shall  
11 be collected and disposed of as provided in such law, act, and  
12 section. The commission shall, as provided in such law, act, and  
13 section, establish issuance fees to be retained by authorized  
14 agents of such licenses, permits, stamps, bands, registrations, and  
15 certificates under such law, act, and section. The commission shall  
16 establish such fees by the adoption and promulgation of rules and  
17 regulations.

18 (2) Prior to establishing any fee, the commission shall,  
19 at least thirty days prior to the hearing required in section  
20 84-907, make the following information available for public review:

21 (a) The commission's policy on the minimum cash balance  
22 to be maintained in the fund in which the revenue from the fee  
23 being established is deposited and the justification in support of  
24 such policy;

25 (b) Monthly estimates of cash fund revenue, expenditures,  
26 and ending balances for the current fiscal year and the following  
27 two fiscal years for the fund in which the revenue from the fee

1 being established is deposited. Estimates shall be prepared for  
2 both the current fee schedule and the proposed fee schedule; and

3 (c) A statement of the reasons for establishing the fee  
4 at the proposed level.

5 (3) The commission may adopt and promulgate rules and  
6 regulations to establish fees for expired licenses, permits,  
7 stamps, bands, registrations, and certificates issued under the  
8 Game Law and the State Boat Act. The commission shall collect the  
9 fees and remit them to the State Treasurer for credit to the State  
10 Game Fund.

11 Sec. 5. Section 37-407, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 37-407 The commission may offer multiple-year permits or  
14 combinations of permits at reduced rates and may establish fees  
15 pursuant to section 37-327 to be paid to the state for resident  
16 and nonresident hunting permits, annual fishing permits, three-day  
17 fishing permits, one-day fishing permits, combination hunting and  
18 fishing permits, fur-harvesting permits, and nonresident special  
19 two-day hunting permits issued for periods of two consecutive days  
20 between the Wednesday immediately preceding Thanksgiving Day and  
21 December 31 of the same calendar year and limited to one special  
22 two-day permit per applicant per year, as follows:

23 (1) Resident fees shall be (a) not more than thirteen  
24 dollars for hunting, (b) not more than seventeen dollars and fifty  
25 cents for fishing, (c) not more than eleven dollars and fifty cents  
26 for a three-day fishing permit, (d) not more than eight dollars for  
27 a one-day fishing permit, (e) not more than twenty-nine dollars for

1 both fishing and hunting, and (f) not more than twenty dollars for  
2 fur harvesting; and

3 (2) Nonresident fees shall be (a) not more than two  
4 hundred sixty dollars for a period of time specified by the  
5 commission for fur harvesting one thousand or less fur-bearing  
6 animals and not more than seventeen dollars and fifty cents  
7 additional for each one hundred or part of one hundred fur-bearing  
8 animals harvested, (b)(i) for persons sixteen years of age and  
9 older, not more than eighty dollars for hunting and (ii) for  
10 persons under sixteen years of age, not less than the fee required  
11 pursuant to subdivision (1)(a) of this section for hunting, (c) not  
12 more than thirty-five dollars for a special two-day hunting permit  
13 plus the cost of a habitat stamp, (d) not more than nine dollars  
14 for a one-day fishing permit, (e) not more than sixteen dollars and  
15 fifty cents for a three-day fishing permit, ~~and~~ (f) not more than  
16 forty-nine dollars and fifty cents for an annual fishing permit,  
17 and (g)(i) for persons sixteen years of age and older, not more  
18 than one hundred fifty dollars for both fishing and hunting and  
19 (ii) for persons under sixteen years of age, not less than the fee  
20 required pursuant to subdivision (1)(e) of this section for both  
21 fishing and hunting.

22 Sec. 6. Section 37-410, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 37-410 (1) It shall be unlawful ~~(1)~~ (a) for any person  
25 who has been issued a permit under the Game Law to lend or transfer  
26 his or her permit to another or for any person to borrow or use the  
27 permit of another, ~~(2)~~ (b) for any person to procure a permit under

1 an assumed name or to falsely state the place of his or her legal  
2 residence or make any other false statement in securing a permit,  
3 ~~(3)~~ (c) for any person to knowingly issue or aid in securing a  
4 permit under the Game Law for any person not legally entitled  
5 thereto, ~~(4)~~ (d) for any person disqualified for a permit to hunt,  
6 fish, or harvest fur with or without a permit during any period  
7 when such right has been forfeited or for which his or her permit  
8 has been revoked by the commission, or ~~(5)~~ (e) for any nonresident  
9 under the age of sixteen years to receive a permit to harvest fur  
10 from any fur-bearing animal under the Game Law without presenting  
11 a written request therefor signed by his or her father, mother, or  
12 guardian.

13 (2) All children who are residents of the State of  
14 Nebraska and are under sixteen years of age shall not be required  
15 to have a permit to hunt, harvest fur, or fish.

16 (3) Any person violating subdivision (1) (a), (b), (c), or  
17 (d) of this section shall be guilty of a Class II misdemeanor and,  
18 upon conviction, shall be fined at least one hundred dollars for  
19 violations involving a fishing permit, at least one hundred fifty  
20 dollars for violations involving a small game, fur-harvesting,  
21 paddlefish, or deer permit, at least two hundred fifty dollars  
22 for violations involving an antelope permit, at least five hundred  
23 dollars for violations involving an elk permit, and at least one  
24 thousand dollars for violations involving a mountain sheep permit.  
25 Any person violating subdivision (1) (e) of this section shall be  
26 guilty of a Class III misdemeanor and shall be fined at least  
27 seventy-five dollars. Any ~~7~~ and any permits purchased or used in

1 violation of this section shall be confiscated by the court.

2           Sec. 7. Section 37-411, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           37-411 (1) Unless issued a permit as required in the Game  
5 Law, it shall be unlawful:

6           (a) For any resident of Nebraska who is sixteen years  
7 of age or older or any nonresident of Nebraska to engage in fur  
8 harvesting or possess any fur-bearing animal or raw fur, except  
9 that a person may possess a fur-bearing animal or raw fur for  
10 up to ten days after expiration of a valid permit. Nonresident  
11 fur-harvesting permits may be issued only to residents of states  
12 which issue similar permits to residents of Nebraska;

13           (b) For any resident of Nebraska who is sixteen years of  
14 age or older or any nonresident of Nebraska to hunt or possess any  
15 kind of game birds, game animals, or crows;

16           (c) For any person who is sixteen years of age or older  
17 to hunt or possess any migratory waterfowl without a federal  
18 migratory bird hunting stamp and a Nebraska migratory waterfowl  
19 stamp as required under the Game Law and rules and regulations of  
20 the commission; or

21           (d) For any person who is sixteen years of age or  
22 older to take any kind of fish, bullfrog, snapping turtle, tiger  
23 salamander, or mussel from the waters of this state or possess the  
24 same except as provided in section 37-402. All nonresident anglers  
25 under sixteen years of age shall be accompanied by a person who has  
26 a valid fishing permit.

27           (2) It shall be unlawful for a nonresident to hunt or



1 possess any kind of game birds or game animals, to take any kind  
2 of fish, mussel, turtle, or amphibian, or to harvest fur with a  
3 resident permit illegally obtained.

