

LEGISLATIVE BILL 39

Passed over the Governor's veto June 1, 1977

Introduced by Judiciary Committee, Luedtke, 28, Chmn.;
DeCamp, 40; Chambers, 11; Barnett, 26; Schmit,
23

AN ACT relating to crimes and punishments; to harmonize provisions with the Nebraska Criminal Code; to provide an operative date; to amend sections 54-101.01, 54-107, 54-114, 54-116, 54-117, 54-119, 54-124, 54-128, 54-130, 54-133.03, 54-143.01, 54-143.02, 54-145.06, 54-156, 54-158, 54-302, 54-306, 54-415, 54-613, 54-709, 54-726.04, 54-750 to 54-752, 54-753.04, 54-753.05, 54-758, 54-760, 54-761, 54-906, 54-1011, 54-1171, 54-1181.01, 54-1203, 54-1337, 54-1343, 54-1345, 54-1408, 54-1411, 54-1509, 54-1521, 54-1605, 54-1711, 54-1808, 54-1913, 55-142, 55-165, 55-166, 55-175, 55-177, 55-428, 57-507, 57-516, 57-713, 57-915, 57-1106, 59-505, 59-505, 59-801, 59-802, 59-805, 59-815, 59-825, 59-1503, 60-116, 60-117, 60-331.02, 60-343, 60-344, 60-409.13, 60-414, 60-423, 60-430, 60-430.01, 60-430.07, 60-436, 60-506, 60-558 to 60-560, 60-1005, 60-1202, 60-1307 to 60-1309, 60-1407.02, 60-1411.04, 60-1418, 60-1612, 60-1707, 60-1808, 60-1908, 60-1911, 60-2106 to 60-2108, 60-2307, 62-304, 63-103, 66-102, 66-107, 66-312, 66-312.01, 66-316, 66-326, 66-410.02, 66-410.07, 66-419, 66-427, 66-431, 66-432, 66-443, 66-520.01, 66-524, 66-637, 68-314, 68-1017, 69-109, 69-208, 69-1005, 69-1007, 69-1008, 69-1102, 69-1215, 69-1324, 70-409, 70-508, 70-511, 70-514, 70-642.04, 71-166, 71-167, 71-1,101, 71-1,132.36, 71-1,147.13, 71-1,167, 71-220, 71-338, 71-502, 71-503, 71-506, 71-515, 71-613, 71-1006, 71-1103, 71-1114, 71-1118, 71-1343, 71-1613, 71-1631.01, 71-1805, 71-1905, 71-2028, 71-2511, 71-2718, 71-2916, 71-3107, 71-3213, 71-3517, 71-3715, 71-3822, 71-3829, 71-4719, 72-245, 72-313, 73-105, 74-204, 74-560, 74-584, 74-593, 74-607, 74-609.01, 74-706, 74-710, 74-806, 74-819, 74-906, 74-912, 74-914, 74-1001, 74-1012, 74-1124, 75-127, 75-151, 75-155, 75-322.01, 75-428, 75-429, 75-434, 75-610, 75-723, 76-247, 76-527, 77-408, 77-605, 77-607, 77-668, 77-1219, 77-1220, 77-1231.01, 77-1232, 77-1261, 77-1268, 77-1318.02, 77-1324, 77-1719.02,

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 Reissue Revised Statutes of Nebraska, 1943,
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 89-1,101, and 90-104, Revised Statutes
 Supplement, 1976; and to repeal the original
 sections.

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

Section 1. That section 54-101.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-101.01. After January 1, 1962, it shall be unlawful to brand any live animal except by the use of a hot iron. Any person, association, firm, or corporation violating the provisions of this section shall be guilty of a Class IV misdemeanor. ~~;-upon-conviction-thereof;-be-fined-in-a-sum-not-less-than-fifty-dollars-nor-more-than-five-hundred-dollars;~~

Sec. 2. That section 54-107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-107. Any person, persons, association, firm or corporation, who shall violate the provisions of section 54-106 shall be guilty of a Class IV misdemeanor.

~~7-and-upon-conviction-thereof-shall-be-fined-in-any-sum not-less-than-fifty-dollars-nor-more-than-three-hundred dollars:~~

Sec. 3. That section 54-114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-114. If any person or persons, association, firm or corporation shall willfully and knowingly brand or mark, or cause to be branded or marked, the animals of another, or who shall willfully and knowingly efface, deface or obliterate any brand or mark upon any animal or animals of another, he or they shall be deemed guilty of a Class III felony, ~~7-and-upon-conviction-thereof-shall be--confined--in--the--Nebraska--Penal--and--Correctional Complex-for-not-less-than-one-year,--nor--more--than--ten years:~~

Sec. 4. That section 54-116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-116. No person or persons, whether as principal or agent, shall hereafter sell or otherwise dispose of any livestock, nor shall any person, whether as principal or agent, buy, purchase, or otherwise receive any such stock, unless the person or persons so selling or disposing of any such stock shall give, and the person or persons buying, purchasing or otherwise receiving any such stock shall receive, a properly executed bill of sale in writing to the stock so sold; Provided, anyone having cattle which were inspected pursuant to section 54-152 shall be deemed to have complied with this section. Any person who shall violate or fail to comply with any of the provisions of this section shall be deemed guilty of a Class II misdemeanor, ~~7-and-upon-conviction-thereof-shall-be-fined-in-a-sum-of not-less-than-twenty-five-dollars--nor--more--than--five hundred-dollars,--or-imprisoned-in--the--county--jail--not less-than-thirty-days-nor-exceeding-six-months,--or-both:~~

Sec. 5. That section 54-117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-117. It shall be the duty of any person who has purchased or received, or has in his possession any livestock, either for himself or for another, to exhibit, on request of any person inquiring therefor, the bill of sale or other satisfactory evidence of ownership of such stock. Any person violating or failing to comply with the provisions of this section shall be deemed guilty of

a Class II misdemeanor, ~~and shall upon conviction be liable to punishment as provided in section 54-116.~~

Sec. 6. That section 54-119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-119. Every person violating section 54-118 shall be deemed guilty of a Class III felony, unless such person upon trial shall establish and prove that he was at the time of the sale or transfer the actual owner of the stock so sold or traded, or offered for sale or trade, or otherwise disposed of, or that he acted by the direction of one shown and proved to be the actual owner of such stock. ~~Every person convicted of such felony shall be imprisoned in the Nebraska Penitentiary and Correctional Complex not less than one year nor more than ten years.~~

Sec. 7. That section 54-124, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-124. Any person, firm or corporation who shall violate any of the provisions of section 54-121, for which penalty is not elsewhere fixed in sections 54-101 to 54-128, shall be deemed guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be fined for each offense not less than ten dollars nor more than one hundred dollars.~~

Sec. 8. That section 54-128, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-128. Any person, association or corporation, or the agent thereof, who violates any of the provisions of sections 54-101 to 54-126, for which a specific penalty is not provided, shall be deemed guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars for each offense.~~

Sec. 9. That section 54-130, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-130. Any person, who shall violate the provisions of section 54-129 or willfully neglect or refuse to do any act therein required, shall be guilty of a Class III misdemeanor, ~~and upon conviction shall be punished by imprisonment in the county jail for a period not exceeding three months or pay a fine not exceeding~~

one-hundred-dollars-

Sec. 10. That section 54-133, Revised Statutes Supplement, 1976, be amended to read as follows:

54-133. Any person, firm, corporation, state or federal agency which violates any of the provisions of sections 54-131 and 54-132 shall be deemed guilty of a Class IV misdemeanor, ~~and shall upon conviction be fined in any sum not less than fifty dollars nor more than five hundred dollars.~~

Sec. 11. That section 54-133.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-133.03. Any person, association or corporation, or the agent thereof who violates any of the provisions of section 54-133.01 or 54-133.02, shall be deemed guilty of a Class V misdemeanor, ~~and shall upon conviction thereof, be punished as provided in section 54-428.~~

Sec. 12. That section 54-143.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-143.01. Whenever any person is arrested for a violation of any provision of sections 54-101 to 54-155, punishable as a misdemeanor, the arresting officer shall, except as otherwise provided in this section, take the name and address of such person and the license number of his motor vehicle. Such officer shall issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Such time shall be at least five days after such arrest, unless the person arrested shall demand an earlier hearing. Such person shall, if he so desires, have a right to an immediate hearing or a hearing within twenty-four hours at a convenient hour, such hearing to be before a magistrate within the county wherein such offense was committed. Such officer shall thereupon, and upon the giving by such person of his written promise to appear at such time and place, forthwith release him from custody. Any person refusing to give such written promise to appear shall be taken immediately by the arresting officer before the nearest or most accessible magistrate. Any person who willfully violates his written promise to appear, given in accordance with this section, shall be guilty of a Class III misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

Sec. 13. That section 54-143.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-143.02. No consignment of livestock within, entering into, or passing through the brand area of Nebraska, after having been inspected by a duly authorized brand inspector, shall be permitted to intermingle with any other cattle located within the brand area of Nebraska. If at any time after brand inspection has been performed or a certificate has been issued on any shipment of livestock by a duly authorized inspector and the cattle become intermingled with other livestock located within the brand area, the original brand inspection shall become void and before further movement of the cattle out of the brand area may be made, reinspection for identification of brands shall be required to be performed by a Nebraska brand inspector. A Nebraska brand inspector may require reinspection if he has reason to believe a consignment of livestock has become intermingled. Any person violating the provisions of this section shall be deemed guilty of a Class IV misdemeanor, ~~upon conviction thereof, be fined not less than fifty dollars nor more than five hundred dollars.~~

Sec. 14. That section 54-145.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-145.06. Any person who shall fail to possess and exhibit on demand of any peace officer, the permit required by section 54-145.01, showing all particulars set forth in section 54-145.03 as to any head of livestock, shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to the penalty as provided in section 54-156. Any such person who exhibits any false or forged permit as to any of such matters shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be fined not less than two hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than sixty days nor more than six months, or he shall be punished by both such fine and imprisonment.~~

Sec. 15. That section 54-156, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-156. Any person, persons, firm, association or corporation, including any railroad company or other carrier, who shall violate any provision of sections 54-143 to 54-155, for which a specific penalty is not now provided for therein, shall be deemed guilty of a Class

~~II misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars and not more than five hundred dollars or imprisoned in the county jail not to exceed six months, or both, in the discretion of the court:~~

Sec. 16. That section 54-158, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-158. Any person who shall attach or affix or shall cause to be attached or affixed the tag mentioned in section 54-157 to any hog which has not heretofore been given the double inoculation for hog cholera, or any person who shall attach such tag to any such animal, not then knowing that such animal had been so inoculated, shall be guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be fined not more than one hundred dollars for each and every offense~~; The affixing of any such tag to any such hog which has not been given the double inoculation for hog cholera, shall be deemed a separate and distinct offense.

Sec. 17. That section 54-302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-302. Any cattle drover, or his employee, who shall drive off any neat cattle, horses, mules, or sheep belonging to another person, intentionally or through neglect, shall be guilty of a Class V misdemeanor, ~~upon conviction thereof be fined in any sum not more than one hundred dollars for each and every head of cattle, horses, mules or sheep so driven off~~;

Sec. 18. That section 54-306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-306. If any owner or person in charge of any drove of cattle, horses or sheep shall willfully, carelessly or negligently injure any resident within the state by driving such drove from the public highways and herding the same on the lands occupied and improved by persons in possession of the same, he shall be deemed guilty of a Class V misdemeanor, ~~and shall be punished by a fine of not less than twenty dollars and not more than one hundred dollars~~; and shall be liable for such damages as may be done to the property.

Sec. 19. That section 54-415, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-415. It shall be the duty of any person taking up an estray to report the same within forty-eight hours thereafter to the Nebraska Brand Committee, if within the brand inspection area, or to the county sheriff of the county where the estray was taken up, if without the brand inspection area. If the animal is determined to be an estray by a representative of the Nebraska Brand Committee or the county sheriff, as the case may be, such animal shall, as promptly as may be practicable, be sold through the most convenient livestock auction market. The proceeds of such sale, after deducting the selling expenses, shall be paid over to the Nebraska Brand Committee to be placed in the Estray Fund, if such estray was taken up within the brand inspection area, and otherwise to the treasurer of the county in which such estray was taken up. During the time such proceeds are impounded, any person taking up such estray may file claim with the Nebraska Brand Committee or the county treasurer, as the case may be, for the expense of feeding and keeping such estray while in his possession. When such claim is filed it shall be the duty of the Nebraska Brand Committee or the county board, as the case may be, to decide on the validity of the claim so filed and allow the claim for such amount as may be deemed equitable. Such proceeds shall be impounded for one year, unless sooner claimed by the owner of the estray, and if not claimed within such time shall be paid into the state school fund, less the actual expenses incurred in the investigation and processing of the entire Estray Fund. The amount deducted as actual expenses incurred shall be deposited in the Nebraska Brand Inspection and Theft Prevention Fund. Any person violating the provisions of this section shall be guilty of a Class V misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars nor more than one hundred dollars.~~

Sec. 20. That section 54-613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-613. In counties having a population of one hundred fifty thousand or more inhabitants, any person in violation of sections 54-601 and 54-608 to 54-612, shall be deemed guilty of a Class V misdemeanor and ~~shall, upon conviction thereof, be fined not less than the amount of the damage committed, nor more than double the amount of such damage,~~ and in addition shall be fined not less than five dollars nor more than one hundred dollars for each such offense the amount of the damage committed, nor more than double the amount of such damage.

