

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 105

FINAL READING

Introduced by Natural Resources Committee: Langemeier, 23,  
Chairperson; Carlson, 38; Cook, 13; Dubas, 34;  
Fischer, 43; Haar, 21; McCoy, 39; Schilz, 47.

Read first time January 09, 2009

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to game and parks; to amend sections  
2 28-1335, 37-201, 37-314, 37-327, 37-407, 37-410, 37-411,  
3 37-415, 37-417, 37-426, 37-431, 37-432, 37-433, 37-440,  
4 37-447, 37-449, 37-450, 37-451, 37-455, 37-455.01,  
5 37-456, 37-457, 37-477, 37-479, 37-481, 37-4,111, 37-501,  
6 37-504, 37-507, 37-513, 37-514, 37-523, 37-613, 37-727,  
7 37-1241.07, 37-1241.08, and 54-2313, Reissue Revised  
8 Statutes of Nebraska; to provide powers and duties for  
9 the Game and Parks Commission; to provide for and change  
10 penalty provisions related to hunting and fishing; to  
11 provide for and change maximum amounts of certain fees  
12 imposed under the Game Law; to provide for and change

1 liquidated damages under the Game Law; to provide for  
2 and change provisions relating to special permits and  
3 licenses; to change provisions relating to animals held  
4 in captivity, abandonment or needless waste of game  
5 animals, and hunting wildlife with artificial light;  
6 to prohibit administration of drugs to wildlife; to  
7 provide exceptions; to provide requirements for renting  
8 and leasing motorboats; to harmonize provisions; and to  
9 repeal the original sections.

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

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

3           28-1335 A person commits a Class III misdemeanor if  
4 such person discharges any firearm or weapon using any form of  
5 compressed gas as a propellant from any public highway, road,  
6 or bridge in this state, unless otherwise allowed by statute.  
7 Upon conviction, the mandatory minimum fine shall be one hundred  
8 dollars.

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

11           37-201 Sections 37-201 to 37-811 and section 33 of this  
12 act shall be known and may be cited as the Game Law.

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

15           37-314 (1) The commission may, in accordance with  
16 the Game Law, other provisions of law, and lawful rules and  
17 regulations, fix, prescribe, and publish rules and regulations as  
18 to open seasons and closed seasons, either permanent or temporary,  
19 as to conservation orders or similar wildlife management activities  
20 authorized by the United States Fish and Wildlife Service, as to  
21 bag limits or the methods or type, kind, and specifications of  
22 hunting, fur-harvesting, or fishing gear used in the taking of any  
23 game, game fish, nongame fish, game animals, fur-bearing animals,  
24 or game birds, as to the age, sex, species, or area of the state in  
25 which any game, game fish, nongame fish, game animals, fur-bearing

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

17 (2) Each such rule, regulation, amendment, modification,  
18 and repeal shall specify the date when it shall become effective  
19 and while it remains in effect shall have the force and effect of  
20 law.

21 (3) Regardless of the provisions of this section or  
22 of other sections of the Game Law which empower the commission  
23 to set seasons on game birds, fish, or animals or provide the  
24 means and method by which such seasons are set or promulgated and  
25 regardless of the provisions of the Administrative Procedure Act,

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

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

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

25 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,

1 and ending balances for the current fiscal year and the following  
2 two fiscal years for the fund in which the revenue from the fee  
3 being established is deposited. Estimates shall be prepared for  
4 both the current fee schedule and the proposed fee schedule; and

5 (c) A statement of the reasons for establishing the fee  
6 at the proposed level.

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

13 Sec. 5. Section 37-407, Reissue Revised Statutes of  
14 Nebraska, 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 Wednesday immediately preceding Thanksgiving Day and  
23 December 31 of the same calendar year and limited to one special  
24 two-day permit per applicant per year, as follows:

25 (1) Resident fees shall be (a) not more than thirteen

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

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



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

3           37-410 (1) It shall be unlawful ~~(1)~~ (a) for any person  
4 who has been issued a permit under the Game Law to lend or transfer  
5 his or her permit to another or for any person to borrow or use the  
6 permit of another, ~~(2)~~ (b) for any person to procure a permit under  
7 an assumed name or to falsely state the place of his or her legal  
8 residence or make any other false statement in securing a permit,  
9 ~~(3)~~ (c) for any person to knowingly issue or aid in securing a  
10 permit under the Game Law for any person not legally entitled  
11 thereto, ~~(4)~~ (d) for any person disqualified for a permit to hunt,  
12 fish, or harvest fur with or without a permit during any period  
13 when such right has been forfeited or for which his or her permit  
14 has been revoked by the commission, or ~~(5)~~ (e) for any nonresident  
15 under the age of sixteen years to receive a permit to harvest fur  
16 from any fur-bearing animal under the Game Law without presenting  
17 a written request therefor signed by his or her father, mother, or  
18 guardian.