4 (3) It shall be unlawful for anyone to do or attempt to  
5 do any other thing for which a permit is required by the Game Law  
6 without first obtaining such permit and paying the fee required.

7 (4) Any nonresident who hunts or has in his or her  
8 possession any wild mammal or wild bird shall first have a  
9 nonresident hunting permit as required under the Game Law and rules  
10 and regulations of the commission.

11 (5) Any nonresident who takes or has in his or her  
12 possession any wild turtle, mussel, or amphibian shall first have a  
13 nonresident fishing permit as required under the Game Law and rules  
14 and regulations of the commission.

15 (6) Except as provided in this section and sections  
16 37-407 and 37-418, it shall be unlawful for any nonresident to trap  
17 or attempt to trap or to harvest fur or attempt to harvest fur from  
18 any wild mammal.

19 ~~(7) It shall be unlawful for anyone to lure or entice~~  
20 ~~wildlife into a domesticated cervine animal facility for the~~  
21 ~~purpose of containing such wildlife.~~

22 ~~(8)-(a)~~ (7)(a) Any person violating this section shall  
23 be guilty of a Class II misdemeanor and, upon conviction, shall  
24 be fined at least ~~seventy-five dollars,~~ fifty dollars for failure  
25 to hold the appropriate stamp under subdivision (1)(c) of this  
26 section, at least one hundred dollars for failure to hold a fishing  
27 permit, at least one hundred fifty dollars for failure to hold a

1 small game, fur-harvesting, paddlefish, or deer permit, at least  
2 two hundred fifty dollars for failure to hold an antelope permit,  
3 at least five hundred dollars for failure to hold an elk permit,  
4 and at least one thousand dollars for failure to hold a mountain  
5 sheep permit.

6 (b) If the offense is failure to hold a hunting, fishing,  
7 fur-harvesting, deer, turkey, or antelope permit as required,  
8 unless issuance of the required permit is restricted so that  
9 permits are not available, the court shall require the offender to  
10 purchase the required permit and exhibit proof of such purchase to  
11 the court.

12 Sec. 8. Section 37-415, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 37-415 (1) The commission may issue to any Nebraska  
15 resident a lifetime fur-harvesting, fishing, hunting, or  
16 combination hunting and fishing permit upon application and  
17 payment of the appropriate fee. The fee for a resident lifetime  
18 fur-harvesting permit shall be not more than two hundred  
19 ninety-nine dollars, the fee for a resident lifetime hunting permit  
20 shall be not more than two hundred ninety-nine dollars, the fee for  
21 a resident lifetime fishing permit shall be not more than three  
22 hundred forty-five dollars plus the cost of a lifetime aquatic  
23 habitat stamp, and the fee for a resident lifetime combination  
24 hunting and fishing permit shall be not more than five hundred  
25 ninety-eight dollars plus the cost of a lifetime aquatic habitat  
26 stamp, as such fees are established by the commission pursuant to  
27 section 37-327. Payment of the fee shall be made in a lump sum at

1 the time of application.

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

4 (3) The commission may issue to any nonresident a  
5 lifetime fishing, hunting, or combination hunting and fishing  
6 permit upon application and payment of the appropriate fee. The fee  
7 for a nonresident lifetime hunting permit shall be not more than  
8 twelve hundred fifty dollars, the fee for a nonresident lifetime  
9 fishing permit shall be not more than eight hundred fifty dollars  
10 plus the cost of a lifetime aquatic habitat stamp, and the fee  
11 for a nonresident lifetime combination hunting and fishing permit  
12 shall be not more than two thousand dollars plus the cost of a  
13 lifetime aquatic habitat stamp, as such fees are established by the  
14 commission pursuant to section 37-327. Payment of the fee shall be  
15 made in a lump sum at the time of application.

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

20 (5) The commission may adopt and promulgate rules and  
21 regulations to carry out this section and sections 37-416 and  
22 37-417. Such rules and regulations may include, but need not be  
23 limited to, establishing fees which vary based on the age of the  
24 applicant.

25 Sec. 9. Section 37-417, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 37-417 Fees received for lifetime permits under the

1 Game Law shall be credited to the State Game Fund. Twenty-five  
2 percent of the fees for lifetime permits ~~and~~ shall not be expended  
3 but may be invested by the state investment officer pursuant to  
4 the Nebraska Capital Expansion Act and the Nebraska State Funds  
5 Investment Act. Income from such investments may be expended by the  
6 commission.

7           Sec. 10. Section 37-426, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

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

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

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

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

27 (3) The commission may issue a lifetime aquatic habitat

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

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

23 (5) Any person to whom a stamp has been issued shall,  
24 immediately upon request, exhibit evidence of issuance of the  
25 stamp to any officer. Any person hunting, fishing, harvesting,  
26 or possessing any game bird, upland game bird, game animal, or  
27 fur-bearing animal or any aquatic organism requiring a fishing

1 permit in this state without evidence of issuance of the  
2 appropriate stamp shall be deemed to be without such stamp. A  
3 habitat stamp shall be issued upon the payment of a fee of ~~not more~~  
4 ~~than sixteen~~ twenty dollars per stamp. An aquatic habitat stamp  
5 shall be issued in conjunction with each fishing permit for a fee  
6 of ~~not more than seven~~ ten dollars and ~~fifty cents~~ per stamp for  
7 annual fishing permits, three-day fishing permits, or combination  
8 hunting and fishing permits and a fee of not more than ~~one~~ two  
9 hundred dollars for lifetime fishing or combination hunting and  
10 fishing permits. The fee established under section 37-407 for a  
11 one-day fishing permit shall include an aquatic habitat stamp.  
12 One dollar from the sale of each one-day fishing permit shall be  
13 remitted to the State Treasurer for credit to the Nebraska Aquatic  
14 Habitat Fund. A Nebraska migratory waterfowl stamp shall be issued  
15 upon the payment of a fee of not more than ~~ten~~ sixteen dollars per  
16 stamp. The commission shall establish the fees pursuant to section  
17 37-327.

18           Sec. 11. Section 37-431, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           37-431 (1)(a) The Nebraska Habitat Fund is created.  
21 The commission shall remit fees received for habitat stamps and  
22 Nebraska migratory waterfowl stamps to the State Treasurer for  
23 credit to the Nebraska Habitat Fund. Any money in the fund  
24 available for investment shall be invested by the state investment  
25 officer pursuant to the Nebraska Capital Expansion Act and the  
26 Nebraska State Funds Investment Act. ~~No expenditure shall be made~~  
27 ~~from the Nebraska Habitat Fund~~ Up to twenty-five percent of the

1 annual receipts of the fund may be spent by the commission to  
2 provide access to private wildlife lands and habitat areas, and the  
3 remainder of the fund shall not be spent until the commission has  
4 presented a habitat plan to the Committee on Appropriations of the  
5 Legislature for its approval.

6 (b) Fees received for lifetime habitat stamps and  
7 lifetime Nebraska migratory waterfowl stamps under the Game Law  
8 shall be credited to the Nebraska Habitat Fund. Twenty-five percent  
9 of the fees for such stamps and shall not be expended but may be  
10 invested by the state investment officer pursuant to the Nebraska  
11 Capital Expansion Act and the Nebraska State Funds Investment Act.  
12 Income from such investments may be expended by the commission  
13 pursuant to section 37-432.

