

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 105

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, 37-438,
4 37-440, 37-447, 37-448, 37-449, 37-450, 37-451, 37-455,
5 37-455.01, 37-456, 37-457, 37-458, 37-462, 37-463,
6 37-465, 37-477, 37-478, 37-479, 37-481, 37-483, 37-484,
7 37-497, 37-4,104, 37-4,105, 37-4,106, 37-4,108, 37-4,111,
8 37-501, 37-504, 37-507, 37-513, 37-514, 37-523, 37-613,
9 37-727, 37-1212, 37-1214, 37-1217, 37-1227, 37-1241.07,
10 37-1241.08, and 54-2313, Reissue Revised Statutes of
11 Nebraska; to provide powers and duties for the Game
12 and Parks Commission; to provide for and change penalty
13 provisions related to hunting and fishing; to provide

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

12 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 47 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 fee
5 more than six percent in any one year, except that if a fee has not
6 been increased by such percentage in a prior year after 1993, the
7 difference between a six percent increase and the actual percentage
8 increase in such prior year may be added to the percentage increase
9 in a subsequent year. Such fees shall be collected and disposed of
10 as provided in such law, act, and section. The commission shall, as
11 provided in such law, act, and section, establish issuance fees to
12 be retained by authorized agents of such licenses, permits, stamps,
13 bands, registrations, and certificates under such law, act, and
14 section. The commission shall establish such fees by the adoption
15 and promulgation of rules and regulations.

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

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

23 (b) Monthly estimates of cash fund revenue, expenditures,
24 and ending balances for the current fiscal year and the following
25 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 twenty-one dollars for hunting, (b) not more than ~~seventeen~~
25 twenty-eight dollars and ~~fifty cents~~ for fishing, (c) not more

1 than ~~eleven~~ eighteen dollars and ~~fifty cents~~ for a three-day
2 fishing permit, (d) not more than ~~eight~~ thirteen dollars for a
3 one-day fishing permit, (e) not more than ~~twenty-nine~~ forty-six
4 dollars for both fishing and hunting, and (f) not more than ~~twenty~~
5 thirty-two dollars for fur harvesting; and

6 (2) Nonresident fees shall be (a) not more than ~~two~~ four
7 hundred ~~sixty~~ sixteen dollars for a period of time specified by
8 the commission for fur harvesting one thousand or less fur-bearing
9 animals and not more than ~~seventeen~~ twenty-eight dollars and ~~fifty~~
10 ~~cents~~ additional for each one hundred or part of one hundred
11 fur-bearing animals harvested, (b)(i) for persons sixteen years
12 of age and older, not more than ~~eighty~~ one hundred twenty-eight
13 dollars for hunting and (ii) for persons under sixteen years
14 of age, not less than the fee required pursuant to subdivision
15 (1)(a) of this section for hunting, (c) not more than ~~thirty-five~~
16 fifty-six dollars for a special two-day hunting permit plus the
17 cost of a habitat stamp, (d) not more than ~~nine~~ fourteen dollars
18 for a one-day fishing permit, (e) not more than ~~sixteen~~ twenty-six
19 dollars and ~~fifty cents~~ for a three-day fishing permit, and (f)
20 not more than ~~forty-nine~~ seventy-nine dollars and ~~fifty cents~~ for
21 an annual fishing permit, and (g)(i) for persons sixteen years of
22 age and older, not more than two hundred dollars for both fishing
23 and hunting and (ii) for persons under sixteen years of age, not
24 less than the fee required pursuant to subdivision (1)(e) of this
25 section for both 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 four hundred
6 seventy-eight dollars, the fee for a resident lifetime hunting
7 permit shall be not more than ~~two hundred ninety-nine~~ four hundred
8 seventy-eight dollars, the fee for a resident lifetime fishing
9 permit shall be not more than ~~three hundred forty-five~~ five
10 hundred fifty-two dollars plus the cost of a lifetime aquatic
11 habitat stamp, and the fee for a resident lifetime combination
12 hunting and fishing permit shall be not more than ~~five hundred~~
13 ~~ninety-eight~~ nine hundred fifty-seven dollars plus the cost of a
14 lifetime aquatic habitat stamp, as such fees are established by the
15 commission pursuant to section 37-327. Payment of the fee shall be
16 made in a lump sum at the time of application.

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

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

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

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

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

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

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

25 Sec. 10. Section 37-426, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 37-426 (1) Except as provided in subsection (4) of this
3 section:

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

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

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

1 hunting, harvesting, or possessing such migratory waterfowl.

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

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

22 (3) The commission may issue a lifetime aquatic habitat
23 stamp upon application and payment of the appropriate fee. The
24 fee for a lifetime aquatic habitat stamp shall be not more than
25 ~~one hundred twenty-five~~ two hundred dollars as established by the

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

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

20 (5) Any person to whom a stamp has been issued shall,
21 immediately upon request, exhibit evidence of issuance of the
22 stamp to any officer. Any person hunting, fishing, harvesting,
23 or possessing any game bird, upland game bird, game animal, or
24 fur-bearing animal or any aquatic organism requiring a fishing
25 permit in this state without evidence of issuance of the

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

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

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

1 ~~from the Nebraska Habitat Fund~~ Up to twenty-five percent of the
2 annual receipts of the fund may be spent by the commission to
3 provide access to private wildlife lands and habitat areas, and the
4 remainder of the fund shall not be spent until the commission has
5 presented a habitat plan to the Committee on Appropriations of the
6 Legislature for its approval.

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

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

1 administration of programs related to aquatic habitat and public
2 waters angler access enhancements, and the remainder of the fund
3 shall not be spent until the commission has presented a habitat
4 plan to the Committee on Appropriations and the Committee on
5 Natural Resources of the Legislature for their approval.