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

22           (3) Any person violating subdivision (1)(a), (b), (c), or  
23 (d) of this section shall be guilty of a Class II misdemeanor and,  
24 upon conviction, shall be fined at least one hundred dollars for  
25 violations involving a fishing permit, at least one hundred fifty

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

6 Any person violating subdivision (1)(e) of this section shall be  
7 guilty of a Class III misdemeanor and shall be fined at least  
8 seventy-five dollars. Any ~~and any~~ permits purchased or used in  
9 violation of this section shall be confiscated by the court.

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

12           37-411 (1) Unless issued a permit as required in the Game  
13 Law, it shall be unlawful:

14           (a) For any resident of Nebraska who is sixteen years  
15 of age or older or any nonresident of Nebraska to engage in fur  
16 harvesting or possess any fur-bearing animal or raw fur, except  
17 that a person may possess a fur-bearing animal or raw fur for  
18 up to ten days after expiration of a valid permit. Nonresident  
19 fur-harvesting permits may be issued only to residents of states  
20 which issue similar permits to residents of Nebraska;

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

24           (c) For any person who is sixteen years of age or older  
25 to hunt or possess any migratory waterfowl without a federal

1 migratory bird hunting stamp and a Nebraska migratory waterfowl  
2 stamp as required under the Game Law and rules and regulations of  
3 the commission; or

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

10 (2) It shall be unlawful for a nonresident to hunt or  
11 possess any kind of game birds or game animals, to take any kind  
12 of fish, mussel, turtle, or amphibian, or to harvest fur with a  
13 resident permit illegally obtained.

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

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

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

25 (6) Except as provided in this section and sections

1 37-407 and 37-418, it shall be unlawful for any nonresident to trap  
2 or attempt to trap or to harvest fur or attempt to harvest fur from  
3 any wild mammal.

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

7 ~~(8)(a)~~ (7) (a) Any person violating this section shall  
8 be guilty of a Class II misdemeanor and, upon conviction, shall  
9 be fined at least ~~seventy-five dollars.~~ fifty dollars for failure  
10 to hold the appropriate stamp under subdivision (1)(c) of this  
11 section, at least one hundred dollars for failure to hold a fishing  
12 permit, at least one hundred fifty dollars for failure to hold a  
13 small game, fur-harvesting, paddlefish, or deer permit, at least  
14 two hundred fifty dollars for failure to hold an antelope permit,  
15 at least five hundred dollars for failure to hold an elk permit,  
16 and at least one thousand dollars for failure to hold a mountain  
17 sheep permit.

18 (b) If the offense is failure to hold a hunting, fishing,  
19 fur-harvesting, deer, turkey, or antelope permit as required,  
20 unless issuance of the required permit is restricted so that  
21 permits are not available, the court shall require the offender to  
22 purchase the required permit and exhibit proof of such purchase to  
23 the court.

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

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

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

18                   (3) The commission may issue to any nonresident a  
19 lifetime fishing, hunting, or combination hunting and fishing  
20 permit upon application and payment of the appropriate fee. The fee  
21 for a nonresident lifetime hunting permit shall be not more than  
22 twelve hundred fifty dollars, the fee for a nonresident lifetime  
23 fishing permit shall be not more than eight hundred fifty dollars  
24 plus the cost of a lifetime aquatic habitat stamp, and the fee  
25 for a nonresident lifetime combination hunting and fishing permit

1 shall be not more than two thousand dollars plus the cost of a  
2 lifetime aquatic habitat stamp, as such fees are established by the  
3 commission pursuant to section 37-327. Payment of the fee shall be  
4 made in a lump sum at the time of application.

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

9 (5) The commission may adopt and promulgate rules and  
10 regulations to carry out this section and sections 37-416 and  
11 37-417. Such rules and regulations may include, but need not be  
12 limited to, establishing fees which vary based on the age of the  
13 applicant.

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

16 37-417 Fees received for lifetime permits under the  
17 Game Law shall be credited to the State Game Fund. Twenty-five  
18 percent of the fees for lifetime permits and shall not be expended  
19 but may be invested by the state investment officer pursuant to  
20 the Nebraska Capital Expansion Act and the Nebraska State Funds  
21 Investment Act. Income from such investments may be expended by the  
22 commission.