14 (2) (a) The Nebraska Aquatic Habitat Fund is created. The  
15 commission shall remit fees received for aquatic habitat stamps and  
16 one dollar of the one-day fishing permit fee as provided in section  
17 37-426 to the State Treasurer for credit to the Nebraska Aquatic  
18 Habitat Fund. Any money in the fund available for investment  
19 shall be invested by the state investment officer pursuant to  
20 the Nebraska Capital Expansion Act and the Nebraska State Funds  
21 Investment Act. ~~No expenditure shall be made from the Nebraska~~  
22 ~~Aquatic Habitat Fund~~ Up to thirty percent of the annual receipts  
23 of the fund may be spent by the commission to provide public  
24 waters angler access enhancements and to provide funding for the  
25 administration of programs related to aquatic habitat and public  
26 waters angler access enhancements, and the remainder of the fund  
27 shall not be spent until the commission has presented a habitat



1 plan to the Committee on Appropriations and the Committee on  
2 Natural Resources of the Legislature for their approval.

3 (b) Fees received for lifetime aquatic habitat stamps  
4 shall be credited to the Nebraska Aquatic Habitat Fund and shall  
5 not be expended but may be invested by the state investment officer  
6 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
7 State Funds Investment Act. Income from such investments may be  
8 expended by the commission pursuant to section 37-432.

9 (3) The secretary of the commission and any county clerk  
10 or public official designated to sell habitat stamps, aquatic  
11 habitat stamps, or Nebraska migratory waterfowl stamps shall be  
12 liable upon their official bonds or equivalent commercial insurance  
13 policy for failure to remit the money from the sale of the stamps,  
14 as required by sections 37-426 to 37-433, coming into their hands.  
15 Any agent who receives stamp fees and who fails to remit the  
16 fees to the commission within a reasonable time after demand by  
17 the commission shall be liable to the commission in damages for  
18 double the amount of the funds wrongfully withheld. Any agent  
19 who purposefully fails to remit such fees with the intention of  
20 converting them is guilty of theft. The penalty for such violation  
21 shall be determined by the amount converted as specified in section  
22 28-518.

23 Sec. 12. Section 37-432, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 37-432 (1) All money received from the sale of habitat  
26 stamps, as provided by sections 37-426 to 37-433, shall be  
27 administered by the commission for the acquisition of, on a

1 willing-seller willing-buyer basis only, leasing of, development  
2 of, management of, ~~and~~ enhancement of, access to, and taking of  
3 easements on wildlife lands and habitat areas. Such funds may be  
4 used in whole or in part for the matching of federal funds. Up to  
5 twenty-five percent of the money received from the sale of habitat  
6 stamps may be used to provide access to private wildlife lands and  
7 habitat areas.

8 (2) All money received from the sale of aquatic habitat  
9 stamps, as provided by sections 37-426 to 37-433, shall be  
10 administered by the commission and shall be used ~~first~~ for  
11 the maintenance and restoration of existing aquatic habitat, if  
12 maintenance and restoration is practicable, ~~and second~~ for the  
13 enhancement of existing aquatic habitat, for public waters angler  
14 access enhancements, and for administration of programs related to  
15 aquatic habitat and public waters angler access enhancements. Such  
16 funds may be used in whole or in part for the matching of federal  
17 funds. Up to thirty percent of the money received from the sale of  
18 aquatic habitat stamps may be used to provide public waters angler  
19 access enhancements and to provide funding for administration of  
20 programs related to aquatic habitat and public waters angler access  
21 enhancements.

22 (3) All money received from the sale of Nebraska  
23 migratory waterfowl stamps, as provided by sections 37-426 to  
24 37-433, shall be administered by the commission for the acquisition  
25 on a willing-seller willing-buyer basis only, leasing, development,  
26 management, and enhancement of and taking of easements on migratory  
27 waterfowl habitat. Such funds may be used in whole or in part for

1 the matching of federal funds.

2           Sec. 13. Section 37-433, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           37-433 Unless otherwise provided in sections 37-426 to  
5 37-433, any person who violates any provision of sections 37-426  
6 to 37-433 or who violates or fails to comply with any rule or  
7 regulation thereunder shall be guilty of a Class V misdemeanor and  
8 shall be fined at least fifty dollars upon conviction.

9           It shall be an affirmative defense to prosecution for any  
10 violation of sections 37-426 to 37-433 for which possession is an  
11 element of the offense that such possession was not the result of  
12 effort or determination or that the actor was unaware of his or her  
13 physical possession or control for a sufficient period to have been  
14 able to terminate such possession or control.

15           Sec. 14. Section 37-440, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           37-440 (1) The commission shall prescribe the type and  
18 design of permits and the method of display of permits for motor  
19 vehicles. The commission may provide for the electronic issuance of  
20 permits and may enter into contracts to procure necessary services  
21 and supplies for the electronic issuance of permits.

22           (2) The permits may be procured from the central and  
23 district offices of the commission, at areas of the Nebraska  
24 state park system where commission offices are maintained,  
25 from self-service vending stations at designated park areas,  
26 from designated commission employees, through Internet sales  
27 from the commission's web site, from appropriate offices of

1 county government, and from various private persons, firms, or  
2 corporations designated by the commission as permit agents. ~~County~~  
3 The commission and county offices or private persons, firms, or  
4 corporations designated by the commission as permit agents shall be  
5 entitled to collect and retain a fee of not less than twenty-five  
6 cents and not more than thirty-five cents, as established by  
7 the commission pursuant to section 37-327, for each permit as  
8 reimbursement for the clerical work of issuing the permits and  
9 remitting therefor. The commission shall be entitled to collect and  
10 retain a fee of one dollar for each permit sold through its web  
11 site as reimbursement for the clerical work and postage associated  
12 with issuing the permit.

13           Sec. 15. Section 37-447, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           37-447 (1) The commission may issue permits for  
16 the hunting of deer and prescribe and ~~establish~~ adopt and  
17 promulgate rules and regulations and limitations for the hunting,  
18 transportation, and possession of deer. The commission may offer  
19 multiple-year permits or combinations of permits at reduced rates.  
20 The commission may specify by regulation the information to  
21 be required on applications for such permits. Regulations and  
22 limitations for the hunting, transportation, and possession of deer  
23 may include, but not be limited to, regulations and limitations  
24 as to the type, caliber, and other specifications of firearms  
25 and ammunition used and specifications for bows and arrows used.  
26 Such regulations and limitations may further specify and limit  
27 the method of hunting deer and may provide for dividing the state

1 into management units or areas, and the commission may enact  
2 different deer hunting regulations for the different management  
3 units pertaining to sex, species, and age of the deer hunted.

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

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

20 ~~(4)~~ (4)(a) The commission shall, pursuant to section  
21 37-327, establish and charge a fee of not more than twenty-nine  
22 dollars for residents and not more than two hundred fourteen  
23 dollars for nonresidents for each permit issued under this section,  
24 ~~except that the fee for a statewide buck-only permit shall be two~~  
25 ~~and one-half times the amount of a regular deer permit.~~ except  
26 as otherwise provided in subdivision (b) of this subsection and  
27 subsections (6) and (7) of this section.