Sec. 21. That section 54-709, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-709. At any time after the date fixed for commencing the work, any member or agent of the Department of Agriculture, and all inspectors or persons appointed or authorized to assist in the work, may enter any barns, stables, yards, pastures, or other buildings or enclosures where cattle may be, for the purpose of making such inspection and test, and any person who shall interfere therewith or obstruct anyone in such work, or attempt to obstruct or prevent by force the carrying on of such inspection and testing shall be guilty of a Class II misdemeanor, ~~and shall be punished as provided by section 54-752:~~

Sec. 22. That section 54-726.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-726.04. Any person or corporation who imports, or aids or abets the importation of any swine into the State of Nebraska, knowing or having reason to believe such swine to be infected, affected, or suspected of being affected, with any dangerous, infectious, contagious, or otherwise transmissible disease, without first having obtained a permit from the Department of Agriculture, shall be deemed guilty of a Class IV misdemeanor, ~~and upon conviction thereof, shall be fined in any sum not less than fifty dollars nor more than five hundred dollars,~~ and as part of such sentence all such swine shall be declared to be contraband to be forfeited to the State of Nebraska to be disposed of by the department without compensation or indemnity. The State of Nebraska shall be reimbursed by the owner of such swine for the cost of destruction, and action may be maintained by the department to recover such costs. All money collected shall be deposited into the state treasury and by the State Treasurer credited to the General Fund.

Sec. 23. That section 54-750, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-750. It shall be unlawful for any person to knowingly harbor, sell or otherwise dispose of, any domestic animal or any part thereof affected with an infectious, contagious or otherwise transmissible disease, except as provided by sections 54-701 to 54-753, and the rules and regulations prescribed by the Department of Agriculture thereunder. Any person so

offending shall be deemed guilty of a Class II misdemeanor, ~~and punished as provided in section 54-752.~~

Sec. 24. That section 54-751, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-751. It shall be unlawful for any person to violate any rule or regulation prescribed and promulgated by the Department of Agriculture pursuant to authority granted by sections 54-701 to 54-753, and any person so offending shall be deemed guilty of a Class II misdemeanor, ~~and punished as is provided in section 54-752.~~

Sec. 25. That section 54-752, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-752. Any person violating any of the provisions of sections 54-701 to 54-753, shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof be fined in any sum not less than fifty dollars nor more than five hundred dollars, or imprisoned in the county jail for not less than thirty days nor more than six months, or both such a fine and imprisonment.~~

Sec. 26. That section 54-753.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-753.04. Any person, firm, partnership, or corporation violating the provisions of section 54-753.02 or 54-753.03 or any rule or regulation made pursuant thereto shall be guilty of a Class IV misdemeanor. ~~and upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars.~~ Each day the provisions of section 54-753.02 or any rule or regulation made pursuant thereto is violated shall be a separate offense.

Sec. 27. That section 54-753.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-753.05. Any person who shall import livestock or cause livestock to be imported into the State of Nebraska in violation of an embargo issued by the State Veterinarian of Nebraska shall be guilty of a Class IV felony, ~~and shall, upon conviction thereof, be punished by a fine of not more than two thousand dollars or by imprisonment in the Nebraska Penitentiary and Correctional Complex for not more than two years, or by both such fine~~

~~and imprisonment:~~

Sec. 28. That section 54-758, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-758. Any ministerial duties, incident to the administration of sections 54-754 to 54-761 may, in the discretion of the Department of Agriculture, its officers, agents, employees or appointees, be delegated to any person or persons whose premises have been quarantined or who reside in a quarantined district. It shall be the duty of such person or persons to perform such ministerial duties, when requested or directed by the department, its officers, agents, employees or appointees, and any person who shall refuse or neglect to perform such duties, when so requested or directed, shall be deemed guilty of a Class I misdemeanor, ~~and upon conviction thereof shall be punished as provided in section 54-761:~~

Sec. 29. That section 54-760, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-760. It shall be unlawful for any person to knowingly harbor or sell, or otherwise dispose of, any domestic animal or animals, or any part thereof, affected with anthrax, except as provided in sections 54-754 to 54-761 and the rules and regulations prescribed by the Department of Agriculture thereunder. Any person so offending shall be deemed guilty of a Class I misdemeanor, ~~and be punished as provided in section 54-761:~~

Sec. 30. That section 54-761, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-761. Any person, firm, association or corporation, who shall violate any of the provisions of sections 54-754 to 54-760, shall be deemed guilty of a Class I misdemeanor, ~~and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than three hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days nor more than one year, or both:~~

Sec. 31. That section 54-796, Revised Statutes Supplement, 1976, be amended to read as follows:

54-796. Any person violating the provisions of sections 54-785 to 54-796 shall be guilty of a Class III

~~misdeameanor, and--shall,--upon--conviction--thereof,--be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.~~

Sec. 32. That section 54-839, Revised Statutes Supplement, 1976, be amended to read as follows:

54-839. Any person violating the provisions of sections 54-819 to 54-846 or the rules and regulations issued thereunder, or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the Director of Agriculture, or his duly authorized agent in performance of his duty in connection with the provisions of sections 54-819 to 54-846, shall be guilty of a Class IV misdemeanor for the first violation, and guilty of a Class II misdemeanor for any subsequent violation. and shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars for the first violation, and not less than five hundred dollars nor more than one thousand dollars or imprisoned in the county jail for not less than thirty days nor more than six months, or be both so fined and imprisoned for a subsequent violation.

Sec. 33. That section 54-906, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-906. Any person who shall violate any of the provisions of sections 54-901 to 54-905 shall be deemed guilty of a Class III misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars or be imprisoned in the county jail not exceeding three months.

Sec. 34. That section 54-1011, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1011. Any person, firm or corporation, who shall violate any of the provisions of sections 54-1001 to 54-1010, shall be guilty of a Class III misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than two hundred dollars, or be imprisoned in the county jail not exceeding thirty days, or both such fine and imprisonment, in the discretion of the court.

Sec. 35. That section 54-1171, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1171. Any person who shall violate any provision or requirements of this act, shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for a period not exceeding thirty days, or by both such fine and imprisonment.~~ Each day any person operates or conducts a livestock auction market in this state without a license as prescribed in this act shall be considered a separate offense. The director may institute proceedings to enjoin the operation of a livestock auction market if the person sought to be enjoined is operating a livestock auction market without a market license in good standing as provided in this act.

Sec. 36. That section 54-1181.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1181.01. Any person engaging in livestock commerce at a licensed livestock auction market who violates any provision of sections 54-1180 and 54-1181, or any rules or regulations duly promulgated thereunder, shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for a period not exceeding thirty days, or by both such fine and imprisonment.~~

Sec. 37. That section 54-1203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1203. Any person grazing cattle in this state after the expiration of ten days after the arrival of such cattle in this state, without securing a grazing permit as provided in sections 54-1201 to 54-1203, shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be fined not more than one hundred dollars, or imprisoned in the county jail for not more than thirty days, or both such a fine and imprisonment.~~ Each day such cattle are allowed to graze without such permit shall constitute a separate and distinct offense.

Sec. 38. That section 54-1337, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1337. At any time after the date fixed for commencing the work, any member or agent of the bureau, and all inspectors or persons appointed or authorized to

assist in the work, may enter any barns, stables, yards, pastures, buildings, or enclosures where cattle may be, for the purpose of making such inspection and test. The owner of such cattle shall confine the cattle to be tested in a suitable place or yard for testing, and shall furnish the necessary assistance and facilities for restraining the animals to be tested. The bureau shall quarantine all cattle eligible for test if the owner refuses to test after the area has been declared an area for the testing of eligible breeding cattle therein for brucellosis. The quarantine shall remain in effect until such time as the herd has qualified as a negative herd as determined pursuant to the statutes or bureau regulation except that quarantined cattle may be sold for immediate slaughter if a prior release is secured from the bureau. Any person who shall interfere therewith or obstruct anyone in such work, or attempt to obstruct or prevent by force the carrying on of such inspection and testing, or fail to confine the animals in a suitable place or yard, or fail to provide the necessary assistance and necessary facilities shall be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined not less than one hundred dollars, nor more than five hundred dollars, or be imprisoned in the county jail for not less than thirty days nor more than six months, or be both so fined and imprisoned.

Sec. 39. That section 54-1343, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1343. Whoever shall divert from immediate slaughter cattle which are designated for immediate slaughter or who shall remove any official backtag before testing shall be guilty of a Class IV misdemeanor, and upon conviction thereof, be fined not less than two hundred dollars nor more than five hundred dollars.

Sec. 40. That section 54-1345, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1345. Any person violating any of the provisions of sections 54-1331 to 54-1347 for which a specific penalty is not otherwise provided shall be deemed guilty of a Class III misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment.

Sec. 41. That section 54-1408, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1408. When animals are found to be infected with or exposed to scabies they shall be held in quarantine at a place to be prescribed by the Department of Agriculture until treated or dipped and the premises cleaned and disinfected as deemed necessary by the department. The cost of dipping or otherwise treating such animals as deemed necessary by the department shall be borne by the owner thereof.

Any conveyance or yarding facility must be cleaned and disinfected following transportation or yarding of any sheep known to be infected with scabies before being used for transporting or holding any other sheep.

Any person violating any of the provisions of this section shall be deemed guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not to exceed two hundred dollars or imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment:~~

Sec. 42. That section 54-1411, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1411. Any person violating any of the provisions of sections 54-1401 to 54-1411 for which a specific penalty is not otherwise provided shall be deemed guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars:~~

Sec. 43. That section 54-1509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1509. Any person, partnership, association, or corporation, or officer or member of same who shall interfere with the appraisal and destruction of swine or violate a quarantine or disinfection order issued under the provisions of sections 54-1501 to 54-1512 or who shall import swine into this state without first obtaining a health certificate from a licensed and accredited veterinarian and the required shipping permit from the Bureau of Animal Industry or who, after obtaining a health certificate and shipping permit, shall divert a shipment from the point of destination stated

upon the health certificate and shipping permit without written permission from the Bureau of Animal Industry, shall be guilty of a Class IV felony, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the Nebraska Penitentiary and Correctional Complex for not less than one nor more than three years, or by both such fine and imprisonment.

Sec. 44. That section 54-1521, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1521. Any person who shall violate the provisions of sections 54-1513 to 54-1521 shall be guilty of a Class IV felony, and shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the Nebraska Penitentiary and Correctional Complex for not less than one nor more than three years, or be both so fined and imprisoned.

Sec. 45. That section 54-1605, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1605. It shall be unlawful for any person, partnership, firm, association, or corporation to issue, make, use or circulate any accreditation without the authority and approval of the University of Nebraska, College of Agriculture and Home Economics or its duly authorized agency. Every person, partnership, firm, association, or corporation who shall violate any of the provisions of sections 54-1601 to 54-1605 pertaining to accreditation shall be deemed guilty of a Class IV misdemeanor, and shall, upon conviction thereof, be fined in the sum not less than one hundred dollars nor more than five hundred dollars for each offense.

Sec. 46. That section 54-1711, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1711. Any livestock dealer who violates any of the provisions of sections 54-1701 to 54-1711 or any rule or regulation promulgated thereunder, or any order of the department after such order has become final or upon termination of any review proceeding where the order has been sustained by a court of law, shall be guilty of a Class III misdemeanor, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail for a period not to exceed ninety days, or be both so

~~fin~~ed-and-imprisoned: Each day of continued violation shall constitute a separate offense.

Sec. 47. That section 54-1808, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1808. Any person violating any provision of sections 54-1801 to 54-1808 shall be guilty of a Class IV felony and shall, upon conviction thereof, be fined not less than fifty dollars nor more than five hundred dollars, or be imprisoned in the Nebraska Penitentiary and Correctional Complex for a period of not less than one year nor more than three years, or be both so fined and imprisoned, and shall be liable in double damages to any party injured thereby.

Sec. 48. That section 54-1811, Revised Statutes Supplement, 1976, be amended to read as follows:

54-1811. Any person, firm, corporation, or association, or any agent thereof, who shall violate the provisions of sections 54-1809 to 54-1811, shall be guilty of a Class II misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Sec. 49. That section 54-1913, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1913. (1) Any officer, inspector, or employee of this state authorized to perform any of the duties prescribed by sections 54-1901 to 54-1915 who shall accept any money, gift, or other thing of value from any person given with intent to influence his official action, or who shall receive or accept from any person engaged in intrastate commerce subject to sections 54-1901 to 54-1915 any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a Class III misdemeanor and shall, upon conviction thereof, be summarily discharged from office, and shall be punished by a fine not less than five hundred dollars nor more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

(2) Any person who forcibly assaults, resists, opposes, impedes, intimidates, bribes or attempts to bribe, or interferes with any inspector or employee while engaged in or on account of the performance of his

official duties under sections 54-1901 to 54-1915, shall be deemed guilty of a Class II misdemeanor, and--shall, upon conviction thereof, be punished by a fine not less than one hundred dollars nor more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

(3) Any person who violates any provisions of sections 54-1901 to 54-1915 or regulations duly promulgated thereunder, for which no other criminal penalty is provided by sections 54-1901 to 54-1915, shall be deemed guilty of a Class II misdemeanor, and upon conviction thereof shall be punished by a fine not less than one hundred dollars nor more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated, such person shall be guilty of a Class IV felony, and, upon conviction thereof, shall be punished by imprisonment for not more than three years in the Nebraska Penal and Correctional Complex or by a fine of not more than five thousand dollars or by both such fine and imprisonment.