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

25 37-426 (1) Except as provided in subsection (4) of this

1 section:

2 (a) No resident of Nebraska sixteen years of age or  
3 older and no nonresident of Nebraska regardless of age shall  
4 hunt, harvest, or possess any game bird, upland game bird, game  
5 animal, or fur-bearing animal unless, at the time of such hunting,  
6 harvesting, or possessing, such person has an unexpired habitat  
7 stamp as prescribed by the rules and regulations of the commission  
8 prior to the time of hunting, harvesting, or possessing such bird  
9 or animal;

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

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

25 (2)(a) The commission may issue a lifetime habitat stamp

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

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

20 (3) The commission may issue a lifetime aquatic habitat  
21 stamp upon application and payment of the appropriate fee. The  
22 fee for a lifetime aquatic habitat stamp shall be not more than  
23 ~~one hundred twenty-five~~ two hundred dollars as established by the  
24 commission pursuant to section 37-327. Payment of such fee shall be  
25 made in a lump sum at the time of application. A lifetime aquatic



1 habitat stamp shall not be made invalid by reason of the holder  
2 subsequently residing outside the state. A replacement lifetime  
3 aquatic habitat stamp may be issued if the original is lost or  
4 destroyed. The fee for a replacement shall ~~not be less than one~~  
5 ~~dollar and fifty cents~~ and be not more than five dollars, as  
6 established by the commission.

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

18 (5) Any person to whom a stamp has been issued shall,  
19 immediately upon request, exhibit evidence of issuance of the  
20 stamp to any officer. Any person hunting, fishing, harvesting,  
21 or possessing any game bird, upland game bird, game animal, or  
22 fur-bearing animal or any aquatic organism requiring a fishing  
23 permit in this state without evidence of issuance of the  
24 appropriate stamp shall be deemed to be without such stamp. A  
25 habitat stamp shall be issued upon the payment of a fee of ~~not more~~

1 ~~than sixteen~~ twenty dollars per stamp. An aquatic habitat stamp  
2 shall be issued in conjunction with each fishing permit for a fee  
3 of ~~not more than seven~~ ten dollars and ~~fifty cents~~ per stamp for  
4 annual fishing permits, three-day fishing permits, or combination  
5 hunting and fishing permits and a fee of not more than ~~one~~ two  
6 hundred dollars for lifetime fishing or combination hunting and  
7 fishing permits. The fee established under section 37-407 for a  
8 one-day fishing permit shall include an aquatic habitat stamp.  
9 One dollar from the sale of each one-day fishing permit shall be  
10 remitted to the State Treasurer for credit to the Nebraska Aquatic  
11 Habitat Fund. A Nebraska migratory waterfowl stamp shall be issued  
12 upon the payment of a fee of not more than ~~ten~~ sixteen dollars per  
13 stamp. The commission shall establish the fees pursuant to section  
14 37-327.

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

17           37-431 (1)(a) The Nebraska Habitat Fund is created.  
18 The commission shall remit fees received for habitat stamps and  
19 Nebraska migratory waterfowl stamps to the State Treasurer for  
20 credit to the Nebraska Habitat Fund. Any money in the fund  
21 available for investment shall be invested by the state investment  
22 officer pursuant to the Nebraska Capital Expansion Act and the  
23 Nebraska State Funds Investment Act. ~~No expenditure shall be made~~  
24 ~~from the Nebraska Habitat Fund~~ Up to twenty-five percent of the  
25 annual receipts of the fund may be spent by the commission to

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

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

13 (2) (a) The Nebraska Aquatic Habitat Fund is created. The  
14 commission shall remit fees received for aquatic habitat stamps and  
15 one dollar of the one-day fishing permit fee as provided in section  
16 37-426 to the State Treasurer for credit to the Nebraska Aquatic  
17 Habitat Fund. Any money in the fund available for investment  
18 shall be invested by the state investment officer pursuant to  
19 the Nebraska Capital Expansion Act and the Nebraska State Funds  
20 Investment Act. ~~No expenditure shall be made from the Nebraska~~  
21 ~~Aquatic Habitat Fund~~ Up to thirty percent of the annual receipts  
22 of the fund may be spent by the commission to provide public  
23 waters angler access enhancements and to provide funding for the  
24 administration of programs related to aquatic habitat and public  
25 waters angler access enhancements, and the remainder of the fund

1 shall not be spent until the commission has presented a habitat  
2 plan to the Committee on Appropriations and the Committee on  
3 Natural Resources of the Legislature for their approval.

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

10 (3) The secretary of the commission and any county clerk  
11 or public official designated to sell habitat stamps, aquatic  
12 habitat stamps, or Nebraska migratory waterfowl stamps shall be  
13 liable upon their official bonds or equivalent commercial insurance  
14 policy for failure to remit the money from the sale of the stamps,  
15 as required by sections 37-426 to 37-433, coming into their hands.  
16 Any agent who receives stamp fees and who fails to remit the  
17 fees to the commission within a reasonable time after demand by  
18 the commission shall be liable to the commission in damages for  
19 double the amount of the funds wrongfully withheld. Any agent  
20 who purposefully fails to remit such fees with the intention of  
21 converting them is guilty of theft. The penalty for such violation  
22 shall be determined by the amount converted as specified in section  
23 28-518.