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

12 (3) The secretary of the commission and any county clerk
13 or public official designated to sell habitat stamps, aquatic
14 habitat stamps, or Nebraska migratory waterfowl stamps shall be
15 liable upon their official bonds or equivalent commercial insurance
16 policy for failure to remit the money from the sale of the stamps,
17 as required by sections 37-426 to 37-433, coming into their hands.
18 Any agent who receives stamp fees and who fails to remit the
19 fees to the commission within a reasonable time after demand by
20 the commission shall be liable to the commission in damages for
21 double the amount of the funds wrongfully withheld. Any agent
22 who purposefully fails to remit such fees with the intention of
23 converting them is guilty of theft. The penalty for such violation
24 shall be determined by the amount converted as specified in section
25 28-518.

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

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

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

1 enhancements.

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

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

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

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

22 Sec. 14. Section 37-438, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 37-438 (1) The commission shall devise permits in two
25 forms: Annual and temporary.

1 (2) The annual permit may be purchased by any person
2 and shall be valid through December 31 in the year for which the
3 permit is issued. The fee for the annual permit for a resident
4 motor vehicle shall be not more than ~~twenty~~ twenty-five dollars
5 per permit. The fee for the annual permit for a nonresident
6 motor vehicle shall not be more than ~~twenty-five~~ thirty dollars.
7 The commission shall establish such fees by the adoption and
8 promulgation of rules and regulations.

9 (3) A temporary permit may be purchased by any person and
10 shall be valid until noon of the day following the date of issue.
11 The fee for the temporary permit for a resident motor vehicle shall
12 be not more than ~~four~~ five dollars. The fee for the temporary
13 permit for a nonresident motor vehicle shall not be more than
14 five six dollars. The commission shall establish such fees by the
15 adoption and promulgation of rules and regulations. The commission
16 may issue temporary permits which are either valid for any area or
17 valid for a single area.

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

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

25 (2) The permits may be procured from the central and

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

18 Sec. 16. Section 37-447, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 37-447 (1) The commission may issue permits for
21 the hunting of deer and prescribe and ~~establish~~ adopt and
22 promulgate rules and regulations and limitations for the hunting,
23 transportation, and possession of deer. The commission may offer
24 multiple-year permits or combinations of permits at reduced rates.
25 The commission may specify by regulation the information to

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

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

21 (3) Such permits may be issued to allow deer hunting in
22 the Nebraska National Forest and other game reserves and such other
23 areas as the commission may designate whenever the commission deems
24 that permitting such hunting will not be detrimental to the proper
25 preservation of wildlife in Nebraska in such forest, reserves, or

1 areas.

2 ~~(4)~~ (4) (a) The commission shall, pursuant to section
3 37-327, establish and charge a fee of not more than ~~twenty-nine~~
4 forty-six dollars for residents and not more than ~~two~~ three hundred
5 ~~fourteen~~ forty-two dollars for nonresidents for each permit issued
6 under this section, ~~except that the fee for a statewide buck-only~~
7 ~~permit shall be two and one-half times the amount of a regular deer~~
8 ~~permit.~~ except as otherwise provided in subdivision (b) of this
9 subsection and subsections (6) and (7) of this section.

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

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

1 time of receipt of such applications by the commission.

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

6 (7) The commission shall, pursuant to section 37-327,
7 establish and charge a fee of not more than forty-six dollars for
8 residents and not more than eighty dollars for nonresidents for an
9 antlerless-only deer permit.

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

14 Sec. 17. Section 37-448, Reissue Revised Statutes of
15 Nebraska, is amended to read:

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

1 and shall be restricted to firearms which are permissible for use
2 during the regular deer season.

3 (2) The depredation season may commence not less than
4 five days after the first public announcement that the depredation
5 season has been established. Permits shall be issued beginning
6 not less than three days after the first public announcement of
7 the depredation season and shall be issued in an impartial manner
8 at a location determined by the secretary. The commission shall,
9 pursuant to section 37-327, establish and charge a fee of not
10 more than ~~twenty-five~~ forty dollars for a special depredation
11 season permit. Fifty percent of the fee shall be paid by the
12 commission to a landowner or operator within the designated area
13 upon satisfactory proof a deer was killed upon his or her farm
14 or ranch during the special depredation season. Receipt of a
15 depredation season permit shall not in any way affect a person's
16 eligibility for a regular season permit.

17 Sec. 18. Section 37-449, Reissue Revised Statutes of
18 Nebraska, is amended to read:

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

25 (2) The commission may, pursuant to section 37-327,

1 establish and charge a nonrefundable application fee of not more
2 than ~~seven~~ eleven dollars. The commission shall, pursuant to
3 section 37-327, establish and charge a fee of not more than
4 ~~twenty-nine~~ forty-six dollars for residents and not more than ~~one~~
5 two hundred forty-nine thirty-nine dollars and fifty cents for
6 nonresidents for each permit issued under this section except as
7 provided in subsection (4) of this section.

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

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

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

20 Sec. 19. Section 37-450, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 37-450 (1) The commission may issue permits for hunting
23 elk and may ~~establish~~ adopt and promulgate separate and, when
24 necessary, different rules and regulations therefor within the
25 limitations prescribed in sections 37-447 and 37-452 for hunting

1 deer. ~~Permits to hunt elk issued pursuant to this section shall not~~
2 ~~be issued to nonresidents.~~

3 (2) The commission shall, pursuant to section 37-327,
4 establish and charge (a) a nonrefundable application fee of not
5 more than ~~eight~~ fourteen dollars and ~~fifty cents~~ for a resident elk
6 permit and not to exceed three times such amount for a nonresident
7 elk permit and (b) a fee of not more than ~~one~~ two hundred
8 ~~forty-nine~~ thirty-nine dollars and ~~fifty cents~~ for each resident
9 elk permit issued and not to exceed three times such amount for
10 each nonresident elk permit issued.