1           (b) The fee for a statewide buck-only permit shall be  
2 no more than two and one-half times the amount of a regular deer  
3 permit. The commission may provide different fees for different  
4 species.

5           (5) The commission may issue nonresident permits after  
6 preference has been given for the issuance of resident permits as  
7 provided in rules and regulations adopted and promulgated by the  
8 commission. The commission may require a predetermined application  
9 period for permit applications in specified management units. Such  
10 permits shall be issued after a reasonable period for making  
11 application, as established by the commission, has expired. When  
12 more valid applications are received for a designated management  
13 unit than there are permits available, such permits shall be  
14 allocated on the basis of a random drawing. All valid applications  
15 received during the predetermined application period shall be  
16 considered equally in any such random drawing without regard to  
17 time of receipt of such applications by the commission.

18           (6) The commission shall, pursuant to section 37-327,  
19 establish and charge a fee of not more than twenty-five dollars for  
20 residents and not more than forty-five dollars for nonresidents for  
21 a youth deer permit.

22           (7) The commission shall, pursuant to section 37-327,  
23 establish and charge a fee of not more than twenty-nine dollars for  
24 residents and not more than sixty dollars for nonresidents for an  
25 antlerless-only deer permit.

26           (8) Any person violating the rules and regulations  
27 adopted and promulgated pursuant to this section shall be guilty

1 of a Class II misdemeanor and shall be fined at least one hundred  
2 dollars upon conviction.

3           Sec. 16. Section 37-449, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           37-449 (1) The commission may issue permits for hunting  
6 antelope and may ~~establish~~ adopt and promulgate separate and,  
7 when necessary, different rules and regulations therefor within  
8 the limitations prescribed in sections 37-447 and 37-452 for  
9 hunting deer. The commission may offer multiple-year permits or  
10 combinations of permits at reduced rates.

11           (2) The commission may, pursuant to section 37-327,  
12 establish and charge a nonrefundable application fee of not more  
13 than seven dollars. The commission shall, pursuant to section  
14 37-327, establish and charge a fee of not more than twenty-nine  
15 dollars for residents and not more than one hundred forty-nine  
16 dollars and fifty cents for nonresidents for each permit issued  
17 under this section except as provided in subsection (4) of this  
18 section.

19           (3) The provisions for the distribution of deer permits  
20 and the authority of the commission to determine eligibility of  
21 applicants for permits as described in sections 37-447 and 37-452  
22 shall also apply to the distribution of antelope permits.

23           (4) The commission shall, pursuant to section 37-327,  
24 establish and charge a fee of not more than twenty-five dollars for  
25 residents and not more than forty-five dollars for nonresidents for  
26 a youth antelope permit.

27           (5) Any person violating the rules and regulations

1 adopted and promulgated pursuant to this section shall be guilty  
2 of a Class II misdemeanor and shall be fined at least one hundred  
3 dollars upon conviction.

4           Sec. 17. Section 37-450, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           37-450 (1) The commission may issue permits for hunting  
7 elk and may ~~establish~~ adopt and promulgate separate and, when  
8 necessary, different rules and regulations therefor within the  
9 limitations prescribed in sections 37-447 and 37-452 for hunting  
10 deer. ~~Permits to hunt elk issued pursuant to this section shall not~~  
11 ~~be issued to nonresidents.~~

12           (2) The commission shall, pursuant to section 37-327,  
13 establish and charge (a) a nonrefundable application fee of not  
14 more than eight dollars and fifty cents for a resident elk permit  
15 and not to exceed three times such amount for a nonresident elk  
16 permit and (b) a fee of not more than one hundred forty-nine  
17 dollars and fifty cents for each resident elk permit issued and not  
18 to exceed three times such amount for each nonresident elk permit  
19 issued.

20           (3) A person may obtain only one antlered-elk permit  
21 in his or her lifetime except for a limited permit to hunt elk  
22 pursuant to section 37-455.

23           (4) The provisions for the distribution of deer permits  
24 and the authority of the commission to determine eligibility of  
25 applicants for permits as described in sections 37-447 and 37-452  
26 shall also apply to the distribution of elk permits.

27           (5) Any person violating the rules and regulations



1 adopted and promulgated pursuant to this section shall be guilty  
2 of a Class III misdemeanor and shall be fined at least two hundred  
3 dollars upon conviction.

4           Sec. 18. Section 37-451, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           37-451 (1) The commission may issue permits for hunting  
7 mountain sheep and may ~~establish~~ adopt and promulgate separate and,  
8 when necessary, different rules and regulations therefor within  
9 the limitations prescribed in subsection (1) of section 37-447 and  
10 section 37-452 for hunting deer. Such rules and regulations shall  
11 include provisions allowing persons who find dead mountain sheep,  
12 or any part of a mountain sheep, to turn over to the commission  
13 such mountain sheep or part of a mountain sheep. The commission may  
14 dispose of such mountain sheep or part of a mountain sheep as it  
15 deems reasonable and prudent. Except as otherwise provided in this  
16 section, the permits shall be issued to residents of Nebraska.

17           (2) The commission shall, pursuant to section 37-327,  
18 establish and charge a nonrefundable application fee of not more  
19 than twenty-five dollars for permits issued only to residents. Any  
20 number of resident-only permits, as authorized by the commission,  
21 shall be awarded by random drawing to eligible applicants. No  
22 permit fee shall be charged in addition to the nonrefundable  
23 application fee.

24           (3) No more than one additional permit may be authorized  
25 and issued pursuant to an auction open to residents and  
26 nonresidents. The auction shall be conducted according to rules and  
27 regulations prescribed by the commission. Any money derived from

1 the sale of permits by auction shall be used only for perpetuation  
2 and management of mountain sheep, elk, and deer.

3 (4) If the commission determines to limit the number of  
4 permits issued for any or all management units, the commission  
5 shall by rule and regulation determine eligibility requirements for  
6 the permits.

7 (5) A person may obtain only one mountain sheep permit in  
8 his or her lifetime.

9 (6) Any person violating the rules and regulations  
10 adopted and promulgated pursuant to this section shall be guilty of  
11 a Class III misdemeanor and shall be fined at least five hundred  
12 dollars upon conviction.

13 Sec. 19. Section 37-455, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 37-455 (1) The commission may issue a limited permit  
16 for deer, antelope, wild turkey, or elk to a person who is a  
17 qualifying landowner or leaseholder and his or her immediate family  
18 as described in this section. The commission may issue nonresident  
19 landowner limited permits after preference has been given for the  
20 issuance of resident permits as provided in rules and regulations  
21 adopted and promulgated by the commission. A permit shall be  
22 valid during the predetermined period established by the commission  
23 pursuant to sections 37-447 to 37-450, 37-452, 37-456, or 37-457.  
24 Upon receipt of an application in proper form as prescribed by  
25 the rules and regulations of the commission, the commission may  
26 issue (a) a limited deer, antelope, or wild turkey permit valid  
27 for hunting on all of the land which is owned or leased by the

1 qualifying landowner or leaseholder if such lands are identified in  
2 the application or (b) a limited elk permit valid for hunting on  
3 the entire elk management unit of which the land of the qualifying  
4 landowner or leaseholder included in the application is a part.