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

1           37-432 (1) All money received from the sale of habitat  
2 stamps, as provided by sections 37-426 to 37-433, shall be  
3 administered by the commission for the acquisition of, on a  
4 willing-seller willing-buyer basis only, leasing\_of, development  
5 of, management of, ~~and~~ enhancement of, access to, and taking of  
6 easements on wildlife lands and habitat areas. Such funds may be  
7 used in whole or in part for the matching of federal funds. Up to  
8 twenty-five percent of the money received from the sale of habitat  
9 stamps may be used to provide access to private wildlife lands and  
10 habitat areas.

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

25           (3) All money received from the sale of Nebraska

1 migratory waterfowl stamps, as provided by sections 37-426 to  
2 37-433, shall be administered by the commission for the acquisition  
3 on a willing-seller willing-buyer basis only, leasing, development,  
4 management, and enhancement of and taking of easements on migratory  
5 waterfowl habitat. Such funds may be used in whole or in part for  
6 the matching of federal funds.

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

9           37-433 Unless otherwise provided in sections 37-426 to  
10 37-433, any person who violates any provision of sections 37-426  
11 to 37-433 or who violates or fails to comply with any rule or  
12 regulation thereunder shall be guilty of a Class V misdemeanor and  
13 shall be fined at least fifty dollars upon conviction.

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

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

22           37-440 (1) The commission shall prescribe the type and  
23 design of permits and the method of display of permits for motor  
24 vehicles. The commission may provide for the electronic issuance of  
25 permits and may enter into contracts to procure necessary services

1 and supplies for the electronic issuance of permits.

2 (2) The permits may be procured from the central and  
3 district offices of the commission, at areas of the Nebraska  
4 state park system where commission offices are maintained,  
5 from self-service vending stations at designated park areas,  
6 from designated commission employees, through Internet sales  
7 from the commission's web site, from appropriate offices of  
8 county government, and from various private persons, firms, or  
9 corporations designated by the commission as permit agents. ~~County~~  
10 The commission and county offices or private persons, firms, or  
11 corporations designated by the commission as permit agents shall be  
12 entitled to collect and retain a fee of not less than twenty-five  
13 cents and not more than thirty-five cents, as established by  
14 the commission pursuant to section 37-327, for each permit as  
15 reimbursement for the clerical work of issuing the permits and  
16 remitting therefor. The commission shall be entitled to collect and  
17 retain a fee of one dollar for each permit sold through its web  
18 site as reimbursement for the clerical work and postage associated  
19 with issuing the permit.

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

22 37-447 (1) The commission may issue permits for  
23 the hunting of deer and prescribe and ~~establish~~ adopt and  
24 promulgate rules and regulations and limitations for the hunting,  
25 transportation, and possession of deer. The commission may offer

1 multiple-year permits or combinations of permits at reduced rates.  
2 The commission may specify by regulation the information to  
3 be required on applications for such permits. Regulations and  
4 limitations for the hunting, transportation, and possession of deer  
5 may include, but not be limited to, regulations and limitations  
6 as to the type, caliber, and other specifications of firearms  
7 and ammunition used and specifications for bows and arrows used.  
8 Such regulations and limitations may further specify and limit  
9 the method of hunting deer and may provide for dividing the state  
10 into management units or areas, and the commission may enact  
11 different deer hunting regulations for the different management  
12 units pertaining to sex, species, and age of the deer hunted.

13           (2) The number of such permits may be limited as provided  
14 by the rules and regulations of the commission, and except as  
15 provided in section 37-454, the permits shall be disposed of in  
16 an impartial manner. Whenever the commission deems it advisable to  
17 limit the number of permits issued for any or all management units,  
18 the commission shall, by rules and regulations, determine who shall  
19 be eligible to obtain such permits. In establishing eligibility,  
20 the commission may give preference to persons who did not receive  
21 a permit or a specified type of permit during the previous year or  
22 years.

23           (3) Such permits may be issued to allow deer hunting in  
24 the Nebraska National Forest and other game reserves and such other  
25 areas as the commission may designate whenever the commission deems



1 that permitting such hunting will not be detrimental to the proper  
2 preservation of wildlife in Nebraska in such forest, reserves, or  
3 areas.

4 ~~(4)~~ (4) (a) The commission shall, pursuant to section  
5 37-327, establish and charge a fee of not more than twenty-nine  
6 dollars for residents and not more than two hundred fourteen  
7 dollars for nonresidents for each permit issued under this section,  
8 ~~except that the fee for a statewide buck-only permit shall be two~~  
9 ~~and one-half times the amount of a regular deer permit.~~ except  
10 as otherwise provided in subdivision (b) of this subsection and  
11 subsection (6) of this section.

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

16 (5) The commission may issue nonresident permits after  
17 preference has been given for the issuance of resident permits as  
18 provided in rules and regulations adopted and promulgated by the  
19 commission. The commission may require a predetermined application  
20 period for permit applications in specified management units. Such  
21 permits shall be issued after a reasonable period for making  
22 application, as established by the commission, has expired. When  
23 more valid applications are received for a designated management  
24 unit than there are permits available, such permits shall be  
25 allocated on the basis of a random drawing. All valid applications

1 received during the predetermined application period shall be  
2 considered equally in any such random drawing without regard to  
3 time of receipt of such applications by the commission.