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

14 (4) The provisions for the distribution of deer permits
15 and the authority of the commission to determine eligibility of
16 applicants for permits as described in sections 37-447 and 37-452
17 shall also apply to the distribution of elk permits.

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

22 Sec. 20. Section 37-451, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 37-451 (1) The commission may issue permits for hunting
25 mountain sheep and may ~~establish~~ adopt and promulgate separate and,

1 when necessary, different rules and regulations therefor within
2 the limitations prescribed in subsection (1) of section 37-447 and
3 section 37-452 for hunting deer. Such rules and regulations shall
4 include provisions allowing persons who find dead mountain sheep,
5 or any part of a mountain sheep, to turn over to the commission
6 such mountain sheep or part of a mountain sheep. The commission may
7 dispose of such mountain sheep or part of a mountain sheep as it
8 deems reasonable and prudent. Except as otherwise provided in this
9 section, the permits shall be issued to residents of Nebraska.

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

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

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

1 the permits.

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

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

8 Sec. 21. Section 37-455, Reissue Revised Statutes of
9 Nebraska, is amended to read:

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

1 landowner or leaseholder included in the application is a part.

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

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

1 (3) (a) To qualify for a limited permit to hunt deer or
2 antelope, 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 species 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 permit per species per year.~~ The fee for
9 a limited permit to hunt deer or antelope shall be one-half the fee
10 for the regular permit for such species.

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 deer
15 or antelope permit. ~~Only one limited deer permit per three hundred~~
16 ~~twenty acres may be issued annually under this subdivision.~~ The
17 number of limited permits issued annually per species for each farm
18 or ranch shall not exceed the total acreage of the farm or ranch
19 divided by three hundred twenty. The fee for such a permit to hunt
20 deer or antelope shall be one-half the fee for a nonresident permit
21 to hunt ~~deer.~~ such species.

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

1 original limited permit.

2 (4)(a) To qualify for a limited permit to hunt wild
3 turkey, 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 season 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 limited permit per season. The fee for
10 a limited permit to hunt wild turkey shall be one-half the fee for
11 the regular permit to hunt wild turkey.

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
16 permit to hunt wild turkey, ~~during the spring wild turkey season.~~
17 Only one limited wild turkey permit per three hundred twenty acres
18 may be issued annually for each wild turkey season under this
19 subdivision. The fee for such a permit to hunt shall be one-half
20 the fee for a nonresident permit to hunt wild turkey.

21 (5) To qualify for a limited permit to hunt elk, (a)
22 the applicant shall be (i) a Nebraska resident who owns three
23 hundred twenty acres or more of farm or ranch land for agricultural
24 purposes, (ii) a Nebraska resident who ~~leases three hundred twenty~~
25 has an interest in six hundred forty acres or more of farm or ranch

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

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

1 37-455.01 The commission may issue auction or lottery
2 permits for up to five permits each for antelope and elk and
3 up to twenty-five permits each for deer and wild turkey during
4 the calendar year. Included in that number are single species and
5 combination species permits and shared revenue permits that may be
6 issued by the commission. The shared revenue permits may be issued
7 under agreements with nonprofit conservation organizations and may
8 be issued by auction or lottery, with the commission receiving at
9 least eighty percent of any profit realized. The commission shall
10 by rule and regulation adopt limitations for any such permits that
11 are issued. The auction or lottery shall be conducted according to
12 rules and regulations adopted and promulgated by the commission.
13 The commission shall adopt and promulgate rules and regulations to
14 set a nonrefundable lottery application fee for each type of single
15 species or combination species permits offered directly through the
16 commission.

17 Sec. 23. Section 37-456, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 37-456 The issuance of limited antelope permits pursuant
20 to section 37-455 in any management unit shall not exceed ~~twenty~~
21 fifty percent of the regular permits authorized for such antelope
22 management unit. The issuance of limited elk permits pursuant
23 to section 37-455 in any management unit shall not exceed fifty
24 percent of the regular permits authorized for such elk management
25 unit.

1 Sec. 24. Section 37-457, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 37-457 (1) The commission may issue permits for hunting
4 wild turkey and prescribe and establish regulations and limitations
5 for the hunting, transportation, and possession of wild turkey.
6 The commission may offer multiple-year permits or combinations of
7 permits at reduced rates. The number of such permits may be limited
8 as provided by the regulations of the commission, but the permits
9 shall be disposed of in an impartial manner. Such permits may be
10 issued to allow wild turkey hunting in the Nebraska National Forest
11 and other game reserves and such other areas as the commission
12 may designate whenever the commission deems that permitting such
13 hunting would not be detrimental to the proper preservation of
14 wildlife in such forest, reserves, or areas.

15 (2) The commission shall, pursuant to section 37-327,
16 establish and charge a fee of not more than ~~twenty-three~~
17 thirty-seven dollars for residents and not more than ~~ninety-five~~
18 one hundred fifty-two dollars for nonresidents for each permit
19 issued under this section except as provided in subsection (5) of
20 this section.

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

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

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

9 Sec. 25. Section 37-458, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 37-458 (1) The commission shall, to aid in the protection
12 of livestock and other domesticated animals, issue a special permit
13 authorizing the holder to use aircraft for the purpose of shooting
14 or attempting to shoot coyotes. Such permit shall be issued only
15 after it is shown that (a) the coyote population is so large
16 in an area as to present a substantial threat to livestock and
17 other domesticated animals and (b) property owners will not be
18 detrimentally affected by such issuance.