Sec. 50. That section 55-142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

55-142. Any person who (1) trespasses upon any campground, armory, airport or any other place devoted to military duty; (2) unlawfully molests, insults, abuses or obstructs any member of the Nebraska National Guard while in the performance of his military duty; (3) interrupts or disturbs the orderly discharge of military duty; or (4) disturbs or prevents the passage of troops going to or returning from any duty shall be guilty of a Class II misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

Upon probable cause, any person suspected of violating this section may be detained by or at the direction of the commanding officer of the troops or of the place concerned.

The Adjutant General may cause any person so detained in accordance with the provisions of this section to be released to the civil authorities for prosecution.

Sec. 51. That section 55-165, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

55-165. Any person, firm, or organization violating the provisions of sections 55-160 to 55-164 shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars~~ and, in addition thereto, shall restore to the employee all rights of which he has been illegally deprived.

Sec. 52. That section 55-166, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

55-166. Any person, firm, or organization, who discharges an employee because of his membership in the National Guard of this state or his fulfillment of military duty in the active service of the state or of the United States, shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars~~ and, in addition thereto, shall restore the employee to a position of like seniority, status, and pay.

Sec. 53. That section 55-175, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

55-175. An owner, manager or employee of a hotel, restaurant, place of amusement or other establishment or place of business open to the public shall not refuse to admit or serve in the same manner and to the same extent as members of the general public are admitted and served a member of the National Guard wearing the prescribed uniform.

A person violating this section shall be guilty of a Class II misdemeanor, ~~and shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months or both such fine and imprisonment.~~

Sec. 54. That section 55-177, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

55-177. Whoever offends against the provisions of section 55-176 or belongs to or parades with any such unauthorized body of men with arms shall be guilty of a Class III misdemeanor, ~~punished by a fine not exceeding~~

~~one-hundred-dollars-or-by-imprisonment-in-the-county-jail for-a-term-not-exceeding-thirty-days:~~

Sec. 55. That section 55-428, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

55-428. (1) Any person not subject to sections 55-401 to 55-480 who:

(a) Has been duly subpoenaed to appear as a witness before a court-martial, military commission, court of inquiry, or any other military court or board, or before any military or civil officer designated to take a deposition to be read in evidence before such a court, commission, or board;

(b) Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the district courts of the State of Nebraska; and

(c) Willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person may have been legally subpoenaed to produce, is guilty of a Class II misdemeanor, ~~an offense against the State of Nebraska:~~

~~{2} Any person who commits an offense named in subsection {1} of this section shall be tried on information in a Nebraska district court and shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars, or imprisonment for not more than six months, or both such fine and imprisonment:~~

{3} {2} The Attorney General of Nebraska, upon the certification of the facts to him by the military court, commission, or board shall file an information against and prosecute any person violating this section.

{4} {3} The fees and mileage of witnesses shall be advanced or paid out of the appropriations for the compensation of witnesses.

Sec. 56. That section 57-507, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

57-507. Any person who shall fail to comply with any of the provisions of sections 57-501 to 57-507 shall be deemed guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be imprisoned in the county jail for not more than ninety days, or by a fine of not less~~

~~than ten dollars nor more than three hundred dollars; or by both such fine and imprisonment for each separate offense. Each violation of this section shall constitute a separate offense.~~

Sec. 57. That section 57-516, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

57-516. Any person who violates any of the provisions of sections 57-508 to 57-516 shall be guilty of a Class IV misdemeanor, and shall, upon conviction thereof, be fined in a sum of not more than five hundred dollars:

Sec. 58. That section 57-713, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

57-713. Any person failing or refusing to make returns or reports, as required by sections 57-701 to 57-715, and remaining in default for thirty days after notice to him by the Tax Commissioner, or failing to comply with any other requirement of sections 57-701 to 57-715, shall be guilty of a Class IV misdemeanor, and shall, upon conviction thereof, be fined not to exceed five hundred dollars:

Sec. 59. That section 57-915, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

57-915. (1) Any person who violates any provision of sections 57-901 to 57-921, or any rule, regulation or order of the commission shall, upon conviction thereof, be guilty of a Class II misdemeanor, fined not more than one thousand dollars for each act of violation and for each Each day that such violation continues, unless the penalty for such violation is otherwise specifically provided for and made exclusive in sections 57-901 to 57-921: shall constitute a separate offense.

(2) If any person, for the purpose of evading the provisions of sections 57-901 to 57-921, or any rule, regulation or order of the commission, shall make or cause to be made any false entry or statement in a report required by the provisions of sections 57-901 to 57-921, or by any such rule, regulation or order, or shall make or cause to be made any false entry in any record, account or memorandum required by the provisions of sections 57-901 to 57-921, or by any such rule, regulation or order, or shall remove from this state or

destroy, mutilate, alter or falsify any such record, account or memorandum, such person shall be guilty of a Class II misdemeanor, and shall, upon conviction thereof, be fined not more than five thousand dollars or imprisoned for a term not exceeding six months, or to both such fine and imprisonment.

(3) Any person knowingly aiding or abetting any other person in the violation of any provision of sections 57-901 to 57-921, or any rule, regulation or order of the commission shall be subject to the same penalty as that prescribed by the provisions of sections 57-901 to 57-921 for the violation by such other person.

(4) The penalties provided in this section shall be recoverable by suit filed by the Attorney General in the name and on behalf of the commission, in the district court of the county in which the defendant resides, or in which any defendant resides, if there be more than one defendant, or in the district court of any county in which the violation occurred. The payment of any such penalty shall not operate to relieve a person on whom the penalty is imposed from liability to any other person for damages arising out of such violation.

Sec. 60. That section 57-1106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

57-1106. Any person who shall willfully and maliciously break, injure, damage, or otherwise interfere with, any such pipe line, plant, or equipment of any such person, company, corporation, or association, shall be guilty of a Class III misdemeanor, upon conviction thereof, be fined not more than five hundred dollars, or imprisoned in the county jail not more than three months, or be punished by both such a fine and imprisonment.

Sec. 61. That section 59-505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

59-505. Any person, firm, company, association or corporation violating any of the provisions of sections 59-501 and 59-503, and any officer, agent or receiver of any firm, company, association or corporation, or any member of the same, or any individual, violating any of the provisions of said sections, shall be deemed guilty of a Class I misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars nor more than five thousand dollars, or be imprisoned in the county jail not to exceed one year, or both.

Sec. 62. That section 59-705, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

59-705. Any incorporated company, trust, association, firm or individual, who shall violate any provision of sections 59-701 to 59-705, shall forfeit all right to transact or do business in this state, and any officer, agent, servant or other employee of any such incorporated company, trust or association, firm or individual, who shall represent or attempt to transact or to do business in this state after such incorporated company, trust or association, firm or individual has violated any provision of said sections, shall be deemed guilty of a Class IV felony, ~~and upon conviction shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, or by imprisonment in the Nebraska Penitentiary and Correctional Complex for not less than one year nor more than two years, or by both such fine and imprisonment.~~ Any citizen or inhabitant of this state, who shall knowingly make a sale or enter into a contract with any such company, trust or association, firm or individual who has failed to comply with the provisions of said sections, shall be deemed guilty of a Class IV felony, ~~and upon conviction shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, or by imprisonment in the Nebraska Penitentiary and Correctional Complex for not less than one year nor more than two years, or by both.~~

Sec. 63. That section 59-801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

59-801. Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce, within this state, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a Class I misdemeanor, ~~and upon conviction thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both.~~

Sec. 64. That section 59-802, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

59-802. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce, within this state, shall be deemed

guilty of a Class I misdemeanor, ~~and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both.~~

Sec. 65. That section 59-805, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

59-805. Every person, corporation, joint stock company or other association engaged in business within this state, who shall enter into any contract, combination or conspiracy, or who shall give any direction or authority to do any act for the purpose of driving out of business any other person engaged therein, or who for such purpose shall in the course of such business sell any article or product at less than its fair market value, or at a less price than it is accustomed to demand or receive therefor in any other place under like conditions; or who shall sell any article upon a condition, contract or understanding that it shall not be sold again by the purchaser, or restrain such sale by the purchaser, shall be deemed guilty of a Class I misdemeanor, ~~and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments.~~

Sec. 66. That section 59-815, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

59-815. Any corporation, joint stock company or other association, and any president, director, treasurer, officer, corporator, copartner, associate or agent thereof, who shall in its behalf engage in such business in violation of sections 59-801 to 59-828, shall for each offense, in addition to such penalty for contempt as the court in case of disobedience to its lawful order may impose, be guilty of a Class I misdemeanor, ~~punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both.~~

Sec. 67. That section 59-825, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

59-825. Any person who shall neglect or refuse to make returns, attend and testify or answer any lawful requirement hereinbefore provided for, or produce books, papers, contracts, agreements and documents, if in his custody, control or power to do so, in obedience to the

subpoena of the courts or lawful requirements of the Attorney General, shall be deemed guilty of a Class I misdemeanor, ~~and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars.~~

Sec. 68. That section 59-1503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

59-1503. It shall be unlawful and a violation of sections 59-1501 to 59-1518:

(1) For any retailer, wholesaler or other person with intent to injure competitors or destroy or substantially lessen competition (a) to advertise, offer to sell, or sell, at retail or wholesale, cigarettes at less than cost as defined in sections 59-1501 to 59-1518, to such a retailer or wholesaler, as the case may be, or (b) to offer a rebate in price, to give a rebate in price, to offer a concession of any kind, or to give a concession of any kind or nature whatsoever in connection with the sale of cigarettes, if such rebate or concession offered or given in connection with the sale of cigarettes is not offered or given by the wholesaler or retailer in the same ratio with respect to all other merchandise as to which such rebate or concession may lawfully be given which is sold by such wholesaler or retailer in the ordinary course of his trade or business; Provided, that for the purpose of sections 59-1501 to 59-1518, a so-called tie-in sale of cigarettes, whereby in conjunction with the purchase of cigarettes, at a price which would not otherwise be less than cost to the vendor, the purchaser is offered other merchandise or other thing of value, without charge or at a charge less than the fair and reasonable retail value of such other merchandise or thing of value, such transaction shall be deemed a rebate or concession; or

(2) For any retailer, with intent to injure competitors or destroy or substantially lessen competition, (a) to induce or attempt to induce or to procure or attempt to procure the purchase of cigarettes at a price less than cost to wholesaler as defined in sections 59-1501 to 59-1518, or (b) to induce or attempt to induce or to procure or attempt to procure any rebate or concession of any kind or nature whatsoever in connection with the purchase of cigarettes.

Any retailer or wholesaler or agent thereof who violates the provisions of this section is a disorderly person and; ~~upon conviction thereof~~; shall be guilty of a

Class V misdemeanor, fined not more than fifty dollars for each offense.

Evidence of advertisement, offering to sell or sale of cigarettes by any retailer or wholesaler at less than cost to him or evidence of any offer of a rebate in price or the giving of a rebate in price or an offer of a concession or the giving of a concession of any kind or nature whatsoever in connection with the sale of cigarettes, if such rebate or concession offered or given in connection with the sale of cigarettes is not offered or given by the wholesaler or retailer in the same ratio with respect to all other merchandise as to which such rebate or concession may lawfully be given which is sold by such wholesaler or retailer in the ordinary course of his trade or business, or the inducing or attempt to induce or the procuring or the attempt to procure the purchase of cigarettes at a price less than cost to the wholesaler or the retailer shall be prima facie evidence of intent to injure competition and to destroy or substantially lessen competition.