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

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

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

14 37-449 (1) The commission may issue permits for hunting  
15 antelope and may ~~establish~~ adopt and promulgate separate and,  
16 when necessary, different rules and regulations therefor within  
17 the limitations prescribed in sections 37-447 and 37-452 for  
18 hunting deer. The commission may offer multiple-year permits or  
19 combinations of permits at reduced rates.

20 (2) The commission may, pursuant to section 37-327,  
21 establish and charge a nonrefundable application fee of not more  
22 than seven dollars. The commission shall, pursuant to section  
23 37-327, establish and charge a fee of not more than twenty-nine  
24 dollars for residents and not more than one hundred forty-nine  
25 dollars and fifty cents for nonresidents for each permit issued

1 under this section except as provided in subsection (4) of this  
2 section.

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

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

11 (5) Any person violating the rules and regulations  
12 adopted and promulgated pursuant to this section shall be guilty  
13 of a Class II misdemeanor and shall be fined at least one hundred  
14 dollars upon conviction.

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

17 37-450 (1) The commission may issue permits for hunting  
18 elk and may ~~establish~~ adopt and promulgate separate and, when  
19 necessary, different rules and regulations therefor within the  
20 limitations prescribed in sections 37-447 and 37-452 for hunting  
21 deer. ~~Permits to hunt elk issued pursuant to this section shall not~~  
22 ~~be issued to nonresidents.~~

23 (2) The commission shall, pursuant to section 37-327,  
24 establish and charge (a) a nonrefundable application fee of not  
25 more than eight dollars and fifty cents for a resident elk permit

1 and not to exceed three times such amount for a nonresident elk  
2 permit and (b) a fee of not more than one hundred forty-nine  
3 dollars and fifty cents for each resident elk permit issued and not  
4 to exceed three times such amount for each nonresident elk permit  
5 issued.

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

9 (4) The provisions for the distribution of deer permits  
10 and the authority of the commission to determine eligibility of  
11 applicants for permits as described in sections 37-447 and 37-452  
12 shall also apply to the distribution of elk permits.

13 (5) Any person violating the rules and regulations  
14 adopted and promulgated pursuant to this section shall be guilty  
15 of a Class III misdemeanor and shall be fined at least two hundred  
16 dollars upon conviction.

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

19 37-451 (1) The commission may issue permits for hunting  
20 mountain sheep and may ~~establish~~ adopt and promulgate separate and,  
21 when necessary, different rules and regulations therefor within  
22 the limitations prescribed in subsection (1) of section 37-447 and  
23 section 37-452 for hunting deer. Such rules and regulations shall  
24 include provisions allowing persons who find dead mountain sheep,  
25 or any part of a mountain sheep, to turn over to the commission

1 such mountain sheep or part of a mountain sheep. The commission may  
2 dispose of such mountain sheep or part of a mountain sheep as it  
3 deems reasonable and prudent. Except as otherwise provided in this  
4 section, the permits shall be issued to residents of Nebraska.

5 (2) The commission shall, pursuant to section 37-327,  
6 establish and charge a nonrefundable application fee of not more  
7 than twenty-five dollars for permits issued only to residents. Any  
8 number of resident-only permits, as authorized by the commission,  
9 shall be awarded by random drawing to eligible applicants. No  
10 permit fee shall be charged in addition to the nonrefundable  
11 application fee.

12 (3) No more than one additional permit may be authorized  
13 and issued pursuant to an auction open to residents and  
14 nonresidents. The auction shall be conducted according to rules and  
15 regulations prescribed by the commission. Any money derived from  
16 the sale of permits by auction shall be used only for perpetuation  
17 and management of mountain sheep, elk, and deer.

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

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

24 (6) Any person violating the rules and regulations  
25 adopted and promulgated pursuant to this section shall be guilty of

1 a Class III misdemeanor and shall be fined at least five hundred  
2 dollars upon conviction.

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

5           37-455 (1) The commission may issue a limited permit  
6 for deer, antelope, wild turkey, or elk to a person who is a  
7 qualifying landowner or leaseholder and his or her immediate family  
8 as described in this section. The commission may issue nonresident  
9 landowner limited permits after preference has been given for the  
10 issuance of resident permits as provided in rules and regulations  
11 adopted and promulgated by the commission. A permit shall be  
12 valid during the predetermined period established by the commission  
13 pursuant to sections 37-447 to 37-450, 37-452, 37-456, or 37-457.  
14 Upon receipt of an application in proper form as prescribed by  
15 the rules and regulations of the commission, the commission may  
16 issue (a) a limited deer, antelope, or wild turkey permit valid  
17 for hunting on all of the land which is owned or leased by the  
18 qualifying landowner or leaseholder if such lands are identified in  
19 the application or (b) a limited elk permit valid for hunting on  
20 the entire elk management unit of which the land of the qualifying  
21 landowner or leaseholder included in the application is a part.