19 (2) The annual fee for the permit shall be not more than
20 ~~eight~~ fourteen dollars, ~~and fifty cents,~~ as established by the
21 commission pursuant to section 37-327, and the permit shall expire
22 on December 31 following the date of issuance. The form of such
23 permit and of the application for the permit shall be prescribed by
24 the commission.

25 (3) The commission shall adopt and promulgate necessary

1 rules and regulations to carry out this section and may designate
2 areas in which the coyote population may present a threat or
3 cause substantial damage to livestock and restrict the issuance of
4 permits only to such areas. The commission, officers and agents of
5 the commission, and any other peace officer of this state shall
6 have the authority to enforce this section and section 37-509.

7 Sec. 26. Section 37-462, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 37-462 (1) It shall be unlawful for any person to perform
10 taxidermy services on any game for any person other than himself
11 or herself without first obtaining a taxidermist permit from
12 the commission. The permit shall be conspicuously posted at the
13 location where taxidermy services are performed. The application
14 for the permit shall include the applicant's social security
15 number. The annual fee for such permit shall be not more than ~~eight~~
16 fourteen dollars, and fifty cents, as established by the commission
17 pursuant to section 37-327. Such permit shall expire on December 31
18 of the year for which issued.

19 (2) Original application for a taxidermist permit shall
20 be made to the commission upon such form and containing such
21 information as may be prescribed by the commission. The application
22 shall include the address of the premises where taxidermist
23 services will be provided and a statement of the applicant's
24 qualifications and experience as a taxidermist. Requests for
25 renewals of existing permits shall be made by letter to the

1 commission not later than thirty days preceding the expiration date
2 of the permit.

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

10 (4) Permitholders shall keep accurate records of
11 operations, on a calendar-year basis, showing the names and
12 addresses of persons from and to whom specimens of game or the
13 nests or eggs of such game were received or delivered, the number
14 and species, and the dates of receipt and delivery. In addition to
15 other records required by this subsection, the permitholder shall
16 maintain proper invoices or other documents confirming his or her
17 lawful acquisition of game being held by him or her, including game
18 which is on consignment for sale. Permitholders shall retain such
19 records not less than one year following the end of the calendar
20 year covered by the records. Such records shall be available for
21 inspection by duly authorized employees or agents of the commission
22 during normal business hours.

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

25 Sec. 27. Section 37-463, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 37-463 (1) It shall be unlawful for any person, firm, or
3 corporation dealing in raw furs to conduct such business without
4 first obtaining from the commission a fur buyer's permit. If
5 the applicant is an individual, the application shall include
6 the applicant's social security number. The annual fee for this
7 permit shall be not more than ~~one hundred thirty-eight~~ two hundred
8 twenty-one dollars for residents, as established by the commission
9 pursuant to section 37-327. Any resident who has resided in this
10 state continuously for a period of six months before making an
11 application for a permit under this section shall be deemed to be
12 a resident and may be issued a resident permit under this section.
13 The fees for nonresidents of this state shall be equal to the
14 fees charged for similar permits by the states of their respective
15 residences but not less than five hundred dollars per annum for
16 such nonresidents. Before a fur buyer's permit is issued to a
17 nonresident of this state, the applicant shall execute and deliver
18 to the secretary of the commission a corporate surety bond, running
19 to the State of Nebraska, in the penal sum of one thousand dollars
20 to be approved by the commission, conditioned that the permitholder
21 shall faithfully comply with all the laws of this state. Dealers
22 sending buyers into the field away from their place of business
23 shall provide each such buyer with a separate fur buyer's permit.
24 Every nonresident buyer entering the state or who has buyers in
25 this state shall carry a nonresident fur buyer's permit.

1 (2) Every resident and nonresident fur buyer shall keep
2 a complete record of all furs bought or sold in a record book to
3 be provided by the commission or any other form of record keeping
4 approved by the commission. Such record shall include, but not be
5 limited to, the number and kind of furs bought or sold, the name
6 and address of the seller or buyer, the date and place of purchase
7 or sale, and the permit number of the seller or fur buyer.

8 (3) It shall be unlawful for any fur buyer to have
9 raw furs in his, her, or its possession unless the record gives
10 positive evidence of the origin of such furs and unless such record
11 balances at all times. Such record shall be open to inspection
12 by conservation officers at any and all times and shall be made
13 available to such officers upon demand.

14 (4) Any violation of any of the provisions of this
15 section shall constitute a Class IV misdemeanor, and as a part of
16 the penalty the court shall require the offender to purchase the
17 required permit.

18 Sec. 28. Section 37-465, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 37-465 An application for an aquaculture permit to
21 operate an aquaculture facility shall be made to the commission
22 on a form prescribed by the commission. The application shall
23 include (1) the name, social security number if the applicant is
24 an individual, residence, and place of business of the applicant,
25 (2) the exact description of the land upon which the facility is

1 to be located and the nature of the applicant's title to the land,
2 whether in fee or under lease, and (3) the kind and approximate
3 number of aquatic organisms authorized to be kept or reared in the
4 facility. The annual fee for an aquaculture permit shall be not
5 more than ~~seventy-five~~ one hundred twenty dollars, as established
6 by the commission pursuant to section 37-327. The permit shall
7 expire at midnight on December 31 in the year for which the permit
8 is issued.

9 Sec. 29. Section 37-477, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 37-477 (1) No person shall keep in captivity in this
12 state any wild birds, any wild mammals, any nongame wildlife
13 in need of conservation as determined by the commission under
14 section 37-805, or any wildlife determined to be an endangered
15 or threatened species under the Endangered Species Act or section
16 37-806 without first having obtained a permit to do so as provided
17 by section 37-478 or 37-479.