Sec. 69. That section 60-116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-116. Whoever (1) forges any certificate of title or manufacturer's or importer's certificate to a motor vehicle, any assignment of either or any cancellation of any liens on a motor vehicle, (2) holds or uses such certificate, assignment or cancellation knowing the same to have been forged, (3) procures or attempts to procure a certificate of title to a motor vehicle, passes or attempts to pass a certificate of title or any assignment thereof to a motor vehicle, knowing or having reason to believe that such motor vehicle has been stolen, (4) sells or offers for sale in this state a motor vehicle on which the motor number or manufacturer's serial number has been destroyed, removed, covered, altered or defaced with knowledge of such destruction, removal, covering, alteration or defacement of said motor number or manufacturer's serial number, or (5) whoever uses a false or fictitious name, gives a false or fictitious address, makes any false statement in any application or affidavit required under the provisions of Chapter 60, article 1, or amendments thereto, or in a bill of sale or sworn statement of ownership or otherwise commits a fraud in any application, shall, ~~upon conviction thereof, be guilty of a Class IV felony, fined not more than five thousand dollars or imprisoned for not less than six months nor more than five years, or both, for each offense.~~

Sec. 70. That section 60-117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-117. (1) Whoever shall, except as otherwise provided for in this act, operate in this state a motor vehicle for which a certificate of title is required without having such certificate in accordance with the provisions of this act or upon which the certificate of title has been canceled; (2) whoever, except as otherwise provided for in this act, being a dealer or acting on behalf of a dealer shall acquire, purchase, hold or display for sale a new motor vehicle without having obtained a manufacturer's or importer's certificate or a certificate of title therefor as provided for in this act; (3) whoever shall fail to surrender any certificate of title or any certificate of registration or license plates or tags upon cancellation of the same by the Department of Motor Vehicles and notice thereof as prescribed in this act; (4) whoever fails to surrender the certificate of title to the county clerk as provided in this act in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title; (5) whoever shall purport to sell or transfer a motor vehicle without delivering to the purchaser or transferee thereof a certificate of title or a manufacturer's or importer's certificate thereto duly assigned to such purchaser as provided in this act; (6) whoever knowingly alters or defaces a Nebraska certificate of title; or (7) whoever shall violate any of the other provisions of this act or any lawful rules or regulations promulgated pursuant to the provisions of this act, shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be fined not more than two hundred dollars, or imprisoned for not more than ninety days in the county jail, or both such a fine and imprisonment, for each offense.~~

Sec. 71. That section 60-320, Revised Statutes Supplement, 1976, be amended to read as follows:

60-320. (1) Each licensed dealer in motor vehicles or dealer in trailers as defined in section 60-1401.02, doing business in this state in lieu of the registering of each motor vehicle or trailer which such dealer owns of a type otherwise required to be registered, or any employee of such dealer, may (a) operate or move the same upon the streets and highways of this state solely for purposes of transporting, testing, demonstrating, or use in the ordinary course and conduct of his business as a motor vehicle or trailer dealer, including the personal or private use of such dealer or

his employee, or for transporting industrial equipment held by the licensee for purposes of demonstration, sale, rental, or delivery, or (b) sell the same without registering each such motor vehicle or trailer upon the condition that any such vehicle display thereon, in the manner prescribed in section 60-323, dealer number plates as provided for in subsection (3) of this section. Each licensed manufacturer as defined in section 60-1401.02, which actually manufactures or assembles motor vehicles, motorcycles or trailers within this state, in lieu of the registering of each motor vehicle or trailer which such manufacturer owns of a type otherwise required to be registered, or any employee of such manufacturer, may operate or move the same upon the streets and highways of this state solely for purposes of transporting, testing, demonstrating to prospective customers or use in the ordinary course and conduct of business as a motor vehicle, motorcycle or trailer manufacturer, upon the condition that any such vehicle display thereon, in the manner prescribed in section 60-323, dealer number plates as provided for in subsection (3) of this section. In no event shall such plates be used on trucks or truck-tractors or trailers hauling other than automotive or trailer equipment unless there is issued by the Department of Motor Vehicles a special permit specifying the hauling of other products.

(2) Motor vehicles or trailers owned by such dealer, and bearing such dealer number plates, may be driven upon the streets and highways for demonstration purposes by any prospective buyer thereof for a period of forty-eight hours. Upon delivery of such motor vehicle or trailer to such prospective buyer for demonstration purposes, the dealer shall deliver to the prospective buyer a card or certificate giving the name and address of the dealer, the name and address of the prospective buyer, and the date and hour of such delivery and the products to be hauled, if any, under a special permit. The special permit and card or certificate shall be in such form as shall be prescribed by the Department of Motor Vehicles and shall be carried by such prospective buyer while driving such motor vehicle or pulling such trailer; Provided, that the Department of Motor Vehicles shall make a charge of ten dollars for each special permit issued hereunder. Finance companies, as defined in subdivision (18) of section 60-1401.02, licensed to do business in this state may, in lieu of registering each motor vehicle or trailer repossessed, upon the payment of a fee of ten dollars, make an application to the Department of Motor Vehicles for a repossession certificate and one repossession plate. Additional certificates and repossession plates may be procured for a fee of ten dollars each. Such repossession plates may

be used only for moving motor vehicles or trailers on the streets and highways for the purpose of repossession, demonstration, and disposal of such motor vehicles or trailers repossessed. Such repossession plate shall be of the same size and material as the normal motor vehicle license plates and shall be prefixed with a large letter R and be serially numbered from 1 to distinguish them from each other. Such plates shall be displayed only on the rear of a repossessed motor vehicle or trailer. The certificate shall be displayed on demand for any motor vehicle or trailer being operated on a repossession plate. Finance companies shall be entitled to a dealer number plate only in the event such company has qualified as a motor vehicle dealer under the provisions of Chapter 60, article 14.

(3) (a) Any licensed dealer or manufacturer described in subsection (1) of this section may upon payment of a fee of fifteen dollars make an application to the county treasurer of the county in which his place of business is located for a certificate and one dealer number plate. One additional dealer number plate may be procured, in case of a dealer, for each ten vehicles sold or, in the case of a manufacturer, for each ten vehicles actually manufactured or assembled within the state, in the last previous year for a fee of fifteen dollars each; Provided, where a new applicant applies for a license, the county treasurer may issue additional number plates when the dealer or manufacturer furnishes satisfactory proof for a need of additional number plates. Such additional dealer number plates shall, in addition to all other numbers and letters required by section 60-311.02, bear such mark or number as will distinguish such plates one from another.

(b) Subject to all the provisions of law relating to motor vehicles and trailers not inconsistent with this section, any person, firm, or corporation holding a dealer's license issued pursuant to the laws of this state and who is regularly engaged within this state in the business of buying and selling motor vehicles and trailers and who regularly maintains within this state an established place of business, who desires to effect delivery of any motor vehicle or trailer bought or sold by him from the point where purchased or sold to points within or outside this state may, solely for the purpose of such delivery by himself, agent, or bona fide purchaser drive such motor vehicle or pull such trailer on the highways of this state without charge or registration of such vehicle or trailer. There shall be displayed on the front and rear windows of such motor vehicle and displayed on the front and rear of each such trailer a decal on which shall be plainly printed in

black letters not less than two inches high the words In Transit and a registration number, which registration number shall be different for each pair of decals issued, and the form of such decal and the numbering system shall be as prescribed by the Department of Motor Vehicles. Each dealer issuing such decals shall keep a record of the registration number of each pair of decals on the invoice of such sale. Such transit decal shall allow such owner to operate the motor vehicle or pull such trailer for a period of fifteen days in order to effect proper registration of the new or used motor vehicle or trailer. Where any person, firm, or corporation has had a motor vehicle or trailer previously registered and license plates assigned to such person, firm, or corporation, such owner may operate the motor vehicle or pull such trailer for a period of fifteen days in order to effect transfer of plates to the new or used motor vehicle or trailer. Upon demand of proper authorities, there shall be presented by the person in charge of such motor vehicle or trailer, for examination, a duly executed bill of sale therefor, a certificate of title, or other satisfactory evidence of the right of possession by such person of such motor vehicle or trailer.

(4) Any transporter doing business in this state may, in lieu of registering each motor vehicle or trailer which such transporter is transporting, upon payment of a fee of ten dollars, make an application to the Department of Motor Vehicles for a transporter's certificate and one transporter number plate. Additional certificates and plates may be procured for a fee of ten dollars each. Such transporter number plates may be the same size as plates issued for motorcycles, and shall bear thereon a mark to distinguish them as transporter plates, and shall be serially numbered so as to distinguish them from each other. Such plates may only be displayed upon the front of a driven vehicle of a lawful combination or upon the front of a motor vehicle driven singly or upon the rear of a trailer being pulled. The certificate shall be issued in duplicate, and the original thereof shall be kept on file by the transporter, and the duplicate shall be displayed upon demand by the driver of any vehicle or trailer being transported. A transporter plate or certificate may not be displayed upon a work or service vehicle, except that where a properly registered truck or tractor being a work or service vehicle is in the process of towing or drawing a trailer or semitrailer including a cabin trailer, which itself is being delivered by the transporter, then the said registered truck or tractor shall also display a transporter plate upon the front thereof. The applicant for a transporter plate shall keep, for three years, a record of each vehicle transported by him hereunder, and such record shall be

available to the department for inspection. Each applicant hereunder must file proof of his status as a bona fide transporter.

(5) It shall be the duty of all law enforcement officers to arrest and prosecute all violators of the provisions of subsection (1), (2), (3), or (4) of this section and see that they are properly prosecuted according to the provisions of the law. Any person, firm, or corporation, including any motor vehicle or trailer dealer or manufacturer, who fails to comply with the provisions of subsection (1), (2), (3), or (4) of this section shall be deemed guilty of a Class V misdemeanor and ~~shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars,~~ and in addition thereto pay the county treasurer any and all motor vehicle and trailer taxes or registration fees due had the motor vehicle or trailer been properly registered according to law. When any motor vehicle, trailer dealer's, or manufacturer's license has been revoked, or otherwise terminated, it shall be the duty of such dealer to immediately surrender to the Department of Motor Vehicles any dealer number plates issued to him for the current year. Failure of such dealer or manufacturer to immediately surrender such dealer license plates to the department upon demand by the department shall be unlawful.

Sec. 72. That section 60-331.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-331.02. Any person, firm, association or corporation who shall violate any of the provisions of section 60-331 or 60-331.01 shall be guilty of a Class IV misdemeanor, and ~~shall, upon conviction thereof, be fined in a sum not less than one hundred dollars nor more than five hundred dollars;~~

Sec. 73. That section 60-343, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-343. Any person who shall register or cause to be registered any motor vehicle, trailer, semitrailer, or cabin trailer in the name of any person other than the owner thereof or who shall give a false or fictitious name or false or fictitious post-office address of the registrant in any application for registration of a motor vehicle, trailer, semitrailer, or cabin trailer shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be fined not exceeding five hundred dollars or shall be imprisoned in the county jail~~

~~not more than sixty days, or both:~~

Sec. 74. That section 60-344, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-344. Any person applying for or taking out motor vehicle, trailer, semitrailer, or cabin trailer registration in any county, other than that in which such person actually resides, is domiciled, or conducts a bona fide business at the time of taking out such license, shall be deemed guilty of a Class V misdemeanor, ~~and, upon conviction thereof, shall be fined in the sum of not less than twenty-five dollars nor more than fifty dollars:~~

Sec. 75. That section 60-403.10, Revised Statutes Supplement, 1976, be amended to read as follows:

60-403.10. Any person violating the provisions of sections 60-403.06 to 60-403.10 shall be guilty of a misdemeanor traffic infraction and shall, upon conviction thereof, be punished by a fine of not less than ten dollars nor more than fifty dollars.

Sec. 76. That section 60-407, Revised Statutes Supplement, 1976, be amended to read as follows:

60-407. (1) No license or permit to operate a motor vehicle shall be granted to any applicant until such applicant satisfies the examiner that he possesses, with or without the aid of glasses, sufficient powers of eyesight to enable him to operate a motor vehicle on the highways of this state with a reasonable degree of safety. If, from the examination given any applicant, it appears that the applicant's powers of eyesight are such that he cannot operate a motor vehicle on the highways of this state with a reasonable degree of safety, the examiner shall require the applicant to present a doctor's or optometrist's certificate to the effect that the applicant has sufficient powers of eyesight for such purpose before issuing a license to such applicant. If it is indicated by such examination by the examiner or by the doctor's or optometrist's certificate that the applicant must wear glasses to meet the minimum visual standards set by the department, then the applicant shall have the use of any license issued to him restricted to wearing glasses while operating a motor vehicle. If the application to operate a motor vehicle required by this act discloses that the applicant for such license suffers from any other physical defect or defects of a character which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require

such applicant to show cause why such license should be granted, and shall require such applicant, through such personal examination and demonstration as may be prescribed by the director, to show the necessary ability to safely operate a motor vehicle on the public highways. If the examiner is satisfied, after such demonstration, that such applicant has the ability to safely operate such motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate. The director may, at the request of a law enforcement officer, or when he has reason to believe that such person may be physically or mentally incompetent to operate a motor vehicle or whose driving record appears to the department to justify such examination, give notice to the holder of an operator's license to appear before an examiner for examination to operate a motor vehicle safely. A refusal to appear before an examiner for such examination shall be unlawful. If such license holder cannot qualify at such examination, his operator's license shall be immediately surrendered to such examiner and forwarded to the director who shall cancel his license and privilege to operate a motor vehicle; Provided, that a refusal to appear before an examiner for examination after notice to do so or to surrender an operator's license on demand, shall be unlawful and any person failing to surrender his operator's license as required by the provisions of this section shall, ~~upon conviction thereof, be guilty of a Class III misdemeanor, fined in a sum not to exceed five hundred dollars, or imprisoned in the county jail not to exceed thirty days, or be both so fined and imprisoned.~~ No operator's license referred to in this subsection shall, under any circumstances, be issued to any person who has not attained the age of sixteen years but, upon application therefor and proof of age in the manner provided in subsection (3) of this section, any such person may take the examination required by this subsection at any time within sixty days prior to his sixteenth birthday.

(2) A person who has not attained the age set forth in subsection (1) of this section but is over the age of fourteen years, except within metropolitan, primary, and first-class cities, may be issued, by the county treasurer, a limited permit to drive a motor vehicle or motorcycle to and from the school building where he attends school, by the nearest highway or street from his place of residence, if such child lives a distance of one and one half miles or more from such school. Such limited permit shall be used for the sole purpose of transporting such person to attend school,

except that the holder of such a permit may drive under the personal supervision of his parents or guardian; Provided, such a permit shall not be issued until such person has appeared before an examiner to demonstrate that he is capable of successfully operating a motor vehicle or motorcycle and has in his possession an examiner's certificate authorizing the county treasurer to issue a school permit. Any such person desiring such limited permit may first obtain a learner's permit from the county treasurer, which permit shall be valid for a period of two months. While holding such a permit, the person may operate a motor vehicle or motorcycle on the highways of this state if he has seated next to him or, in the case of a motorcycle, immediately behind him and supervising his operation of the vehicle a person who is a licensed operator and who is also either a parent or guardian of the child or a person over the age of nineteen years who is authorized in writing by the child's parent or guardian to supervise the actions of the child in operating the vehicle. Prior to issuance of such learner's permit it shall be required that such person demonstrate that he has sufficient powers of eyesight to safely operate a motor vehicle or motorcycle.