22           (2)(a) The commission shall adopt and promulgate rules  
23 and regulations prescribing procedures and forms and create  
24 requirements for documentation by an applicant or permittee to  
25 determine whether the applicant or permittee is a Nebraska resident

1 and is a qualifying landowner or leaseholder of the described  
2 property or is a member of the immediate family of ~~and residing~~  
3 ~~in the same household~~ as such qualifying landowner or leaseholder.  
4 Only a person who is a qualifying landowner or leaseholder and such  
5 person's immediate family ~~residing in the same household as such~~  
6 ~~qualifying landowner or leaseholder~~ may apply for a limited permit.  
7 An applicant may apply for no more than one permit per species  
8 per year except as otherwise provided in the rules and regulations  
9 of the commission. For purposes of this section, immediate family  
10 means and is limited to a husband and wife and their children or  
11 siblings sharing ownership in the property.

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

21 (3)(a) To qualify for a limited permit to hunt deer or  
22 antelope, the applicant shall be a Nebraska resident who owns or  
23 leases eighty acres or more of farm or ranch land for agricultural  
24 purposes or a member of such person's immediate family. ~~residing in~~  
25 ~~the same household.~~ The number of limited permits issued annually

1 per species for each farm or ranch shall not exceed the total  
2 acreage of the farm or ranch divided by eighty. ~~An applicant may~~  
3 ~~apply for no more than one permit per species per year.~~ The fee for  
4 a limited permit to hunt deer or antelope shall be one-half the fee  
5 for the regular permit for such species.

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

17 (c) The commission may adopt and promulgate rules and  
18 regulations providing for the issuance of an additional limited  
19 deer permit to a qualified individual for the taking of a deer  
20 without antlers at a fee equal to or less than the fee for the  
21 original limited permit.

22 (4)(a) To qualify for a limited permit to hunt wild  
23 turkey, the applicant shall be a Nebraska resident who owns or  
24 leases eighty acres or more of farm or ranch land for agricultural  
25 purposes or a member of such person's immediate family. ~~residing in~~



1 ~~the same household.~~ The number of limited permits issued annually  
2 per season for each farm or ranch shall not exceed the total  
3 acreage of the farm or ranch divided by eighty. An applicant may  
4 apply for no more than one limited permit per season. The fee for  
5 a limited permit to hunt wild turkey shall be one-half the fee for  
6 the regular permit to hunt wild turkey.

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

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

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

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

21           37-455.01 The commission may issue auction or lottery  
22 permits for up to five permits each for antelope and elk and  
23 up to twenty-five permits each for deer and wild turkey during  
24 the calendar year. Included in that number are single species and  
25 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 permit 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.

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

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

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

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

24 (5) The commission shall, pursuant to section 37-327,  
25 establish and charge a fee of not more than twenty-five dollars for

1 residents and not more than forty-five dollars for nonresidents for  
2 a youth wild turkey permit.

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

5           37-477 (1) No person shall keep in captivity in this  
6 state any wild birds, any wild mammals, any nongame wildlife  
7 in need of conservation as determined by the commission under  
8 section 37-805, or any wildlife determined to be an endangered  
9 or threatened species under the Endangered Species Act or section  
10 37-806 without first having obtained a permit to do so as provided  
11 by section 37-478 or 37-479.

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

25           (3) Any person legally holding in captivity, on March

1 1, 1986, any animal subject to the prohibition contained in  
2 subsection (2) of this section shall be allowed to keep the animal  
3 for the duration of its life. Such animal shall not be traded,  
4 sold, or otherwise disposed of without written permission from the  
5 commission.

6 (4) The commission shall adopt and promulgate rules and  
7 regulations governing the purchase, possession, propagation, sale,  
8 and barter of wild birds, wild mammals, and wildlife in captivity.

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

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

1 requirements for the reports.

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

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

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

16 37-481 Sections 37-477 to 37-480 shall not be construed  
17 to require the obtaining of a permit for the purpose of keeping  
18 in captivity wild birds, wild mammals, or wildlife as specified in  
19 subsection (1) of section 37-477 or for the purpose of purchasing,  
20 possessing, propagating, selling, bartering, or otherwise disposing  
21 of any wild birds, wild mammals, or wildlife as specified in  
22 subsection (1) of section 37-477 by (1) any zoo, park, refuge,  
23 wildlife area, or nature center owned or operated by a city,  
24 village, state, or federal agency or any zoo accredited by the  
25 Association of Zoos and Aquariums or the Zoological Association of

1 America or (2) any circus licensed by the United States Department  
2 of Agriculture.

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

5           37-4,111 The commission may adopt and promulgate rules  
6 and regulations to provide for the issuance of permits for the  
7 taking of paddlefish. The commission may, pursuant to section  
8 37-327, establish and charge a fee of not more than thirty-five  
9 dollars for residents. The fee for a nonresident permit to take  
10 paddlefish shall be two times the resident permit fee. All fees  
11 collected under this section shall be remitted to the State  
12 Treasurer for credit to the State Game Fund.