18 (2) Except as provided in subsection (3) of this section,
19 no person shall keep in captivity in this state any wolf, any
20 skunk, or any member of the families Felidae and Ursidae. This
21 subsection shall not apply to (a) the species *Felis domesticus*,
22 (b) any zoo, park, refuge, wildlife area, or nature center owned
23 or operated by a city, village, state, or federal agency or any
24 zoo accredited by the Association of Zoos and Aquariums or the
25 Zoological Association of America, or (c) any person who holds

1 a captive wildlife permit issued pursuant to section 37-479 and
2 who raises Canada Lynx (*Lynx canadensis*) or bobcats (*Lynx rufus*)
3 solely for the purpose of producing furs for sale to individuals or
4 businesses or for the purpose of producing breeding stock for sale
5 to persons engaged in fur production.

6 (3) Any person legally holding in captivity, on March
7 1, 1986, any animal subject to the prohibition contained in
8 subsection (2) of this section shall be allowed to keep the animal
9 for the duration of its life. Such animal shall not be traded,
10 sold, or otherwise disposed of without written permission from the
11 commission.

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

15 Sec. 30. Section 37-478, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 37-478 (1) To conduct an auction in this state of captive
18 wild birds, captive wild mammals, or captive wildlife as specified
19 in subsection (1) of section 37-477, a person shall apply to
20 the commission on a form prescribed by the commission for a
21 captive wildlife auction permit. An applicant for a permit shall
22 specify the dates of the auction and shall apply for a permit
23 for each auction to be held in the state. The application for
24 the permit shall include the applicant's social security number.
25 The fee for such permit shall be not more than ~~sixty-five~~ one

1 hundred four dollars, as established by the commission pursuant to
2 section 37-327. The commission shall adopt and promulgate rules and
3 regulations specifying application requirements and procedures,
4 reporting and inspection requirements, and other requirements
5 related to auction activities.

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

14 Sec. 31. Section 37-479, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 37-479 (1) To purchase, possess, propagate, or sell
17 captive wild birds, captive wild mammals, or captive wildlife
18 as specified in subsection (1) of section 37-477 or to sell
19 parts thereof, except as provided in section 37-505, a person
20 shall apply to the commission on a form prescribed by the
21 commission for a captive wildlife permit. The commission shall
22 adopt and promulgate rules and regulations specifying application
23 requirements and procedures. The permit shall expire on December
24 31. The application for the permit shall include the applicant's
25 social security number. The annual fee for such permit shall be

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

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

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

19 Sec. 32. Section 37-481, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 37-481 Sections 37-477 to 37-480 shall not be construed
22 to require the obtaining of a permit for the purpose of keeping
23 in captivity wild birds, wild mammals, or wildlife as specified in
24 subsection (1) of section 37-477 or for the purpose of purchasing,
25 possessing, propagating, selling, bartering, or otherwise disposing

1 of any wild birds, wild mammals, or wildlife as specified in
2 subsection (1) of section 37-477 by (1) any zoo, park, refuge,
3 wildlife area, or nature center owned or operated by a city,
4 village, state, or federal agency or any zoo accredited by the
5 Association of Zoos and Aquariums or the Zoological Association of
6 America or (2) any circus licensed by the United States Department
7 of Agriculture.

8 Sec. 33. Section 37-483, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 37-483 The construction, operation, and maintenance of
11 a facility commonly known as a recall pen, also known as a
12 recapture pen, which is used for the recapture of marked game
13 birds originating from the holder of a captive wildlife permit
14 in conjunction with dog training or dog trial activities shall be
15 legal if the person owning or controlling such recall pen, prior to
16 the operation thereof, pays an annual fee of not more than ~~fifteen~~
17 twenty-four dollars, as established by the commission pursuant to
18 section 37-327, for each recall pen under his or her ownership
19 or control. The commission shall adopt and promulgate rules and
20 regulations for the issuance of permits for recall pens and for the
21 possession and use of recall pens. Nothing in this section shall
22 authorize the use of recall pens for the trapping of other wild
23 birds.

24 Sec. 34. Section 37-484, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 37-484 Any person or persons owning, holding, or
2 controlling by lease or otherwise, which possession must be for
3 a term of five or more years, any contiguous tract or tracts of
4 land having an area of not less than one hundred twenty acres and
5 not more than one thousand two hundred eighty acres who desires
6 to establish a game breeding and controlled shooting area to
7 propagate, preserve, and shoot game birds under the regulations as
8 provided in sections 37-484 to 37-496 shall make application to
9 the commission for a license as provided by such sections. Such
10 application shall be made under oath of the applicant or one of
11 its principal officers if the applicant is an association, club, or
12 corporation and shall be accompanied by a license fee of not more
13 than ~~one hundred forty-nine dollars and fifty cents,~~ two hundred
14 thirty-nine dollars, as established by the commission pursuant to
15 section 37-327. Any controlled shooting area existing on February
16 18, 1987, shall continue in operation on the existing acreage until
17 such controlled shooting area license is not renewed or canceled.
18 If the applicant is an individual, the application shall include
19 the applicant's social security number.

20 Sec. 35. Section 37-497, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 37-497 (1) The commission may take such steps as it deems
23 necessary to provide for the protection and management of raptors.