(3) Each individual, under the age of nineteen years, who is making an application for his first operator's license or a limited or learner's permit, must furnish proof of age, either by birth certificate or written information signed by one of his parents or his guardian, to show that such applicant has attained the age, respectively, as required by subsection (1) or (2) of this section. All licenses and limited permits issued, as provided by subsection (2) of this section, shall be subject to revocation under the terms of section 60-427, and any person who shall violate the terms of such license or limited permit shall be deemed guilty of a Class III misdemeanor.

(4) Any person who shall have attained the age of fifteen years or more may obtain a learner's permit from the county treasurer which shall be valid for a period of twelve months and he may operate a motor vehicle on the highways of this state if he is accompanied at all times by a licensed operator who is at least nineteen years of age and who is actually occupying the seat beside the driver or, in the case of a motorcycle, immediately behind the driver. Any person who shall have attained the age of fourteen years may operate a motor vehicle over the highways of the state if he is accompanied at all times by a licensed operator who shall be a high school driver training instructor certified by the Commissioner of Education.

(5) Any person who is thirteen years of age or older and resides upon a farm in this state or who is fourteen years of age or older and who is employed for compensation upon a farm in this state may obtain a special permit authorizing the operation of farm tractors and other motorized implements of farm husbandry upon the public highways and roads of this state, if the applicant for such a restricted permit furnishes to a license examiner satisfactory proof of age and satisfactorily demonstrates to the examiner that he has knowledge of the operation of such equipment and of the rules of the road and laws respecting the operation of motor vehicles upon the highways and public roads of this state. Any person under sixteen years of age but not less than thirteen years of age may obtain a temporary permit to operate such equipment for a six-month period after presentation to the Department of Motor Vehicles of a request for such temporary permit signed by such person's parent or guardian and payment of one dollar. After the expiration of such six-month period it shall be unlawful for any person under sixteen years of age to operate such equipment upon the public highways and roads of this state unless he has been issued a special permit under the provisions of this subsection. The fee for such special permit shall be two dollars, and such special permit shall be subject to revocation for cause.

(6) The county treasurer shall collect a fee of one dollar from each successful applicant for a school or learner's permit.

Sec. 77. That section 60-409.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-409.13. Any person, firm, or corporation violating any provision of sections 60-409.06 to 60-409.13 shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.~~

Sec. 78. That section 60-414, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-414. Any unauthorized person impersonating an officer under color of the provisions of this act shall be deemed guilty of a Class IV felony, ~~and upon conviction thereof shall be subject to a fine of five hundred dollars or imprisonment for one year, or both at the discretion of the court.~~

Sec. 79. That section 60-423, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-423. Any nonresident who violates the terms of the order by which his license or driving privilege was revoked or suspended, shall be deemed guilty of a Class II misdemeanor, ~~and upon conviction thereof shall be punished as provided in sections 60-430.04;~~

Sec. 80. That section 60-430, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-430. Whoever violates the provisions of sections 60-401 to 60-430 shall ~~upon conviction~~ be deemed guilty of a Class III misdemeanor, unless the act committed is by law declared to be a felony, ~~and every person convicted of such misdemeanor shall be fined not exceeding one hundred dollars, or be imprisoned in the county jail not exceeding three months, or be both so fined and imprisoned, except that any~~ Any person convicted of operating a motor vehicle in violation of any order of suspension or revocation of his license or privilege to operate a motor vehicle by either any court or the Director of Motor Vehicles, or after such suspension or revocation and before reinstatement of the license or issuance of a new one, shall be guilty of a Class III misdemeanor, ~~punished as provided in sections 60-430.04 and 60-430.07.~~

Sec. 81. That section 60-430.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-430.01. Any person who shall be convicted of operating a motor vehicle during any period that his motor vehicle operator's license has been suspended or revoked pursuant to any law of this state, or after such suspension or revocation but before reinstatement of his license or issuance of a new license, shall: ~~upon conviction thereof, be punished as follows:~~ (1) For a first such offense, ~~such person shall be~~ guilty of a Class III misdemeanor, imprisoned in the county jail for thirty days, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of one year from the date of his final discharge from the county jail; and (2) for each subsequent such offense, ~~such person shall be~~ guilty of a Class III misdemeanor, imprisoned in the county jail for six months, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for

any purpose for a period of two years from the date of his final discharge from the county jail.

Sec. 82. That section 60-430.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-430.07. It shall be unlawful for any person operating any motor vehicle to flee in such vehicle in an effort to avoid arrest for violating any law of this state. Any person violating the provisions of this section shall, ~~upon conviction thereof,~~ be guilty of a Class I misdemeanor, ~~either (1) fined in a sum not exceeding five hundred dollars; (2) imprisoned in the county jail for not to exceed six months; (3) imprisoned in the Nebraska Penal and Correctional Complex for a period not less than one year nor more than three years; or (4) punished by both such fine and imprisonment.~~ The court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of one year from the date of his release from imprisonment, or in the case of a fine only, for a period of one year from the date of satisfaction of the fine.

Sec. 83. That section 60-436, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-436. Any person who fails or refuses to obey any lawful traffic direction or any lawful order of the superintendent or any of the subordinate officers or employees of the Nebraska State Patrol or who resists lawful arrest by the superintendent or any of his subordinate officers or employees, shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars or shall be imprisoned in the county jail not more than thirty days, or both.~~

Sec. 84. That section 60-506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-506. The failure by any person to report an accident, as provided in section 60-505, or correctly give the information required of him by the department in connection with such report shall be a Class V misdemeanor. ~~Any person who violates the provisions of this section shall be fined not more than fifty dollars.~~

Sec. 85. That section 60-558, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

60-558. Any person willfully failing to return the license or registration, as required in section 60-556, shall be guilty of a Class III misdemeanor, fined not more than five hundred dollars or imprisoned not to exceed thirty days, or both such a fine and imprisonment.

Sec. 86. That section 60-559, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-559. Any person who shall forge or, without authority, sign any notice, provided for under sections 60-507 to 60-509, that a policy or bond is in effect, or any evidence of proof of financial responsibility, or who files or offers for filing any such notice or evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be guilty of a Class I misdemeanor, fined not more than one thousand dollars or imprisoned not more than one year, or both such a fine and imprisonment.

Sec. 87. That section 60-560, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-560. Any person who shall violate any provision of sections 60-501 to 60-569 for which no penalty is otherwise provided shall be guilty of a Class III misdemeanor, fined not more than five hundred dollars or imprisoned not more than ninety days, or both such a fine and imprisonment.

Sec. 88. That section 60-1005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1005. No officer or employee of the State of Nebraska shall use any motor vehicle owned by the State of Nebraska for any personal use whatsoever. Any officer or employee who shall violate any of the provisions of this section shall be deemed guilty of a Class V misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense, to be recovered with costs in an action brought in the name of the State of Nebraska by the Attorney General; and in addition thereto, upon such conviction, the officer or employee shall be deemed guilty of malfeasance in office for palpable omission of duty, and upon conviction thereof shall be subject to removal from his office or employment.

under the provisions of section 28-724.

Sec. 89. That section 60-1202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1202. Any person, partnership or corporation, doing business as a motor carrier as described in section 60-1201, or any officer, agent or servant thereof, requiring or permitting any bus, truck or motor vehicle driver to drive or operate any such bus, truck or motor vehicle for hire, or to be or remain on duty in violation of the provisions of said section shall be deemed guilty of a Class IV misdemeanor, ~~and upon conviction thereof shall, for the first offense, be fined in the sum of fifty dollars; and shall, for the second offense, be fined in the sum of one hundred dollars; and shall, for the third or any subsequent offense, be fined in the sum of five hundred dollars.~~

Sec. 90. That section 60-1307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1307. (1) Whenever any person is arrested at one of the state weighing stations for a violation of the laws relating to the size, weight, load, and registration of towed vehicles, buses, motor trucks, truck-tractors, or trailers, the arresting officer shall take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five days after such arrest, unless the person arrested shall demand an earlier hearing. Such person shall, if he desires, have a right to an immediate hearing or a hearing within twenty-four hours at a convenient hour. The hearing shall be before a magistrate within the county wherein such offense was committed. Such officer shall thereupon, upon such person giving his written promise to appear at such time and place, forthwith release him from custody; Provided, such person arrested and released shall not be permitted to operate the motor vehicle concerned until it is in compliance with the provisions of section 39-6, 185 and of Chapter 60, article 3. Any person refusing to give such written promise to appear shall be immediately taken by the arresting officer before the nearest or most accessible magistrate. Any person who willfully violates his written promise to appear, given in accordance with this section, shall be guilty of a Class III misdemeanor, regardless of the disposition of the charge upon which he was originally arrested, ~~and shall, upon conviction thereof, be fined~~

~~not more than one hundred dollars or imprisoned in the county jail not to exceed thirty days, or both such a fine and imprisonment.~~

(2) The provisions of subsection (1) of this section shall not apply to any person not a resident of the State of Nebraska. The arresting officer shall take such person forthwith before the nearest or most accessible magistrate.

Sec. 91. That section 60-1308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1308. The driver of any towed vehicle, motor truck, truck-tractor, or trailer, who shall fail to stop at or who shall knowingly pass or by-pass any state weighing station, when the same is open and being operated by peace officers, or the driver of any bus who shall fail to stop at or who shall knowingly pass or by-pass any state weighing station except permanently established weighing stations authorized under section 60-1301, when the same is open and being operated by peace officers, shall be deemed guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be fined not more than one hundred dollars or imprisoned in the county jail not to exceed thirty days, or both such a fine and imprisonment.~~

Sec. 92. That section 60-1309, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1309. Any person, who fails or refuses to obey any lawful order of the peace officers or who resists lawful arrest by any of such officers, shall be deemed guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be fined not more than one hundred dollars or shall be imprisoned in the county jail not more than thirty days, or both such a fine and imprisonment.~~

Sec. 93. That section 60-1407.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1407.02. It shall be unlawful for any person holding a Nebraska sales tax permit, except a dealer licensed pursuant to Chapter 60, article 14, to sell or offer for sale any motor vehicle, motorcycle, or trailer, not owned by such person, on the premises covered by such sales tax permit. Any person violating the provisions of this section shall be guilty of a Class IV misdemeanor.

~~and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars:~~

Sec. 94. That section 60-1411.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1411.04. The use, employment, or publication of advertising by any licensed dealer which does not comply with the provisions of section 60-1411.03 is hereby declared to be an unlawful act and any licensed dealer violating the provisions thereof shall be guilty of a Class V misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each violation:~~

Sec. 95. That section 60-1416, Revised Statutes Supplement, 1976, be amended to read as follows:

60-1416. Any person acting as a motor vehicle or trailer dealer, motor vehicle or trailer salesman, manufacturer, distributor, factory representative, wholesaler, wrecker or salvage dealer, or distributor representative as defined in section 60-1401.02 without having first obtained the license provided in section 60-1406, shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or not to exceed six months imprisonment, or by both such a fine and imprisonment:~~

Sec. 96. That section 60-1418, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1418. Any person guilty of violating any of the provisions of section 60-1417 shall be guilty of a Class III misdemeanor, ~~and upon conviction shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period not to exceed ninety days, or be both so fined and imprisoned:~~

Sec. 97. That section 60-1612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1612. Any person violating any of the provisions of sections 60-1601 to 60-1613 shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be fined in a sum not less than ten dollars nor more than one hundred dollars for a first offense, or be~~

~~fined a sum not less than fifty dollars nor more than five hundred dollars for a second or subsequent offense.~~

Sec. 98. That section 60-1707, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1707. (1) Except as provided in subsection (2) or (3) of this section, any person violating any provisions of sections 60-1701 to 60-1707 shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such a fine and imprisonment.~~

(2) Any person who is arrested on a charge of operating a motor vehicle with an expired certificate of inspection within thirty days after such expiration shall be allowed five calendar days, excluding holidays, within which to obtain a valid certificate of inspection for such motor vehicle. Presentation of such certificate of inspection obtained within such five-day period shall be an absolute defense and cause for dismissal of such charge. Any person who fails to obtain and present a certificate of inspection pursuant to this subsection shall be subject to the penalty provided by subsection (1) of this section.

(3) It shall be unlawful for any inspection station to issue a certificate of inspection and approval without having made the inspection required by section 60-1701. Any inspection station violating this subsection shall be guilty of a Class IV misdemeanor, ~~and, upon conviction thereof, shall be punished by a fine of not less than one hundred nor more than five hundred dollars.~~ When any inspection station is convicted of violating any provisions of this subsection, the Department of Motor Vehicles shall immediately revoke the permit of such station. No new inspection station permit shall be issued to any person who has been convicted of a violation of this subsection.