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

15           37-501 Except as otherwise provided by the Game Law or  
16 rules and regulations of the commission, it shall be unlawful for  
17 any person in any one day to take or have in his or her possession  
18 at any time a greater number of game birds, game animals, or  
19 game fish of any one kind than as established pursuant to section  
20 37-314. Any person violating this section shall be guilty of a  
21 Class III misdemeanor and, upon conviction, shall be fined at least  
22 two hundred dollars for violations relating to turkeys, small game  
23 animals, or game fish.

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



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

9                   (2) Any person who at any time, except during an open  
10 season ordered by the commission as authorized in the Game Law,  
11 unlawfully hunts, traps, or has in his or her possession any  
12 mountain sheep shall be guilty of a Class II misdemeanor and shall  
13 be fined at least one thousand dollars upon conviction.

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

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

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

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

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

13           (8) A person holding a special permit pursuant to the  
14 Game Law for the taking of any game or any birds not included in  
15 the definition of game shall not be liable under this section while  
16 acting under the authority of such permit.

17           ~~(9) In addition to the penalties provided in subsections~~  
18 ~~(1), (3), and (4) of this section, any person convicted pursuant to~~  
19 ~~subsection (1) or (3) of this section shall be fined at least one~~  
20 ~~hundred dollars and any person convicted pursuant to subsection (4)~~  
21 ~~of this section shall be fined at least fifty dollars.~~

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

24           37-507 Any person who at any time takes any game bird,  
25 game animal, or game fish other than baitfish in this state and

1 who intentionally leaves or abandons such bird, animal, or fish or  
2 an edible portion thereof resulting in wanton or needless waste or  
3 otherwise intentionally allows it or an edible portion thereof to  
4 be wantonly or needlessly wasted or fails to dispose thereof in  
5 a reasonable and sanitary manner shall be guilty of a Class III  
6 misdemeanor.

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

9           37-513 (1) It shall be unlawful to shoot at any wildlife  
10 from any highway or roadway, which includes that area of land from  
11 the center of the traveled surface to the right-of-way on either  
12 side. Any person violating this subsection shall be guilty of a  
13 Class III misdemeanor and shall be fined at least ~~fifty~~ one hundred  
14 dollars.

15           (2) (a) It shall be unlawful to trap any wildlife in  
16 the county road right-of-way, except that the commission may  
17 allow trapping of raptors within the county road right-of-way in  
18 accordance with sections 37-497 to 37-4,103.

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

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

24           37-514 (1) Except as provided in section 37-4,107, it  
25 shall be unlawful to hunt any wildlife by projecting or casting the

1 rays of a spotlight, headlight, or other artificial light attached  
2 to or used from a vehicle or boat in any field, pasture, woodland,  
3 forest, prairie, water area, or other area which may be inhabited  
4 by wildlife while having in possession or control, either singly or  
5 as one of a group of persons, any firearm or bow and arrow.

6 (2) Nothing in this section shall prohibit (a) the  
7 hunting on foot of raccoon with the aid of a handlight, (b) ex  
8 the hunting of species of wildlife not protected by the Game Law  
9 in the protection of property by landowners or operators or their  
10 regular employees on land under their control on foot or from a  
11 motor vehicle with the aid of artificial light, or (c) the taking  
12 of nongame fish by means of bow and arrow from a vessel with the  
13 aid of artificial light.

14 (3) Any person violating this section shall be guilty of  
15 a Class III misdemeanor and shall be fined at least one hundred  
16 fifty dollars, two hundred fifty dollars upon conviction.

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

19 37-523 (1) It shall be unlawful to hunt or trap any form  
20 of wild mammal or wild bird within a two-hundred-yard radius of  
21 an inhabited dwelling or livestock feedlot, or to trap within a  
22 two-hundred-yard radius of any passage used by livestock to pass  
23 under any highway, road, or bridge.

24 (2) This section shall not prohibit any owner, tenant, or  
25 operator or his or her guests from hunting or trapping any form of

1 wild mammal or wild bird within such radius if the area is under  
2 his or her ownership or control. This section shall not prohibit  
3 duly authorized personnel of any county, city, or village health or  
4 animal control department from trapping with a humane live box trap  
5 or pursuing any form of wild mammal or wild bird, when conducting  
6 such activities within the scope of the authorization, within such  
7 radius if the area is under the jurisdiction of the county, city,  
8 or village.

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

12 Sec. 33. (1) For purposes of this section, drug means any  
13 chemical substance, other than food, that affects the structure or  
14 biological function of any wildlife under the jurisdiction of the  
15 commission.