24 (2) The commission may issue falconry licenses to permit
25 the taking and possession of raptors for the purpose of practicing

1 falconry. No such license may be issued to an applicant unless he
2 or she is a resident of the state, has paid the fees required in
3 this subsection, and has passed a written and oral examination
4 concerning raptors given by the commission or an authorized
5 representative of the commission. The commission shall charge a
6 fee for each license of not more than ~~seventeen~~ twenty-seven
7 dollars for persons fourteen to seventeen years of age and not
8 more than ~~forty-six~~ seventy-four dollars for persons eighteen years
9 of age and older, as established by the commission pursuant to
10 section 37-327. If the applicant fails to pass either examination
11 or both of them, he or she shall not be entitled to reapply for a
12 falconry license for a period of six months after the date of the
13 examination. A person less than fourteen years of age shall not be
14 issued a falconry license, and a person from fourteen to seventeen
15 years of age may be issued such a license only if he or she is
16 sponsored by an adult person who has a valid falconry license. All
17 falconry licenses shall be nontransferable and shall expire three
18 years after the date of issuance. If the commission is satisfied
19 as to the competency and fitness of an applicant whose license
20 has expired, a license may be renewed without requiring further
21 examination under such terms and conditions as are established by
22 the commission. Species of raptors which may be taken, captured,
23 or held in possession shall include only those species authorized
24 by the commission. The number of each species of raptors which
25 may be taken, captured, or held in possession shall be subject to

1 regulation by the commission.

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

16 Sec. 36. Section 37-4,104, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 37-4,104 (1) Individuals shall apply to the commission
19 on forms prescribed by the commission for an annual commercial
20 fishing permit and shall not take or sell fish as prescribed in
21 this section and section 37-543 before receiving such permit.

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

25 (a) Not more than ~~ninety-eight~~ one hundred fifty-seven

1 dollars for residents and not more than ~~one hundred ninety-five~~
2 ~~dollars and fifty cents~~ three hundred thirteen dollars for
3 nonresidents for each commercial fishing permit permitting the
4 legal use of five hundred lineal feet of seine or fraction thereof,
5 and five hundred lineal feet of trammel net or fraction thereof,
6 and ten hoop nets without wings, and permitting the use of one
7 helper if the helper is in the same boat as the person holding the
8 permit;

9 (b) Not more than ~~twenty-nine~~ forty-six dollars for
10 residents and not more than ~~sixty~~ ninety-six dollars for
11 nonresidents for each additional five hundred lineal feet of seine
12 or trammel net or fraction thereof; and

13 (c) Not more than ~~three~~ six dollars and ~~fifty cents~~ for
14 residents and not more than ~~seven~~ eleven dollars for nonresidents
15 for each additional hoop net, wing net, or fish trap or other
16 device, permitted by the commission and used under the commercial
17 fishing permit.

18 (3) All commercial fishing permits shall expire at
19 midnight n December 31 following their issuance. All money received
20 by the commission shall be deposited as provided in section 37-323.
21 The commission shall furnish to any permitholder without cost a
22 tag numbered and stamped so as to show the year of issuance and
23 for what issued for each net, seine, or device, and it shall be
24 unlawful to use such net, seine, or device without first having
25 procured such tag and fastened it to such net, seine, or device.

1 Sec. 37. Section 37-4,105, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 37-4,105 It shall be unlawful for individuals, either
4 resident or nonresident, to sell baitfish or amphibians except
5 according to rules and regulations established by the commission.
6 The commission may require a bait dealer's permit for a fee of
7 not more than ~~thirty-seven~~ fifty-nine dollars for residents and
8 not more than ~~two~~ three hundred thirty sixty-eight dollars for
9 nonresidents, as established by the commission pursuant to section
10 37-327.

11 If such permits are required by the commission, the
12 application shall include the social security number of the
13 applicant.

14 Sec. 38. Section 37-4,106, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 37-4,106 Nonresidents holding a valid nonresident fish
17 dealer's permit may possess, buy, sell, transport, and ship live
18 baitfish, live fish, and other bait species as specified in
19 commission rules and regulations legally obtained from outside this
20 state or from a licensed aquaculture facility in accordance with
21 rules and regulations adopted and promulgated by the commission.
22 The application for the permit shall include the applicant's social
23 security number. The fee for a nonresident fish dealer's permit
24 shall be not more than ~~seventy-five~~ one hundred twenty dollars, as
25 established by the commission pursuant to section 37-327.

1 Sec. 39. Section 37-4,108, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 37-4,108 (1) No fishing permit shall be required for
4 fishing in any duly licensed commercial put-and-take fishery
5 operating under rules and regulations adopted and promulgated
6 by the commission. The annual fee for licensing such commercial
7 put-and-take fishery shall be not more than ~~seventy-five~~ one
8 hundred twenty dollars per year, as established by the commission
9 pursuant to section 37-327, payable in advance, and no person shall
10 operate such an establishment without first obtaining such license
11 from the commission. Before issuing such license the commission
12 shall investigate each such establishment annually and be satisfied
13 that the same is a bona fide commercial put-and-take fishery
14 operating within all applicable state and federal laws.

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

17 Sec. 40. Section 37-4,111, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 37-4,111 The commission may adopt and promulgate rules
20 and regulations to provide for the issuance of permits for the
21 taking of paddlefish. The commission may, pursuant to section
22 37-327, establish and charge a fee of not more than ~~thirty-five~~
23 fifty-six dollars for residents. The fee for a nonresident permit
24 to take paddlefish shall be two times the resident permit fee. All
25 fees collected under this section shall be remitted to the State

1 Treasurer for credit to the State Game Fund.

2 Sec. 41. Section 37-501, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 37-501 Except as otherwise provided by the Game Law or
5 rules and regulations of the commission, it shall be unlawful for
6 any person in any one day to take or have in his or her possession
7 at any time a greater number of game birds, game animals, or
8 game fish of any one kind than as established pursuant to section
9 37-314. Any person violating this section shall be guilty of a
10 Class III misdemeanor and, upon conviction, shall be fined at least
11 two hundred dollars for violations relating to turkeys, small game
12 animals, or game fish.