Sec. 99. That section 60-1808, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1808. Any person violating any of the provisions of sections 60-1801 to 60-1808 shall be guilty of a Class V misdemeanor, ~~and shall, upon conviction thereof, be fined in a sum not to exceed fifty dollars.~~

Sec. 100. That section 60-1908, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1908. No person other than one authorized by the appropriate local authority shall destroy, deface or remove any part of a vehicle which is left unattended on a highway or other public place without number plates affixed or which is abandoned. Anyone violating the provisions of this section shall be guilty of a Class V misdemeanor, ~~and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars.~~

Sec. 101. That section 60-1911, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1911. Any person violating the provisions of sections 60-1901 to 60-1911 shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be fined not to exceed five hundred dollars, or be imprisoned in the county jail for a period of not to exceed six months, or be both so fined and imprisoned.~~

Sec. 102. That section 60-2106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2106. The State of Nebraska, or any department, board or commission thereof, or governmental subdivision thereof, is hereby authorized, in its respective jurisdiction, to enact regulations permitting, prohibiting and controlling the use of motor vehicles and minibikes, motorcycles, and off-road recreation vehicles of any and all types, other powered vehicles, or any vehicle not self-propelled. Any person who shall operate any of such vehicles without the permission of the appropriate governmental entity, or in a place, time or manner which has been prohibited by such entity, shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than ten dollars nor more than one hundred dollars, or a jail sentence of not more than thirty days, or both such fine and imprisonment.~~ Such governmental entity may further authorize the supervising official of any area under its ownership or control to permit, control or prohibit operation of any motor vehicle, or minibike, motorcycle, off-road recreational vehicle of any or all types, other powered vehicle or any vehicle not self-propelled on all or any portion of any area under its ownership or control at any time by posting or, in case of an emergency, by personal notice. Any person operating any such vehicle where prohibited, where not

permitted, or in a manner so as to endanger the peace and safety of the public or as to harm or destroy the natural features or man-made features of any such area shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in this section.

Sec. 103. That section 60-2107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2107. It shall be unlawful for any person to operate a minibike on any state road or highway except as permitted pursuant to section 60-2108. Any person who violates this section shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.~~

Sec. 104. That section 60-2108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2108. Any department, board or commission of the State of Nebraska with jurisdiction over state parks, state recreation areas and state wayside areas as defined in section 81-815.22, wherein motor vehicles of any type are permitted may enact rules and regulations permitting and controlling the operation of minibikes and designating the place, time and manner of such operation in the public recreation area under its control; Provided, in designating the manner of such operation within a specific location and during a specific time, the department, board, or commission may establish speed limits, restrictions on the age of the operator, noise emission levels, number of minibikes permitted to be operated within a specific area at the same time, and those regulations governing the use of public roads set forth in Chapter 39, article 6, not inconsistent with this act. Such department, board or commission may further authorize the supervising official of any area under its ownership or control to prohibit operation of any minibike in emergency situations by personal or posted notice. Any person operating a minibike in a place or at a time or in a manner not permitted by the department, board or commission having control over the area shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.~~ Any political subdivision of the State of

Nebraska with jurisdiction over public alleys, streets or highways may enact rules, regulations, ordinances or resolutions in conformity with this act.

Sec. 105. That section 60-2211, Revised Statutes Supplement, 1976, be amended to read as follows:

60-2211. Every person who operates a diesel-powered or other motor vehicle in this state in violation of the standards established by the provisions of sections 60-2201 to 60-2212 shall be guilty of a Class V misdemeanor, and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars, and every day that the diesel-powered or other motor vehicle is so operated shall be deemed to be a separate offense.

Sec. 106. That section 60-2307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2307. Any person who violates the provisions of sections 60-2301 to 60-2307 shall be guilty of a Class II misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

Sec. 107. That section 62-304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

62-304. Any person who shall violate any of the provisions of section 62-303 shall be deemed guilty of a Class III misdemeanor, and upon conviction thereof shall be punished for every offense by a fine of not less than one hundred dollars and not more than five hundred dollars, or by imprisonment in the county jail not to exceed sixty days, or by both such fine and imprisonment.

Sec. 108. That section 63-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

63-103. Any person, firm or corporation violating any of the provisions of section 63-102 shall upon conviction thereof be guilty of a Class IV misdemeanor fined in any sum not less than fifty dollars nor more than five hundred dollars, in the discretion of the court, and in addition thereto shall be liable to the author, compiler or publisher with whom such contract was made, for all damages which may accrue by reason of such unlawful publication.

Sec. 109. That section 66-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-102. Any person, firm or copartnership, failing to comply with the provisions of section 66-101, shall be deemed guilty of a Class V misdemeanor; ~~and upon conviction thereof shall be punished by a fine not less than five dollars nor more than one hundred dollars; Provided,~~ in case of a corporation, the officer or officers thereof, or the person or persons in charge of the manufacture or use of such cylinder, drum, and the like, or the management or control thereof, shall be deemed to be the person or persons subject to such penalty, upon complaint being made against such person or persons and conviction thereof.

Sec. 110. That section 66-107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-107. Any person violating any of the provisions of sections 66-103 to 66-106 shall upon conviction be guilty of a Class III misdemeanor, punished by a fine of not more than fifty dollars for each offense, or by imprisonment in the county jail not to exceed thirty days, or both.

Sec. 111. That section 66-312, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-312. No person, whether vendor, manufacturer or dealer, shall sell or attempt to sell or deliver to any person in this state, any of the products mentioned in section 66-304 that fail to meet the requirements provided in sections 66-306 and 66-310; and upon conviction thereof will be deemed guilty of a Class II misdemeanor.

Sec. 112. That section 66-312.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-312.01. It shall be unlawful for any person to sell or offer for sale or to use drain oil, or a mixture of drain oil and standard commercial fuels, for heating or power fuel purposes unless such drain oil has been reprocessed so as to reduce the combined water and solids content to a maximum of one per cent by weight and completely remove highly flammable aromatic hydrocarbons having a flash point of sixty degrees Fahrenheit or less, such as gasolines, toluol, benzol, methyl and ethyl

alcohols, acetone, and methyl ethyl ketone.

For the purposes of this section, drain oil shall mean used lubricating oil which has been drained from any internal combustion engine. Any person violating the provisions of this section shall be guilty of a Class II misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars and not more than one thousand dollars:

Sec. 113. That section 66-316, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-316. Any person violating any of the provisions of sections 66-301 to 66-316 shall be guilty of a Class III misdemeanor, and upon conviction thereof shall be fined in a sum not less than fifty dollars and not exceeding five hundred dollars, or imprisoned in the county jail not exceeding three months:

Sec. 114. That section 66-326, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-326. Any person, firm, or corporation, who violates any of the provisions of sections 66-318 to 66-326 shall be deemed guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined not less than fifty dollars nor more than two hundred dollars for the first offense or imprisoned not more than thirty days, or both such a fine and imprisonment, and for a second or subsequent offense, by a fine of not less than two hundred dollars, nor more than five hundred dollars, or imprisoned not more than one year, or by both such a fine and imprisonment:

Sec. 115. That section 66-410.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-410.02. No person shall bring into this state in the fuel supply tanks of a motor vehicle, or any other container, regardless of whether or not the supply tanks are connected to the motor of the vehicle, any motor vehicle fuel or special fuel to be used in the operation of the vehicle in this state unless he has paid or made arrangements in advance with the Tax Commissioner for payment of Nebraska motor vehicle fuel taxes or special fuel taxes on the gallonage consumed in operating the vehicle in this state; except that this section shall not apply to a private passenger motor vehicle.

Any person who brings into this state in the fuel supply tanks of a motor vehicle more than thirty gallons of motor vehicle fuel or special fuel in violation of the provisions of this section shall be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined not less than twenty-five dollars and not more than one hundred dollars, or shall be imprisoned in the county jail not less than thirty days nor more than ninety days for each offense, and pay the amount of tax due on the excess of motor vehicle fuel or special fuel over thirty gallons in the fuel supply tank or tanks of a motor vehicle to the Tax Commissioner within thirty days from the date of the offense.

Sec. 116. That section 66-410.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-410.07. Any taxpayer who shall violate any provisions of sections 66-410.01 to 66-410.05, and this section, or who shall fail or refuse to pay such tax when due, or who shall knowingly make any false statement in any statement or report required by such sections, or any taxpayer making any false statement in connection with an application for the refund of any money or tax, or collecting, or causing to be repaid to him or to any person, any tax without being entitled to it under the provisions of such sections, or any person who shall knowingly aid or abet any taxpayer in the violation of sections 66-410.01 to 66-410.05 and this section, shall be guilty of a Class III misdemeanor and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than five hundred dollars, or be imprisoned in the county jail for not less than thirty days nor more than ninety days for each offense.

Sec. 117. That section 66-419, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-419. Any dealer, person, firm, copartnership, company, agency, association or corporation who shall violate any provisions of sections 66-401 to 66-425, or who shall fail or refuse to pay such tax when due, or who shall knowingly make any false statement in any statement or report required by said sections, or any person, firm, copartnership, company, agency, association or corporation making any false statement in connection with an application for the refund of any money or tax as provided in said sections, or collecting, or causing to be repaid to him or to any person, any tax without being entitled to it under the provisions of said sections, or any dealer, person, firm, copartnership, company, agency,

association or corporation who shall knowingly aid or abet any person in the violation of such sections, shall be deemed guilty of a Class III misdemeanor and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than five hundred dollars, or be imprisoned in the county jail for not less than thirty days nor more than ninety days for each offense.

Sec. 118. That section 66-427, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-427. Any carrier, mentioned in section 66-426.01, its managing agents, employees, or servants, who shall fail or neglect to furnish the monthly motor vehicle fuel delivery report, as required in said section, or who shall file any false or misleading reports shall be deemed guilty of a Class IV misdemeanor, and shall, upon conviction thereof, for the first conviction be fined not less than fifty dollars nor more than one hundred dollars and for a second or subsequent conviction be fined not less than two hundred fifty dollars nor more than five hundred dollars.

Sec. 119. That section 66-431, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-431. Any person, firm, copartnership, association or corporation that shall fail or refuse to pay the tax imposed by section 66-428 when due, or who shall knowingly make any false statements in any statement or report required by section 66-429, or in any statement in connection with an application for the refund of any money paid as a tax under the provisions of section 66-428, or who shall collect or cause to be repaid to him or to any person, firm or corporation, any tax without being entitled to the same, or who shall violate any of the provisions of sections 66-428 to 66-431 shall be deemed guilty of a Class III misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than ninety days for each offense.

Sec. 120. That section 66-432, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-432. Any person, firm, corporation, syndicate, or association, or the agent thereof, who shall purchase or receive any motor vehicle fuels, in any

state other than the State of Nebraska, as purchaser, or receive any motor vehicle fuels from a refinery, barge terminal, or pipe line terminal within the State of Nebraska for use or sale in this state, and who shall transport into, dispose of or deliver the same in, into, or within this state, with the intent to evade or without paying the tax on the sale or use of said motor vehicle fuels, as provided by the laws of this state, or who shall purchase or receive the same through any scheme, artifice, or subterfuge of any kind, design, or intent to evade the payment of such tax, or without notice of the importation of said motor vehicle fuels having been given to the Tax Commissioner on forms provided by the Tax Commissioner, shall be deemed guilty of a Class IV felony, ~~and upon conviction thereof shall be fined in any sum not more than two thousand dollars nor less than one hundred dollars, or be imprisoned in the Nebraska Penitentiary and Correctional Complex for a period of not less than one year nor more than five years, or both such a fine and imprisonment.~~

Sec. 121. That section 66-443, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-443. Any person, firm or corporation, their agents, employees or servants, who shall violate any of the provisions of section 66-442, or who shall violate any rule or regulation duly made and promulgated under the provisions of section 66-440, shall be deemed guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars for each offense.~~

Sec. 122. That section 66-466, Revised Statutes Supplement, 1976, be amended to read as follows:

66-466. Any person, firm or corporation, their agents, employees or servants, who shall violate the provisions of sections 66-445 to 66-466, or who shall violate any rule or regulation made and promulgated thereunder, for which penalty is not elsewhere provided, shall be deemed guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be imprisoned in the county jail for not more than six months or shall be fined not more than five hundred dollars, or both.~~ As part of the judgment of conviction, the trial judge may order that the license or permit of the person so convicted shall be revoked, and in such case the court shall forthwith transmit to the administrator a certified copy of such judgment of conviction. Upon receipt of the certified copy of the judgment of conviction, the administrator shall cancel the license for the period of

time that the court directs in the judgment. When the administrator cancels any distributor's license in the manner this section directs, then all books containing invoices of credit held by such distributor shall be accounted for and surrendered to the administrator. Upon conviction in any court within the state of operating upon the public highways thereof any motor vehicle by using therein tax credit gasoline, the trial judge shall suspend the operator's driver's license of such convicted person for a period of time not less than twelve months.

Sec. 123. That section 66-520.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-520.01. No permit shall be issued or renewed under the provisions of section 66-520, unless there is submitted with the application therefor a certified statement of safety by the applicant as evidence of compliance with the laws of this state and the rules and regulations of the State--Railway--Commission Public Service Commission relating to motor vehicle equipment and safety for operation on the public roads and highways of this state. Any person falsifying the statement of safety as required by this section shall be guilty of a Class V misdemeanor, and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars:

Sec. 124. That section 66-524, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-524. Any person who shall violate any of the provisions of sections 66-501 to 66-522, shall be guilty of a Class III misdemeanor and, upon a first conviction, shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not exceeding three months, or by both such a fine and imprisonment and, upon a second or subsequent conviction, shall be guilty of a Class II misdemeanor, punished by a fine in the sum of five hundred dollars and by imprisonment in the county jail for a period of six months:

Sec. 125. That section 66-637, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-637. (1) Any person, firm, copartnership, association, or corporation that shall fail or refuse to pay the tax imposed by section 66-605 when due, who shall

knowingly make any false statement in any statement or report required by section 66-618, who shall collect, or cause to be repaid to him or to any person, firm, or corporation, any tax without being entitled to the same, or who shall violate any of the provisions of section 66-634 shall be deemed guilty of a Class III misdemeanor and shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned in the county jail for not less than thirty days nor more than ninety days, or be both so fined and imprisoned; for each offense.