5 (2)(a) The commission shall adopt and promulgate rules  
6 and regulations prescribing procedures and forms and create  
7 requirements for documentation by an applicant or permittee to  
8 determine whether the applicant or permittee is a Nebraska resident  
9 and is a qualifying landowner or leaseholder of the described  
10 property or is a member of the immediate family of ~~and residing~~  
11 ~~in the same household as~~ such qualifying landowner or leaseholder.  
12 Only a person who is a qualifying landowner or leaseholder and such  
13 person's immediate family ~~residing in the same household as such~~  
14 ~~qualifying landowner or leaseholder~~ may apply for a limited permit.  
15 An applicant may apply for no more than one permit per species  
16 per year except as otherwise provided in the rules and regulations  
17 of the commission. For purposes of this section, immediate family  
18 means and is limited to a husband and wife and their children or  
19 siblings sharing ownership in the property.

20 (b) The conditions applicable to permits issued pursuant  
21 to sections 37-447 to 37-450, 37-452, 37-456, or 37-457, whichever  
22 is appropriate, shall apply to limited permits issued pursuant to  
23 this section, except that the commission may adopt and promulgate  
24 rules and regulations for species harvest allocation pertaining to  
25 the sex and age of the species harvested which are different for a  
26 limited permit than for other hunting permits. For purposes of this  
27 section, white-tailed deer and mule deer shall be treated as one

1 species.

2 (3) (a) To qualify for a limited permit to hunt deer or  
3 antelope, the applicant shall be a Nebraska resident who owns or  
4 leases eighty acres or more of farm or ranch land for agricultural  
5 purposes or a member of such person's immediate family, ~~residing in~~  
6 ~~the same household.~~ The number of limited permits issued annually  
7 per species for each farm or ranch shall not exceed the total  
8 acreage of the farm or ranch divided by eighty. ~~An applicant may~~  
9 ~~apply for no more than one permit per species per year.~~ The fee for  
10 a limited permit to hunt deer or antelope shall be one-half the fee  
11 for the regular permit for such species.

12 (b) A nonresident of Nebraska who owns three hundred  
13 twenty acres or more of farm or ranch land in the State of Nebraska  
14 for agricultural purposes or a member of such person's immediate  
15 family ~~residing in the same household~~ may apply for a limited deer  
16 or antelope permit. ~~Only one limited deer permit per three hundred~~  
17 ~~twenty acres may be issued annually under this subdivision.~~ The  
18 number of limited permits issued annually per species for each farm  
19 or ranch shall not exceed the total acreage of the farm or ranch  
20 divided by three hundred twenty. The fee for such a permit to hunt  
21 deer or antelope shall be one-half the fee for a nonresident permit  
22 to hunt ~~deer.~~ such species.

23 (c) The commission may adopt and promulgate rules and  
24 regulations providing for the issuance of an additional limited  
25 deer permit to a qualified individual for the taking of a deer  
26 without antlers at a fee equal to or less than the fee for the  
27 original limited permit.

1           (4)(a) To qualify for a limited permit to hunt wild  
2 turkey, the applicant shall be a Nebraska resident who owns or  
3 leases eighty acres or more of farm or ranch land for agricultural  
4 purposes or a member of such person's immediate family, ~~residing in~~  
5 ~~the same household.~~ The number of limited permits issued annually  
6 per season for each farm or ranch shall not exceed the total  
7 acreage of the farm or ranch divided by eighty. An applicant may  
8 apply for no more than one limited permit per season. The fee for  
9 a limited permit to hunt wild turkey shall be one-half the fee for  
10 the regular permit to hunt wild turkey.

11           (b) A nonresident of Nebraska who owns three hundred  
12 twenty acres or more of farm or ranch land in the State of Nebraska  
13 for agricultural purposes or a member of such person's immediate  
14 family ~~residing in the same household~~ may apply for a limited  
15 permit to hunt wild turkey, ~~during the spring wild turkey season.~~  
16 Only one limited wild turkey permit per three hundred twenty acres  
17 may be issued annually for each wild turkey season under this  
18 subdivision. The fee for such a permit to hunt shall be one-half  
19 the fee for a nonresident permit to hunt wild turkey.

20           (5) To qualify for a limited permit to hunt elk, (a)  
21 the applicant shall be (i) a Nebraska resident who owns three  
22 hundred twenty acres or more of farm or ranch land for agricultural  
23 purposes, (ii) a Nebraska resident who leases ~~three hundred twenty~~  
24 six hundred forty acres or more of farm or ranch land for  
25 agricultural purposes ~~and resides on such property, or (iii) a~~  
26 ~~member of such owner or lessee's immediate family residing in~~  
27 ~~the same household~~ or has a leasehold interest and an ownership

1 interest in farm or ranch land used for agricultural purposes  
2 which when added together totals at least six hundred forty acres,  
3 (iii) a nonresident of Nebraska who owns at least one thousand  
4 two hundred eighty acres of farm or ranch land for agricultural  
5 purposes, or (iv) a member of such owner's or lessee's immediate  
6 family and (b) the qualifying farm or ranch land of the applicant  
7 shall be within an area designated as an elk management zone by  
8 the commission in its rules and regulations. An applicant shall  
9 not be issued a limited bull elk permit more than once every three  
10 years, and the commission may give preference to a person who did  
11 not receive a limited elk permit or a specified type of limited  
12 elk permit during the previous years. The fee for a resident  
13 landowner limited permit to hunt elk shall be ~~one-fifth~~ not exceed  
14 one-half the fee for the regular permit to hunt elk. The fee for a  
15 nonresident landowner limited permit to hunt elk shall not exceed  
16 three times the cost of a resident elk permit. The number of  
17 applications allowed for limited elk permits for each farm or ranch  
18 shall not exceed the total acreage of the farm or ranch divided by  
19 the minimum acreage requirements established for the property. No  
20 more than one person may qualify for the same described property.

21           Sec. 20. Section 37-455.01, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23           37-455.01 The commission may issue auction or lottery  
24 permits for up to five permits each for antelope and elk and  
25 up to twenty-five permits each for deer and wild turkey during  
26 the calendar year. Included in that number are single species and  
27 combination species permits and shared revenue permits that may be

1 issued by the commission. The shared revenue permits may be issued  
2 under agreements with nonprofit conservation organizations and may  
3 be issued by auction or lottery, with the commission receiving at  
4 least eighty percent of any profit realized. The commission shall  
5 by rule and regulation adopt limitations for any such permits that  
6 are issued. The auction or lottery shall be conducted according to  
7 rules and regulations adopted and promulgated by the commission.  
8 The commission shall adopt and promulgate rules and regulations to  
9 set a nonrefundable lottery application fee for each type of single  
10 species or combination species permits offered directly through the  
11 commission.

12           Sec. 21. Section 37-456, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           37-456 The issuance of limited antelope permits pursuant  
15 to section 37-455 in any management unit shall not exceed ~~twenty~~  
16 fifty percent of the regular permits authorized for such antelope  
17 management unit. The issuance of limited elk permits pursuant  
18 to section 37-455 in any management unit shall not exceed fifty  
19 percent of the regular permits authorized for such elk management  
20 unit.