13 Sec. 42. Section 37-504, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 37-504 (1) Any person who at any time, except during an
16 open season ordered by the commission as authorized in the Game
17 Law, unlawfully hunts, traps, or has in his or her possession any
18 elk, deer, antelope, swan, or wild turkey shall be guilty of a
19 Class III misdemeanor and, upon conviction, shall be fined at least
20 five hundred dollars for a violation involving elk and at least two
21 hundred dollars for a violation involving deer, antelope, swan, or
22 wild turkey.

23 (2) Any person who at any time, except during an open
24 season ordered by the commission as authorized in the Game Law,
25 unlawfully hunts, traps, or has in his or her possession any

1 mountain sheep shall be guilty of a Class II misdemeanor and shall
2 be fined at least one thousand dollars upon conviction.

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

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

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

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

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

1 thereon by such person.

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

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

11 Sec. 43. Section 37-507, Reissue Revised Statutes of
12 Nebraska, is amended to read:

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

21 Sec. 44. Section 37-513, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 37-513 (1) It shall be unlawful to shoot at any wildlife
24 from any highway or roadway, which includes that area of land from
25 the center of the traveled surface to the right-of-way on either

1 side. Any person violating this subsection shall be guilty of a
2 Class III misdemeanor and shall be fined at least ~~fifty~~ one hundred
3 dollars.

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

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

11 Sec. 45. Section 37-514, Reissue Revised Statutes of
12 Nebraska, is amended to read:

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

20 (2) Nothing in this section shall prohibit (a) the
21 hunting on foot of raccoon with the aid of a handlight, (b) ~~or~~
22 the hunting of species of wildlife not protected by the Game Law
23 in the protection of property by landowners or operators or their
24 regular employees on land under their control on foot or from a
25 motor vehicle with the aid of artificial light, or (c) the taking

1 of nongame fish by means of bow and arrow from a vessel with the
2 aid of artificial light.

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

6 Sec. 46. Section 37-523, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 37-523 (1) It shall be unlawful to hunt or trap any form
9 of wild mammal or wild bird within a two-hundred-yard radius of
10 an inhabited dwelling or livestock feedlot, or to trap within a
11 two-hundred-yard radius of any passage used by livestock to pass
12 under any highway, road, or bridge.

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

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

1 Sec. 47. (1) For purposes of this section, drug means any
2 chemical substance, other than food, that affects the structure or
3 biological function of any wildlife under the jurisdiction of the
4 commission.

5 (2) Except with written authorization from the secretary
6 of the commission or his or her designee or as otherwise provided
7 by law, a person shall not administer a drug to any wildlife under
8 the jurisdiction of the commission, including, but not limited to,
9 a drug used for fertility control, disease prevention or treatment,
10 immobilization, or growth stimulation.

11 (3) This section does not prohibit the treatment of
12 wildlife to prevent disease or the treatment of sick or injured
13 wildlife by a licensed veterinarian, a holder of a federal
14 migrating bird rehabilitation permit, a holder of a permit
15 regulated under the authority of section 37-316, a holder of a
16 permit regulated under the authority of section 37-4,106, or a
17 holder of a license regulated under the authority of section
18 37-4,108.

19 (4) This section shall not be construed to limit
20 employees of agencies of the state or the United States or
21 employees of an animal control facility or animal shelter licensed
22 under section 54-627 in the performance of their official duties
23 related to public health or safety, wildlife management, or
24 wildlife removal, except that a drug shall not be administered
25 by any person for fertility control or growth stimulation except as

1 provided in subsection (2) of this section.

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

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

8 Sec. 48. Section 37-613, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 37-613 (1) Any person who sells, purchases, takes, or
11 possesses contrary to the Game Law any wildlife shall be liable to
12 the State of Nebraska for the damages caused thereby. Such damages
13 shall be:

14 (a) Five Fifteen thousand dollars for each mountain
15 sheep;

16 (b) Five thousand dollars for each elk with a minimum of
17 twelve total points and one thousand five hundred dollars for any
18 other elk;

19 (c) Five thousand dollars for each whitetail deer with a
20 minimum of eight total points and an inside spread between beams
21 of at least eighteen inches, one thousand dollars for any other
22 antlered whitetail deer, and two hundred fifty dollars for each
23 antlerless whitetail deer and whitetail doe deer;

24 (d) Five thousand dollars for each mule deer with a
25 minimum of eight total points and an inside spread between beams of

1 at least twenty-four inches and one thousand dollars for any other
 2 mule deer;

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

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

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

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

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

16 (i) Five thousand dollars for each eagle;

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

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

19 ~~(e)~~ (l) Seventy-five dollars for each other game bird,
 20 other game animal, other fur-bearing animal, other than raccoons,
 21 or the raw pelts raw pelt thereof, or nongame wildlife in need of
 22 conservation as designated by the commission pursuant to section
 23 37-805, not otherwise listed in this subsection;

24 ~~(f)~~ (m) Fifty dollars for each wild bird not otherwise
 25 listed in this section, subsection;

1 (n) Seven hundred fifty dollars for each swan or
2 paddlefish;

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

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

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

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

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

13 (2) The commission shall adopt and promulgate rules and
14 regulations to provide for a list of master angler fish which
15 are subject to this section and to prescribe guidelines for
16 measurements and point determinations as required by this section.
17 The commission may adopt a scoring system which is uniformly
18 recognized for this purpose.