(2) Any person, firm, corporation, syndicate, or association, or the agent thereof, who shall purchase or receive any special fuels, in any state other than the State of Nebraska, as purchaser, or receive any special fuels within the State of Nebraska for use or sale in this state, and who shall transport into, dispose of or deliver the same in, into, or within this state, with the intent to evade or without paying the tax on the sale or use of said special fuels, as provided by sections 66-601 to 66-636, or who shall purchase or receive the same through any scheme, artifice, or subterfuge of any kind, design, or intent to evade the payment of such tax, or without notice of the importation of said special fuels having been given to the Tax Commissioner on forms provided by the Tax Commissioner, shall be deemed guilty of a Class IV felony, and shall, upon conviction thereof, be fined in any sum not less than five hundred dollars nor more than two thousand dollars, or be imprisoned in the Nebraska Penal and Correctional Complex for a period of not less than one year nor more than five years, or be both so fined and imprisoned;

Sec. 126. That section 68-314, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-314. Any person who knowingly violates the provisions of section 68-313 shall be deemed guilty of a Class III misdemeanor, and upon conviction thereof shall be fined not exceeding one hundred dollars or shall be imprisoned in the county jail for not more than thirty days, or both:

Sec. 127. That section 68-1017, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1017. Any person who, by means of a willfully false statement or representation, or by impersonation or other device, obtains or attempts to obtain, or aids or abets any person to obtain or to attempt to obtain (1) an

assistance certificate of award to which he is not entitled, (2) any commodity, foodstuff, food coupon or stamp, or a payment to which he is not entitled or larger payment than that to which he is entitled, or (3) any other benefit administered by the Department of Public Welfare, or who violates any statutory provision relating to assistance to the aged, blind or disabled, aid to dependent children, or medical assistance, shall upon conviction be punished as follows: (1) If the aggregate value of all funds or other benefits obtained or attempted to be obtained shall be less than five hundred dollars, the person so convicted shall be guilty of a Class III misdemeanor, ~~and shall be fined in a sum not exceeding five hundred dollars or shall be imprisoned in the county jail for not more than ninety days, or be both so fined and imprisoned;~~ or (2) if the aggregate value of all funds and other benefits obtained or attempted to be obtained shall exceed five hundred dollars, the person so convicted shall be guilty of a Class IV felony, ~~and shall be fined in a sum not exceeding five thousand dollars or shall be imprisoned in the Nebraska Penitentiary and Correctional Complex for not more than five years, or be both so fined and imprisoned;~~

Sec. 128. That section 69-109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-109. Any person who, after having created any security interest in any article of personal property, either presently-owned or after-acquired, for the benefit of another, shall, during the existence of the security interest, sell, transfer, or in any manner dispose of the said personal property, or any part thereof so given as security, to any person or body corporate, without first procuring the consent, in writing, of the owner and holder of the security interest, to any such sale, transfer or disposal, shall be deemed guilty of a Class IV felony, ~~and upon conviction thereof shall be fined in any sum not less than one hundred dollars or imprisoned in the Nebraska Penitentiary and Correctional Complex for a term not less than one year nor more than ten years, or be both so fined and imprisoned;~~

Sec. 129. That section 69-208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-208. Every broker, agent or dealer mentioned in sections 69-201 to 69-209 who shall violate, or neglect or refuse to comply with any of the provisions thereof, shall be fined guilty of a Class V misdemeanor, ~~for every such offense not less than fifty dollars nor~~

more than one hundred dollars; and in case any license has been granted to such broker, agent or dealer, it may, at the option of the mayor, be revoked.

Sec. 130. That section 69-100b, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-100b. Any person, firm, copartnership or corporation who shall violate any of the provisions of sections 69-1001 to 69-1005 shall be deemed guilty of a Class V misdemeanor, ~~and shall, upon conviction thereof, be fined in a sum not to exceed twenty-five dollars for the first offense, and not to exceed fifty dollars for the second and any subsequent offense.~~

Sec. 131. That section 69-1007, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1007. Every failure, neglect or refusal to comply with the provisions of section 69-1006 shall constitute a separate violation of such section, and for each separate offense the purchaser may be guilty of a Class V misdemeanor, ~~liable to a fine of not less than one dollar nor more than ten dollars.~~

Sec. 132. That section 69-1008, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1008. Any person selling, bartering or delivering poultry to such retail or wholesale dealer therein, who shall fail, refuse or neglect to furnish full, complete and truthful information for such a receipt as provided in section 69-1006 and shall render a false statement in such a receipt concerning who raised the poultry described therein, or where and from whom he secured such poultry, shall be guilty of a violation of the provisions of this section, and shall, upon conviction thereof, for each separate offense, be guilty of a Class V misdemeanor, fined not less than twenty-five dollars nor more than fifty dollars.

Sec. 133. That section 69-1102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1102. Every manufacturer, importer or dealer who fails to comply with the provisions of section 69-1101 shall, upon conviction thereof, be guilty of a Class V misdemeanor, fined twenty-five cents for each and every such ball sold, offered or exposed for sale.

Sec. 134. That section 69-1215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1215. Any person, partnership, association, corporation or any other group of individuals, however organized, or any owner, partner, member, officer, director, employee, agent or representative thereof who willfully or knowingly engages in the business of debt management without the license required by sections 69-1201 to 69-1217, shall be guilty of a Class II misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Sec. 135. That section 69-1324, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

69-1324. (a) Any person who willfully fails to render any report or perform other duties required under sections 69-1301 to 69-1329, shall be guilty of a Class IV misdemeanor, punished by a fine of twenty-five dollars for each day such report is withheld, but not more than five hundred dollars.

(b) Any person who willfully refuses to pay or deliver abandoned property to the State Treasurer as required under sections 69-1301 to 69-1329 shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment for not more than six months, or both, in the discretion of the court guilty of a Class II misdemeanor.

Sec. 136. That section 70-409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-409. Any person, firm or corporation, their employees, agents or servants, who shall violate any of the provisions of sections 70-407 and 70-408 shall upon conviction thereof be guilty of a Class V misdemeanor, fined for each and every such offense in any sum not less than twenty-five dollars nor more than one hundred dollars.

Sec. 137. That section 70-508, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-508. Whoever shall make, utter or subscribe to any statement and report, or certificate, required

under the provisions of sections 70-506 and 70-507, knowing or having reason to believe that any such statement and report, or certificate, is false, shall be guilty of a Class IV felony, ~~and upon conviction thereof shall be fined not more than five thousand dollars or shall be imprisoned in the Nebraska Penal and Correctional Complex not more than one year.~~

Sec. 138. That section 70-511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-511. Any person, firm or corporation, violating any provision of section 70-510 shall be guilty of a Class IV felony, ~~and upon conviction thereof shall be fined in a sum not exceeding ten thousand dollars or shall be imprisoned, if a person or persons, for not more than one year in the Nebraska Penal and Correctional Complex of the State, or shall be liable to both such fine and imprisonment.~~

Sec. 139. That section 70-514, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-514. Any person, firm, association or corporation who shall fail or refuse to file such statement, or who shall subscribe to such statement, knowing the same to be false, shall be guilty of a Class IV felony, ~~and upon conviction thereof shall be fined in a sum not exceeding ten thousand dollars or shall be imprisoned, if a person or persons, for not more than one year in the Nebraska Penal and Correctional Complex, or shall be liable to both such fine and imprisonment.~~

Sec. 140. That section 70-642.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-642.04. Every person violating any provision of sections 70-642.03 and 70-642.04, and every person causing or participating in the violation thereof, shall be guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be punished by imprisonment in the county jail for not more than ninety days or by a fine of not more than five hundred dollars, or by both such a fine and imprisonment.~~ Any public power district failing to file the statement required by sections 70-642.03 and 70-642.04 shall forfeit to the State of Nebraska the sum of one hundred dollars per day for each day after the expiration of thirty days from the time when such statement is required to be filed, to be recovered in an action to be brought by the Attorney

General.

Sec. 141. That section 71-166, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-166. Any person who shall present to the Department of Health a diploma or certificate, of which he is not the rightful owner, for the purpose of procuring a license, or who shall falsely impersonate any one to whom a license has been issued by the department, shall be deemed guilty of a fraud in attempting to procure a license, and ~~upon conviction thereof shall be guilty of a Class IV felony. fined in any sum not exceeding one thousand dollars or confined in the Nebraska Penal and Correctional Complex for a period of from one to three years, or both.~~

Sec. 142. That section 71-167, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-167. Any person violating any of the provisions of this act, except as specific penalties are herein otherwise imposed, shall be guilty of a Class III misdemeanor. ~~for the first offense, be fined any sum not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not more than ninety days.~~ Any person for a second violation of any of the provisions of this act wherein another specific penalty is not expressly imposed, shall ~~upon being found guilty be fined not less than two hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail not more than six months, or both be guilty of a Class II misdemeanor.~~

Sec. 143. That section 71-1,101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,101. In addition to the definition in section 71-148 of unprofessional conduct of any licensee, any licensed embalmer who is guilty of any unprofessional act or acts as defined herein shall be subject to the penal provisions of this section: (1) Paying, directly or indirectly, any money or other thing of value as a commission or gratuity for the securing of business; (2) the buying of business of any person, firm or corporation, or the paying of a commission to any person, firm or corporation or to any hospital or any institution where death occurs, or to any hospital superintendent, nurse, intern or other employee, whether directly or indirectly; or (3) willful malpractice. Any embalmer, as

defined in section 71-194, who does or commits any of the acts or things prohibited by this section, or otherwise violates any of the provisions thereof, shall be guilty of a Class II misdemeanor, ~~and upon conviction thereof shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars, or imprisoned in the county jail for not less than thirty days or more than six months, or both.~~

Sec. 144. That section 71-1,132.36, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.36. Any person violating the provisions of sections 71-1,132.04 to 71-1,132.36 shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned in the county jail not more than ninety days.~~ Each subsequent offense shall be punishable by a fine of not less than two hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not more than six months, or by both such a fine and imprisonment a Class II misdemeanor. Upon the request of the board, the Attorney General shall institute in the name of the state, the proper proceedings against any person regarding whom a complaint has been made, charging him with violation of any of the provisions of sections 71-1,132.04 to 71-1,132.36, and the county attorney, at the request of the Attorney General or of the board, shall appear and prosecute such action when brought in his county.

Sec. 145. That section 71-1,147.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,147.13. Any person who does or commits any of the acts or things prohibited by this act, or otherwise violates any of the provisions thereof, shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars and not more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days or more than six months, or by both such a fine and imprisonment.~~

Sec. 146. That section 71-1,167, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,167. (1) Any person who shall practice veterinary medicine without a currently valid license or

temporary permit shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned for not more than ninety days, or both fined and imprisoned; Provided, that each~~ Each act of such unlawful practice shall constitute a distinct and separate offense.

(2) The board may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. If the court finds that the person is violating this act, it shall enter an injunction restraining him from such unlawful acts.

(3) The successful maintenance of an action based on either of the remedies set forth in this section shall in no way prejudice the prosecution of an action based on the other remedy.

Sec. 147. That section 71-220, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-220. Any person, firm, or corporation, their agents or servants, who shall violate any of the provisions of sections 71-201 to 71-237 shall be deemed guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than two hundred dollars for a first offense, and not less than fifty dollars nor more than five hundred dollars for any subsequent offense, or be imprisoned in the county jail not more than thirty days on either a first or second offense, or be both so fined and imprisoned;~~

Sec. 148. That section 71-338, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-338. Any person or corporation who shall practice cosmetology or any of the practices thereof, maintain a school of cosmetology or a beauty salon, or act in any capacity wherein a certificate or license is required, without a certificate or license provided in sections 71-313 to 71-339, or shall in any other form or manner violate any of the provisions of sections 71-313 to 71-339, shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment;~~

Sec. 149. That section 71-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-502. The Department of Health shall have supervision and control of all matters relating to necessary sanitation and quarantine, and shall formulate, adopt and publish such proper and reasonable general rules and regulations as will best serve to promote sanitation throughout the state, and prevent the introduction or spread of disease. In addition to such general and standing rules and regulations, in cases of emergency wherein the health of the people of the entire state or any locality therein shall be menaced by or exposed to any contagious, infectious or epidemic disease or diseases arising from insanitary conditions, or when a local board of health having jurisdiction of a particular locality shall fail or refuse to act with sufficient promptitude and efficiency in any such emergency, or in localities wherein no local board of health shall have been established, as provided by law, the department shall adopt and enforce special quarantine and sanitary regulations such as the occasion and proper protection of the public health may require. All necessary expenses incurred in the enforcement of such rules and regulations shall be paid by the city, village or county, for and within which the same shall have been incurred. All officers and other persons shall obey and enforce such quarantine and sanitary rules and regulations as may be adopted by the department. Any person who shall fail, neglect or refuse to obey or enforce such rules or regulations shall ~~upon conviction be~~ guilty of a Class V misdemeanor. ~~finned-not-less-than-fifteen-dollars-nor-more-than-one-hundred-dollars-for-each-offense.~~

Sec. 150. That section 71-503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-503. All attending physicians shall report to the official local health department or the Department of Health promptly, upon the discovery thereof, the existence of any contagious and infectious diseases as the Department of Health may from time to time specify. Any attending physician, knowing of the existence of any such disease, who shall fail promptly to report the same in accordance with the provisions of this section, shall be deemed guilty of a Class V misdemeanor; ~~and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than one hundred dollars for each offense.~~

Sec. 151. That section 71-506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-506. Any person violating any of the provisions of sections 71-501 to 71-505, or any lawful rule or regulation of the Department of Health, shall be guilty of a Class V misdemeanor ~~and upon conviction, be fined in any sum not exceeding twenty-five dollars~~ for each offense.