16 (2) Except with written authorization from the secretary  
17 of the commission or his or her designee or as otherwise provided  
18 by law, a person shall not administer a drug to any wildlife under  
19 the jurisdiction of the commission, including, but not limited to,  
20 a drug used for fertility control, disease prevention or treatment,  
21 immobilization, or growth stimulation.

22 (3) This section does not prohibit the treatment of  
23 wildlife to prevent disease or the treatment of sick or injured  
24 wildlife by a licensed veterinarian, a holder of a federal  
25 migrating bird rehabilitation permit, a holder of a permit

1 regulated under the authority of section 37-316, a holder of a  
2 permit regulated under the authority of section 37-4,106, or a  
3 holder of a license regulated under the authority of section  
4 37-4,108.

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

13 (5) A conservation officer may take possession or dispose  
14 of any wildlife under the jurisdiction of the commission that  
15 the officer reasonably believes has been administered a drug in  
16 violation of this section.

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

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

21 37-613 (1) Any person who sells, purchases, takes, or  
22 possesses contrary to the Game Law any wildlife shall be liable to  
23 the State of Nebraska for the damages caused thereby. Such damages  
24 shall be:

25 (a) ~~Five~~ Fifteen thousand dollars for each mountain

1 sheep;

2 (b) Five thousand dollars for each elk with a minimum of  
3 twelve total points and one thousand five hundred dollars for any  
4 other elk;

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

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

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

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

21 ~~(e)~~ Seven hundred fifty dollars for each deer, antelope,  
22 bear, swan, or paddlefish;

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

25 (h) Twenty-five dollars for each raccoon, opossum, skunk,

1 or raw pelt thereof;

2 (i) Five thousand dollars for each eagle;

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

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

5 ~~(e)~~ (l) Seventy-five dollars for each other game bird,

6 other game animal, other fur-bearing animal, other than raccoons,

7 ~~or the raw pelts~~ raw pelt thereof, or nongame wildlife in need of

8 conservation as designated by the commission pursuant to section

9 37-805, not otherwise listed in this subsection;

10 ~~(f)~~ (m) Fifty dollars for each wild bird not otherwise

11 listed in this ~~section,~~ subsection;

12 (n) Seven hundred fifty dollars for each swan or

13 paddlefish;

14 (o) Two hundred dollars for each master angler fish

15 measuring more than twelve inches in length;

16 ~~(g)~~ (p) Fifty dollars for each game fish measuring

17 more than twelve inches in length not otherwise listed in this

18 subsection;

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

20 ~~(i) Twenty~~ (q) Twenty-five dollars for each other game

21 fish; and

22 ~~(j) Twenty~~ (r) Fifty dollars for any other species of

23 game not otherwise listed in this subsection.

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

25 regulations to provide for a list of master angler fish which



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

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

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

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

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

24           37-1241.07 (1) The owner of a boat livery, or his or her  
25 agent or employee, shall not lease, hire, or rent a motorboat or

1 personal watercraft to any person under eighteen years of age.

2 (2) Except as provided in subdivision (1)(a) of section  
3 37-1241.06, a person younger than eighteen years of age may operate  
4 a motorboat or personal watercraft rented, leased, or hired by a  
5 person eighteen years of age or older if the person younger than  
6 eighteen years of age holds a valid boating safety certificate  
7 issued under section 37-1241.06.

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

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

25 Sec. 37. Section 37-1241.08, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           37-1241.08 Sections ~~37-1204.01~~ and 37-1241.01 to  
3 37-1241.07 shall not apply to a person participating in a regatta,  
4 race, marine parade, tournament, or exhibition which has been  
5 authorized or permitted by the commission pursuant to sections  
6 37-1262 and 37-1263 or is otherwise exempt from the provisions of  
7 the State Boat Act.

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

10           54-2313 The luring or enticement of wildlife into a  
11 permitted domesticated cervine animal facility for the purpose  
12 of containing such wildlife is cause for permit suspension under  
13 section 54-2310 and shall be considered a violation of section  
14 ~~37-411.~~ 37-479. Any permitholder under the Domesticated Cervine  
15 Animal Act who lures or entices wildlife into such a facility is  
16 responsible for any and all expenses incurred by the commission to  
17 remove such wildlife from the facility.

18           Sec. 39. Original sections 28-1335, 37-201, 37-314,  
19 37-327, 37-407, 37-410, 37-411, 37-415, 37-417, 37-426, 37-431,  
20 37-432, 37-433, 37-440, 37-447, 37-449, 37-450, 37-451, 37-455,  
21 37-455.01, 37-456, 37-457, 37-477, 37-479, 37-481, 37-4,111,  
22 37-501, 37-504, 37-507, 37-513, 37-514, 37-523, 37-613, 37-727,  
23 37-1241.07, 37-1241.08, and 54-2313, Reissue Revised Statutes of  
24 Nebraska, are repealed.