21           Sec. 22. Section 37-457, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23           37-457 (1) The commission may issue permits for hunting  
24 wild turkey and prescribe and establish regulations and limitations  
25 for the hunting, transportation, and possession of wild turkey.  
26 The commission may offer multiple-year permits or combinations of  
27 permits at reduced rates. The number of such permits may be limited

1 as provided by the regulations of the commission, but the permits  
2 shall be disposed of in an impartial manner. Such permits may be  
3 issued to allow wild turkey hunting in the Nebraska National Forest  
4 and other game reserves and such other areas as the commission  
5 may designate whenever the commission deems that permitting such  
6 hunting would not be detrimental to the proper preservation of  
7 wildlife in such forest, reserves, or areas.

8 (2) The commission shall, pursuant to section 37-327,  
9 establish and charge a fee of not more than twenty-three  
10 dollars for residents and not more than ninety-five dollars for  
11 nonresidents for each permit issued under this section except as  
12 provided in subsection (5) of this section.

13 (3) The commission may issue nonresident permits after  
14 preference has been given for the issuance of resident permits as  
15 provided in rules and regulations adopted and promulgated by the  
16 commission. The commission may require a predetermined application  
17 period for permit applications in specified management units.

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

22 (5) The commission shall, pursuant to section 37-327,  
23 establish and charge a fee of not more than twenty-five dollars for  
24 residents and not more than forty-five dollars for nonresidents for  
25 a youth wild turkey permit.

26 Sec. 23. Section 37-477, Reissue Revised Statutes of  
27 Nebraska, is amended to read:



1                   37-477 (1) No person shall keep in captivity in this  
2 state any wild birds, any wild mammals, any nongame wildlife  
3 in need of conservation as determined by the commission under  
4 section 37-805, or any wildlife determined to be an endangered  
5 or threatened species under the Endangered Species Act or section  
6 37-806 without first having obtained a permit to do so as provided  
7 by section 37-478 or 37-479.

8                   (2) Except as provided in subsection (3) of this section,  
9 no person shall keep in captivity in this state any wolf, any  
10 skunk, or any member of the families Felidae and Ursidae. This  
11 subsection shall not apply to (a) the species *Felis domesticus*,  
12 (b) any zoo, park, refuge, wildlife area, or nature center owned  
13 or operated by a city, village, state, or federal agency or any  
14 zoo accredited by the Association of Zoos and Aquariums or the  
15 Zoological Association of America, or (c) any person who holds  
16 a captive wildlife permit issued pursuant to section 37-479 and  
17 who raises Canada Lynx (*Lynx canadensis*) or bobcats (*Lynx rufus*)  
18 solely for the purpose of producing furs for sale to individuals or  
19 businesses or for the purpose of producing breeding stock for sale  
20 to persons engaged in fur production.

21                   (3) Any person legally holding in captivity, on March  
22 1, 1986, any animal subject to the prohibition contained in  
23 subsection (2) of this section shall be allowed to keep the animal  
24 for the duration of its life. Such animal shall not be traded,  
25 sold, or otherwise disposed of without written permission from the  
26 commission.

27                   (4) The commission shall adopt and promulgate rules and

1 regulations governing the purchase, possession, propagation, sale,  
2 and barter of wild birds, wild mammals, and wildlife in captivity.

3           Sec. 24. Section 37-479, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           37-479 (1) To purchase, possess, propagate, or sell  
6 captive wild birds, captive wild mammals, or captive wildlife  
7 as specified in subsection (1) of section 37-477 or to sell  
8 parts thereof, except as provided in section 37-505, a person  
9 shall apply to the commission on a form prescribed by the  
10 commission for a captive wildlife permit. The commission shall  
11 adopt and promulgate rules and regulations specifying application  
12 requirements and procedures. The permit shall expire on December  
13 31. The application for the permit shall include the applicant's  
14 social security number. The annual fee for such permit shall be  
15 not more than thirty dollars, as established by the commission  
16 pursuant to section 37-327. A holder of a captive wildlife permit  
17 shall report to the commission by January 15 for the preceding  
18 calendar year on forms provided by the commission. The commission  
19 shall adopt and promulgate rules and regulations specifying the  
20 requirements for the reports.

21           (2) A permitholder shall not (a) take wild birds, wild  
22 mammals, or wildlife from the wild in Nebraska or (b) purchase wild  
23 birds, wild mammals, or wildlife from any person other than the  
24 commission or a person authorized to propagate and dispose of wild  
25 birds, wild mammals, or wildlife. A permit under this section is  
26 not required for possession or production of domesticated cervine  
27 animals as defined in section 54-701.03.

1           (3) It shall be unlawful to lure or entice wildlife  
2 into a domesticated cervine animal facility for the purpose of  
3 containing such wildlife. Any person violating this subsection  
4 shall be guilty of a Class II misdemeanor and upon conviction shall  
5 be fined at least one thousand dollars.

6           Sec. 25. Section 37-481, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           37-481 Sections 37-477 to 37-480 shall not be construed  
9 to require the obtaining of a permit for the purpose of keeping  
10 in captivity wild birds, wild mammals, or wildlife as specified in  
11 subsection (1) of section 37-477 or for the purpose of purchasing,  
12 possessing, propagating, selling, bartering, or otherwise disposing  
13 of any wild birds, wild mammals, or wildlife as specified in  
14 subsection (1) of section 37-477 by (1) any zoo, park, refuge,  
15 wildlife area, or nature center owned or operated by a city,  
16 village, state, or federal agency or any zoo accredited by the  
17 Association of Zoos and Aquariums or the Zoological Association of  
18 America or (2) any circus licensed by the United States Department  
19 of Agriculture.

20           Sec. 26. Section 37-4,111, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           37-4,111 The commission may adopt and promulgate rules  
23 and regulations to provide for the issuance of permits for the  
24 taking of paddlefish. The commission may, pursuant to section  
25 37-327, establish and charge a fee of not more than thirty-five  
26 dollars for residents. The fee for a nonresident permit to take  
27 paddlefish shall be two times the resident permit fee. All fees

1 collected under this section shall be remitted to the State  
2 Treasurer for credit to the State Game Fund.

3 Sec. 27. Section 37-501, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 37-501 Except as otherwise provided by the Game Law or  
6 rules and regulations of the commission, it shall be unlawful for  
7 any person in any one day to take or have in his or her possession  
8 at any time a greater number of game birds, game animals, or  
9 game fish of any one kind than as established pursuant to section  
10 37-314. Any person violating this section shall be guilty of a  
11 Class III misdemeanor and, upon conviction, shall be fined at least  
12 two hundred dollars for violations relating to turkeys, small game  
13 animals, or game fish.

14 Sec. 28. Section 37-504, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 37-504 (1) Any person who at any time, except during an  
17 open season ordered by the commission as authorized in the Game  
18 Law, unlawfully hunts, traps, or has in his or her possession any  
19 elk, deer, antelope, swan, or wild turkey shall be guilty of a  
20 Class III misdemeanor and, upon conviction, shall be fined at least  
21 five hundred dollars for a violation involving elk and at least two  
22 hundred dollars for a violation involving deer, antelope, swan, or  
23 wild turkey.