19 ~~(2)~~ (3) Such damages may be collected by the commission
20 by civil action. In every case of conviction for any of such
21 offenses, the court or magistrate before whom such conviction is
22 obtained shall further enter judgment in favor of the State of
23 Nebraska and against the defendant for liquidated damages in the
24 amount set forth in this section and collect such damages by
25 execution or otherwise. Failure to obtain conviction on a criminal

1 charge shall not bar a separate civil action for such liquidated
2 damages. Damages collected pursuant to this section shall be
3 remitted to the secretary of the commission who shall remit them to
4 the State Treasurer for credit to the State Game Fund.

5 Sec. 49. Section 37-727, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 37-727 Any person violating ~~the provisions of section~~
8 37-722 or sections 37-724 to 37-726 shall be guilty of a Class III
9 misdemeanor and shall be fined at least two hundred dollars upon
10 conviction.

11 Sec. 50. Section 37-1212, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 37-1212 A person engaged in the manufacture or sale
14 of vessels of a type otherwise required to be numbered under
15 the State Boat Act, upon application to the county treasurer
16 of the county in which the applicant resides or the business
17 location of the manufacturer or retailer on forms prescribed by
18 the commission, may obtain certificates of number for use in
19 the testing or demonstrating of such vessels upon payment of a
20 fee of ~~not less than forty dollars and not more than forty-six~~
21 seventy-four dollars, as established by the commission pursuant to
22 section 37-327, for each registration. Certificates of number so
23 issued may be used by the applicant in the testing or demonstrating
24 of vessels by temporary placement of the numbers assigned by such
25 certificate on the vessel so tested or demonstrated. Such temporary

1 placement of numbers shall otherwise be as prescribed by the act.

2 Sec. 51. Section 37-1214, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 37-1214 (1) Except as otherwise provided in section
5 37-1211, the owner of each motorboat shall register such vessel or
6 renew the registration every three years as provided in section
7 37-1226. The owner of such vessel shall file an initial application
8 for a certificate of number pursuant to section 37-1216 with a
9 county treasurer on forms approved and provided by the commission.
10 The application shall be signed by the owner of the vessel, shall
11 contain the year manufactured, and shall be accompanied by a fee
12 for the three-year period of ~~not less than twenty dollars~~ and not
13 more than ~~twenty-three~~ thirty-seven dollars for Class 1 boats, ~~not~~
14 ~~less than forty dollars~~ and not more than ~~forty-six~~ seventy-four
15 dollars for Class 2 boats, ~~not less than sixty dollars~~ and not
16 more than ~~sixty-seven~~ one hundred eight dollars and ~~fifty cents~~ for
17 Class 3 boats, and ~~not less than one hundred dollars~~ and not more
18 than one hundred ~~fifteen~~ eighty-four dollars for Class 4 boats, as
19 established by the commission pursuant to section 37-327.

20 (2) If a county board consolidates services under the
21 office of a designated county official other than the county
22 treasurer pursuant to section 23-186, the powers and duties of the
23 county treasurer relating to registration under sections 37-1214 to
24 37-1227 shall be performed by the designated county official.

25 Sec. 52. Section 37-1217, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 37-1217 When the county treasurer or designated county
3 official or the commission registers a vessel, such official or
4 the commission shall be entitled to collect and retain a fee, in
5 addition to the registration fee, of ~~not less than three dollars~~
6 ~~and~~ not more than ~~four~~ six dollars on each registration issued,
7 as established by the commission pursuant to section 37-327, as
8 reimbursement for administrative costs incurred in issuing such
9 certificate of registration. Such fee shall be credited to the
10 general fund of the county and shall be included by the county
11 treasurer or designated county official in his or her report of
12 fees as provided by law.

13 Sec. 53. Section 37-1227, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 37-1227 In the event of loss or destruction of the
16 certificate of number, the owner of the vessel shall apply to the
17 county treasurer or designated county official on forms provided by
18 the commission for replacement of such lost certificate of number.
19 Upon satisfactory proof of loss and the payment to the county
20 treasurer or designated county official of a fee of ~~not less than~~
21 ~~one dollar~~ and not more than ~~five~~ eight dollars, as established by
22 the commission, the county treasurer or designated county official
23 shall issue a duplicate certificate of number.

24 Sec. 54. Section 37-1241.07, Reissue Revised Statutes of
25 Nebraska, is amended to read:

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

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

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

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

1 leaving the rental or leasing office.

2 Sec. 55. Section 37-1241.08, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 37-1241.08 Sections ~~37-1204.01~~ and 37-1241.01 to
5 37-1241.07 shall not apply to a person participating in a regatta,
6 race, marine parade, tournament, or exhibition which has been
7 authorized or permitted by the commission pursuant to sections
8 37-1262 and 37-1263 or is otherwise exempt from the provisions of
9 the State Boat Act.

10 Sec. 56. Section 54-2313, Reissue Revised Statutes of
11 Nebraska, is amended to read:

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

20 Sec. 57. Original sections 28-1335, 37-201, 37-314,
21 37-327, 37-407, 37-410, 37-411, 37-415, 37-417, 37-426, 37-431,
22 37-432, 37-433, 37-438, 37-440, 37-447, 37-448, 37-449, 37-450,
23 37-451, 37-455, 37-455.01, 37-456, 37-457, 37-458, 37-462, 37-463,
24 37-465, 37-477, 37-478, 37-479, 37-481, 37-483, 37-484, 37-497,
25 37-4,104, 37-4,105, 37-4,106, 37-4,108, 37-4,111, 37-501, 37-504,

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1 37-507, 37-513, 37-514, 37-523, 37-613, 37-727, 37-1212, 37-1214,
2 37-1217, 37-1227, 37-1241.07, 37-1241.08, and 54-2313, Reissue
3 Revised Statutes of Nebraska, are repealed.