24 (2) Any person who at any time, except during an open  
25 season ordered by the commission as authorized in the Game Law,  
26 unlawfully hunts, traps, or has in his or her possession any  
27 mountain sheep shall be guilty of a Class II misdemeanor and shall

1 be fined at least one thousand dollars upon conviction.

2           (3) Any person who at any time, except during an open  
3 season ordered by the commission as authorized in the Game Law,  
4 unlawfully hunts, traps, or has in his or her possession any quail,  
5 pheasant, partridge, Hungarian partridge, ~~wood duck~~, ~~eider duck~~,  
6 curlew, grouse, mourning dove, ~~or~~ sandhill crane, or waterfowl  
7 shall be guilty of a Class III misdemeanor and shall be fined at  
8 least one hundred dollars upon conviction.

9           (4) Any person who unlawfully takes any game or  
10 unlawfully has in his or her possession any such game shall be  
11 guilty of a Class III misdemeanor and, except as otherwise provided  
12 in this section and section 37-501, shall be fined at least fifty  
13 dollars upon conviction.

14           (5) Any person who, in violation of the Game Law, takes  
15 any mourning dove that is not flying shall be guilty of a Class V  
16 misdemeanor.

17           (6) Any person who, in violation of the Game Law, has  
18 in his or her possession any protected bird, or destroys or takes  
19 the eggs or nest of any such bird, shall be guilty of a Class V  
20 misdemeanor.

21           (7) The provisions of this section shall not render it  
22 unlawful for anyone operating a captive wildlife facility or an  
23 aquaculture facility, pursuant to the laws of this state, to at any  
24 time kill game or fish actually raised thereon or lawfully placed  
25 thereon by such person.

26           (8) A person holding a special permit pursuant to the  
27 Game Law for the taking of any game or any birds not included in

1 the definition of game shall not be liable under this section while  
2 acting under the authority of such permit.

3 ~~(9) In addition to the penalties provided in subsections~~  
4 ~~(1), (3), and (4) of this section, any person convicted pursuant to~~  
5 ~~subsection (1) or (3) of this section shall be fined at least one~~  
6 ~~hundred dollars and any person convicted pursuant to subsection (4)~~  
7 ~~of this section shall be fined at least fifty dollars.~~

8 Sec. 29. Section 37-507, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 37-507 Any person who at any time takes any game bird,  
11 game animal, or game fish other than baitfish in this state and  
12 who intentionally leaves or abandons such bird, animal, or fish or  
13 an edible portion thereof resulting in wanton or needless waste or  
14 otherwise intentionally allows it or an edible portion thereof to  
15 be wantonly or needlessly wasted or fails to dispose thereof in  
16 a reasonable and sanitary manner shall be guilty of a Class III  
17 misdemeanor.

18 Sec. 30. Section 37-513, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 37-513 (1) It shall be unlawful to shoot at any wildlife  
21 from any highway or roadway, which includes that area of land from  
22 the center of the traveled surface to the right-of-way on either  
23 side. Any person violating this subsection shall be guilty of a  
24 Class III misdemeanor and shall be fined at least fifty one hundred  
25 dollars.

26 (2) (a) It shall be unlawful to trap any wildlife in  
27 the county road right-of-way, except that the commission may

1 allow trapping of raptors within the county road right-of-way in  
2 accordance with sections 37-497 to 37-4,103.

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

6 Sec. 31. Section 37-514, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 37-514 (1) Except as provided in section 37-4,107, it  
9 shall be unlawful to hunt any wildlife by projecting or casting the  
10 rays of a spotlight, headlight, or other artificial light attached  
11 to or used from a vehicle or boat in any field, pasture, woodland,  
12 forest, prairie, water area, or other area which may be inhabited  
13 by wildlife while having in possession or control, either singly or  
14 as one of a group of persons, any firearm or bow and arrow.

15 (2) Nothing in this section shall prohibit (a) the  
16 hunting on foot of raccoon with the aid of a handlight, (b) ~~or~~  
17 the hunting of species of wildlife not protected by the Game Law  
18 in the protection of property by landowners or operators or their  
19 regular employees on land under their control on foot or from a  
20 motor vehicle with the aid of artificial light, or (c) the taking  
21 of nongame fish by means of bow and arrow from a vessel with the  
22 aid of artificial light.

23 (3) Any person violating this section shall be guilty of  
24 a Class III misdemeanor and shall be fined at least ~~one hundred~~  
25 ~~fifty dollars.~~ two hundred fifty dollars upon conviction.

26 Sec. 32. Section 37-523, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1           37-523 (1) It shall be unlawful to hunt or trap any form  
2 of wild mammal or wild bird within a two-hundred-yard radius of  
3 an inhabited dwelling or livestock feedlot, or to trap within a  
4 two-hundred-yard radius of any passage used by livestock to pass  
5 under any highway, road, or bridge.

6           (2) This section shall not prohibit any owner, tenant, or  
7 operator or his or her guests from hunting or trapping any form of  
8 wild mammal or wild bird within such radius if the area is under  
9 his or her ownership or control. This section shall not prohibit  
10 duly authorized personnel of any county, city, or village health or  
11 animal control department from trapping with a humane live box trap  
12 or pursuing any form of wild mammal or wild bird, when conducting  
13 such activities within the scope of the authorization, within such  
14 radius if the area is under the jurisdiction of the county, city,  
15 or village.

16           (3) Any person violating this section shall be guilty of  
17 a Class V III misdemeanor and shall be fined at least one hundred  
18 dollars upon conviction.

19           Sec. 33. (1) For purposes of this section, drug means any  
20 chemical substance, other than food, that affects the structure or  
21 biological function of any wildlife under the jurisdiction of the  
22 commission.

23           (2) Except with written authorization from the secretary  
24 of the commission or his or her designee or as otherwise provided  
25 by law, a person shall not administer a drug to any wildlife under  
26 the jurisdiction of the commission, including, but not limited to,  
27 a drug used for fertility control, disease prevention or treatment,



1 immobilization, or growth stimulation.

2 (3) This section does not prohibit the treatment of  
3 wildlife to prevent disease or the treatment of sick or injured  
4 wildlife by a licensed veterinarian, a holder of a federal  
5 migrating bird rehabilitation permit, a holder of a permit  
6 regulated under the authority of section 37-316, a holder of a  
7 permit regulated under the authority of section 37-4,106, or a  
8 holder of a license regulated under the authority of section  
9 37-4,108.

10 (4) This section shall not be construed to limit  
11 employees of agencies of the state or the United States or  
12 employees of an animal control facility or animal shelter licensed  
13 under section 54-627 in the performance of their official duties  
14 related to public health or safety, wildlife management, or  
15 wildlife removal, except that a drug shall not be administered  
16 by any person for fertility control or growth stimulation except as  
17 provided in subsection (2) of this section.

18 (5) A conservation officer may take possession or dispose  
19 of any wildlife under the jurisdiction of the commission that  
20 the officer reasonably believes has been administered a drug in  
21 violation of this section.

22 (6) A person who violates this section is guilty of a  
23 Class IV misdemeanor.

24 Sec. 34. Section 37-613, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 37-613 (1) Any person who sells, purchases, takes, or  
27 possesses contrary to the Game Law any wildlife shall be liable to

1 the State of Nebraska for the damages caused thereby. Such damages  
2 shall be:

3 (a) Five Fifteen thousand dollars for each mountain  
4 sheep;

5 (b) Five thousand dollars for each elk with a minimum of  
6 twelve total points and one thousand five hundred dollars for any  
7 other elk;

8 (c) Five thousand dollars for each whitetail deer with a  
9 minimum of eight total points and an inside spread between beams  
10 of at least eighteen inches, one thousand dollars for any other  
11 antlered whitetail deer, and two hundred fifty dollars for each  
12 antlerless whitetail deer and whitetail doe deer;

13 (d) Five thousand dollars for each mule deer with a  
14 minimum of eight total points and an inside spread between beams of  
15 at least twenty-four inches and one thousand dollars for any other  
16 mule deer;

17 (e) Five thousand dollars for each antelope with the  
18 shortest horn measuring a minimum of fourteen inches in length and  
19 one thousand dollars for any other antelope;

20 ~~(b)~~ (f) One thousand five hundred dollars for each elk  
21 bear or moose or each individual animal of a any threatened  
22 or endangered species of wildlife not otherwise listed in this  
23 subsection;

24 ~~(c)~~ Seven hundred fifty dollars for each deer, antelope,  
25 bear, swan, or paddlefish;

26 (g) Five hundred dollars for each mountain lion, lynx,  
27 bobcat, river otter, or raw pelt thereof;

1           (h) Twenty-five dollars for each raccoon, opossum, skunk,  
2 or raw pelt thereof;

3           (i) Five thousand dollars for each eagle;

4           ~~(d)~~ (j) One hundred dollars for each wild turkey;

5           (k) Twenty-five dollars for each dove;

6           ~~(e)~~ (l) Seventy-five dollars for each other game bird,  
7 other game animal, other fur-bearing animal, other than raccoons,  
8 or the raw pelts raw pelt thereof, or nongame wildlife in need of  
9 conservation as designated by the commission pursuant to section  
10 37-805, not otherwise listed in this subsection;

11           ~~(f)~~ (m) Fifty dollars for each wild bird not otherwise  
12 listed in this section; subsection;

13           (n) Seven hundred fifty dollars for each swan or  
14 paddlefish;

15           (o) Two hundred dollars for each master angler fish  
16 measuring more than twelve inches in length;

17           ~~(g)~~ (p) Fifty dollars for each game fish measuring  
18 more than twelve inches in length not otherwise listed in this  
19 subsection;

20           ~~(h)~~ Twenty-five dollars for each raccoon;

21           ~~(i)~~ Twenty (q) Twenty-five dollars for each other game  
22 fish; and

23           ~~(j)~~ (r) Fifty dollars for any other species of  
24 game not otherwise listed in this subsection.

25           (2) The commission shall adopt and promulgate rules and  
26 regulations to provide for a list of master angler fish which  
27 are subject to this section and to prescribe guidelines for

1 measurements and point determinations as required by this section.  
2 The commission may adopt a scoring system which is uniformly  
3 recognized for this purpose.

4           ~~(2)~~ (3) Such damages may be collected by the commission  
5 by civil action. In every case of conviction for any of such  
6 offenses, the court or magistrate before whom such conviction is  
7 obtained shall further enter judgment in favor of the State of  
8 Nebraska and against the defendant for liquidated damages in the  
9 amount set forth in this section and collect such damages by  
10 execution or otherwise. Failure to obtain conviction on a criminal  
11 charge shall not bar a separate civil action for such liquidated  
12 damages. Damages collected pursuant to this section shall be  
13 remitted to the secretary of the commission who shall remit them to  
14 the State Treasurer for credit to the State Game Fund.

15           Sec. 35. Section 37-727, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           37-727 Any person violating the provisions of section  
18 37-722 or sections 37-724 to 37-726 shall be guilty of a Class III  
19 misdemeanor and shall be fined at least two hundred dollars upon  
20 conviction.

21           Sec. 36. Section 37-1241.07, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23           37-1241.07 (1) The owner of a boat livery, or his or her  
24 agent or employee, shall not lease, hire, or rent a motorboat or  
25 personal watercraft to any person under eighteen years of age.

26           (2) Except as provided in subdivision (1)(a) of section  
27 37-1241.06, a person younger than eighteen years of age may operate

1 a motorboat or personal watercraft rented, leased, or hired by a  
2 person eighteen years of age or older if the person younger than  
3 eighteen years of age holds a valid boating safety certificate  
4 issued under section 37-1241.06.

5 (3) The owner of a boat livery, or his or her agent or  
6 employee, engaged in the business of renting or leasing motorboats  
7 shall list on each rental or lease agreement for a motorboat the  
8 name and age of each person who is authorized to operate the  
9 motorboat. The person to whom the motorboat is rented or leased  
10 shall ensure that only those persons who are listed as authorized  
11 operators are allowed to operate the motorboat.

12 (4) The owner of a boat livery, or his or her agent or  
13 employee, engaged in the business of renting or leasing motorboats  
14 shall display for review by each person who is authorized to  
15 operate the motorboat a summary of the statutes and the rules and  
16 regulations governing the operation of a motorboat and instructions  
17 regarding the safe operation of the motorboat. Each person who is  
18 listed as an authorized operator of the motorboat shall review the  
19 summary of the statutes, rules, regulations, and instructions and  
20 sign a statement indicating that he or she has done so prior to  
21 leaving the rental or leasing office.

22 Sec. 37. Section 37-1241.08, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 37-1241.08 Sections ~~37-1204.01~~ and 37-1241.01 to  
25 37-1241.07 shall not apply to a person participating in a regatta,  
26 race, marine parade, tournament, or exhibition which has been  
27 authorized or permitted by the commission pursuant to sections

1 37-1262 and 37-1263 or is otherwise exempt from the provisions of  
2 the State Boat Act.

3 Sec. 38. Section 54-2313, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 54-2313 The luring or enticement of wildlife into a  
6 permitted domesticated cervine animal facility for the purpose  
7 of containing such wildlife is cause for permit suspension under  
8 section 54-2310 and shall be considered a violation of section  
9 ~~37-411.~~ 37-479. Any permitholder under the Domesticated Cervine  
10 Animal Act who lures or entices wildlife into such a facility is  
11 responsible for any and all expenses incurred by the commission to  
12 remove such wildlife from the facility.

13 Sec. 39. Original sections 28-1335, 37-201, 37-314,  
14 37-327, 37-407, 37-410, 37-411, 37-415, 37-417, 37-426, 37-431,  
15 37-432, 37-433, 37-440, 37-447, 37-449, 37-450, 37-451, 37-455,  
16 37-455.01, 37-456, 37-457, 37-477, 37-479, 37-481, 37-4,111,  
17 37-501, 37-504, 37-507, 37-513, 37-514, 37-523, 37-613, 37-727,  
18 37-1241.07, 37-1241.08, and 54-2313, Reissue Revised Statutes of  
19 Nebraska, are repealed.