Sec. 152. That section 71-515, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-515. Any person violating the provisions of sections 71-507 to 71-515 shall be deemed guilty of a Class IV misdemeanor, ~~and upon conviction thereof shall be fined not less than twenty-five dollars nor more than five hundred dollars, or be imprisoned for not more than six months, or both.~~

Sec. 153. That section 71-613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-613. Any person violating any of the provisions of sections 71-601 to 71-616 shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail for not more than sixty days, or both.~~

Sec. 154. That section 71-1006, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1006. Every officer, agent or employee of this state, and every officer, agent or employee of any county, city, township, or other municipal subdivision thereof, and every other person, into whose possession the body of any such deceased person may come, who shall willfully neglect to notify the State Anatomical Board, or its duly authorized officers or agents, of the existence of such body, or who shall refuse to deliver possession of such body to the board, or to its duly authorized officers or agents, or who shall mutilate, or permit such body to be mutilated, so that it is not valuable for anatomical purposes, or who shall refuse or neglect to perform any of the duties enjoined upon him by sections 71-1001 to 71-1006, shall be guilty of a Class V misdemeanor. ~~upon conviction thereof be liable to a fine~~

~~of not more than one hundred dollars for each offense.~~

Sec. 155. That section 71-1103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1103. Any person who shall violate any rule or regulation made by the Department of Health, as provided by section 71-1102, shall be deemed guilty of a Class V misdemeanor, ~~and upon conviction, for each such offense shall be fined not less than fifteen dollars nor more than one hundred dollars.~~

Sec. 156. That section 71-1114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1114. Any person or persons, or any employee, officer, director or partner in a firm, partnership or corporation, who violates any of the provisions of sections 71-1104 to 71-1113, shall be guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be punished by a fine not to exceed two hundred dollars or by imprisonment in the county jail not to exceed sixty days, or both.~~

Sec. 157. That section 71-1118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1118. Any person who violates the provisions of section 71-1117 shall be guilty of a Class V misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.~~

Sec. 158. That section 71-1331, Revised Statutes Supplement, 1976, be amended to read as follows:

71-1331. (1) Every licensed funeral establishment and funeral director shall pay annually a fee for the renewal of its or his license. The renewal fee payable by a licensed funeral establishment shall be fifteen dollars, which fee shall include that of the designated manager of the establishment. The renewal fee payable by a licensed funeral director, other than a designated manager, shall be ten dollars. All renewal fees shall become due and payable on January 1 of each year. The Department of Health shall submit notices of expiration of all licenses for which renewal fees have not been paid by January 1. If the renewal fee is not paid by February 1, following the date it has become due, a penalty of ten dollars shall be added to such renewal

fee, and in no case shall such penalty or additional fee be waived. Upon receipt of such fee, the department shall cause the renewal certificate to be issued.

(2) Any person, partnership, firm, corporation, association, or other organization who shall engage directly or indirectly in the business of funeral directing, or hold himself or itself out to the public as a funeral director or who shall perform or attempt to perform any of the services of a funeral establishment or of a funeral director relating to the disposition of dead human bodies, without having complied with the provisions of sections 71-1325 to 71-1338, and without having first obtained a license as provided in this section, or who shall continue to perform such services after his or its license has expired or has been revoked or suspended, shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be fined not less than fifty dollars nor more than five hundred dollars.~~ Each day that he or it is so engaged in such business shall constitute and be deemed a separate offense.

Sec. 159. That section 71-1343, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1343. Any person, partnership, or corporation violating the provisions of section 71-1342 shall be guilty of a Class V misdemeanor, ~~and upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars.~~

Sec. 160. That section 71-1613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1613. Any person who shall violate any of the provisions of sections 71-1601 to 71-1625, or any rule or regulation made by the district health board, under the authority of said sections, shall be deemed guilty of a Class IV misdemeanor, ~~and when convicted, shall be fined for each offense, not less than ten dollars nor more than two hundred dollars.~~

Sec. 161. That section 71-1631.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1631.01. Any person violating any rule or regulation, authorized by the provisions of either subdivision (7) or (9) of section 71-1631, shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be fined not to exceed one hundred~~

dollars, or be imprisoned in the county jail for not to exceed thirty days, or be both so fined and imprisoned, and each day's violation shall be considered a separate offense.

Sec. 162. That section 71-1805, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1805. Any person violating any of the provisions of sections 71-1801 to 71-1804, or any regulation promulgated by the Director of Health or by the State Veterinarian, shall be guilty of a Class II misdemeanor, ~~and be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment of not less than thirty days or more than six months.~~

Sec. 163. That section 71-1905, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1905. Any person who shall violate any of the provisions of sections 71-1901 to 71-1904 shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment in the county jail for not more than thirty days.~~

Sec. 164. That section 71-2028, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2028. Any person, partnership, association, or corporation (1) establishing, conducting, managing, or operating any institution within the meaning of sections 71-2017 to 71-2029 without first obtaining a license therefor as herein provided, or (2) violating any of the provisions of sections 71-2017 to 71-2029 or regulations lawfully promulgated thereunder, shall be guilty of a Class IV misdemeanor, ~~and upon conviction thereof, shall be liable to a fine of not more than one hundred dollars for the first offense and not more than five hundred dollars for each subsequent offense,~~ and each day such facility as defined in section 71-2017 shall operate after a first conviction shall be considered a subsequent offense.

Sec. 165. That section 71-2045.09, Revised Statutes Supplement, 1976, be amended to read as follows:

71-2045.09. On and after February 19, 1976, it shall be unlawful and constitute a misdemeanor for any person to act or serve in the capacity of an administrator of a home for the aged or infirm unless he is the holder of a license as an administrator of a home for the aged or infirm issued in accordance with the provisions of this act. Such person shall be guilty of a Class III misdemeanor, ~~; upon conviction thereof; be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not more than ninety days; or by both such fine and imprisonment.~~ Each day upon which such violation occurs shall constitute a separate violation.

Sec. 166. That section 71-2511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2511. Any person, copartnership, association or corporation violating any of the provisions of sections 71-2502 to 71-2511 or any of the rules or regulations passed by the Director of Health pursuant to the provisions of said sections, shall upon conviction be deemed guilty of a Class V misdemeanor, ~~; and fined not more than one hundred dollars for each offense.~~

Sec. 167. That section 71-2512, Revised Statutes Supplement, 1976, be amended to read as follows:

71-2512. Any person violating any of the provisions of sections 71-162, 71-1109, 71-2401 to 71-2404, and 71-2501 to 71-2511, except as specific penalties are herein otherwise imposed, shall be guilty of a Class III misdemeanor, ~~; for the first offense; be fined any sum not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not more than ninety days.~~ Any person, for a second violation of any of the provisions of said sections, wherein another specific penalty is not expressly imposed, shall upon conviction thereof be fined not less than fifty dollars nor more than five hundred dollars, or be imprisoned in the county jail not more than six months, or both be guilty of a Class II misdemeanor.

Sec. 168. That section 71-2718, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2718. Each of the following violations shall constitute a Class III misdemeanor; ~~which shall be punishable; upon conviction thereof; by a fine of not more than one hundred dollars; imprisonment in the county jail not more than ninety days; or both such fine and~~

imprisonment: (1) The violation of any of the provisions of sections 71-2701 to 71-2719; (2) permitting any person in his employ, supervision, or control to practice as an apprentice unless that person has registered with the Department of Health; or (3) the failure to display his license.

Sec. 169. That section 71-2916, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2916. Any person, partnership, or corporation violating the provisions of sections 71-2901 to 71-2915 shall be guilty of a Class V misdemeanor, and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars.

Sec. 170. That section 71-3107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3107. Any person who shall violate any of the provisions of sections 71-3101 to 71-3107 or of the regulations or standards promulgated hereunder shall be guilty of a Class V misdemeanor, and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars at the discretion of the court. Each and every violation shall constitute a separate offense.

Sec. 171. That section 71-3213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3213. Any person who violates any provision of sections 71-3201 to 71-3213 or fails to perform any duty imposed upon such person by the provisions of sections 71-3201 to 71-3213 shall be guilty of a Class II misdemeanor, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned not more than six months, or be both so fined and imprisoned.

Sec. 172. That section 71-3517, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3517. Any person who violates any of the provisions of sections 71-3501 to 71-3519 or rules, regulations or orders in effect pursuant thereto of the department shall be guilty of a Class IV misdemeanor, upon conviction thereof, be fined not less than fifty dollars nor more than two hundred dollars.

Sec. 173. That section 71-3715, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3715. Any person who violates any of the provisions of sections 71-3701 to 71-3715 shall be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Sec. 174. That section 71-3822, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3822. The board, through its chairman or vice-chairman, may administer oaths and may compel the attendance of witnesses and the production of physical evidence before it from witnesses upon whom process is served anywhere within the state as in civil cases in the district court by subpoena issued over the signature of the chairman or vice-chairman and the seal of the board. Upon request by an accused psychologist and statement under oath that the testimony or evidence is reasonably necessary to his defense, the board shall use this subpoena power in behalf of the accused psychologist. Such subpoenas shall be served, and a return of service thereof made, in the same manner as a subpoena is served out of the district courts in this state and as a return in such case is made. If a person fails and refuses to attend in obedience to such subpoena, or refuses to be sworn or examined or answer any legally proper question propounded by any member of the board or any attorney or licensee upon permission from the board, such person shall be guilty of a Class III misdemeanor, and upon conviction may be punished by a fine not to exceed two hundred and fifty dollars, or by imprisonment in the county jail not to exceed ninety days, or by both such fine and imprisonment.

Sec. 175. That section 71-3829, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3829. Any person who, after January 1, 1968, represents himself to be a psychologist or engages in the practice of psychology within this state without being licensed or exempted in accordance with the provisions of sections 71-3801 to 71-3831 shall be guilty of a Class II misdemeanor, and, upon conviction, shall be fined not more than five hundred dollars, or be imprisoned in the county jail for not more than six months, or be both so fined and imprisoned. Each day of violation shall be a

separate offense.

Sec. 176. That section 71-4608, Revised Statutes Supplement, 1976, be amended to read as follows:

71-4608. (1) Any person who is in violation of any provision of sections 71-4601 to 71-4620 or who manufactures, sells, offers for sale, or leases in this state any mobile home or recreational vehicle manufactured more than four months after May 27, 1975 which does not bear the seal issued by the department or by a state which has been placed on the reciprocity list as required by the provisions of sections 71-4601 to 71-4620 shall be guilty of a Class I misdemeanor, and shall, upon conviction thereof, be fined not less than two hundred dollars nor more than one thousand dollars, or be imprisoned in the county jail not more than one year, or be both so fined and imprisoned;

(2) Any person who violates any provision of sections 71-4601 to 71-4620, in addition to any criminal penalty, shall be liable to the department on behalf of the state for a civil penalty not to exceed one thousand dollars for each such violation. Each violation of a provision of sections 71-4601 to 71-4620 shall constitute a separate violation with respect to each mobile home or with respect to each failure or refusal to allow or perform an act required by sections 71-4601 to 71-4620, except that the maximum civil penalty may not exceed one million dollars for any related series of violations occurring within one year from the date of the first violation.

(3) An individual, or any director, officer, or agent of a corporation who knowingly and willfully violates any provision of sections 71-4601 to 71-4620 in a manner which threatens the health and safety of any purchaser shall be guilty of a Class I misdemeanor, and shall, upon conviction thereof, be fined not more than one thousand dollars, or be imprisoned not more than one year, or be both so fined and imprisoned;

(4) Subsections (2) and (3) of this section shall not apply to situations involving recreational vehicles.

Sec. 177. That section 71-4719, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4719. Any person violating the provisions of sections 71-4701 to 71-4719 shall be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars;

~~or be imprisoned not more than ninety days, or be both so fined and imprisoned; and the license of any person so convicted shall be automatically revoked.~~

Sec. 178. That section 72-245, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-245. If any person shall commit waste or trespass, or other injury or damage, or destroy any of the trees upon any of the educational lands of this state referred to in sections 72-201 to 72-252, except as herein authorized, upon conviction he shall be guilty of a Class II misdemeanor, fined in the sum of not less than twenty-five dollars nor more than one thousand dollars:

Sec. 179. That section 72-313, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-313. Any person operating pumps, or providing channels, or altering natural conditions in any way, by which the waters and valuable substances upon or in public lands and waters of the state are taken, drained or removed, without first securing approval of the Board of Educational Lands and Funds, shall be deemed guilty of a Class II misdemeanor and subject to an additional fine equal to the value of the product taken. ~~; and upon conviction thereof shall be subject to a fine in a sum of not less than twenty-five dollars nor more than one thousand dollars for each offense; in addition to the value of the product removed:~~

Sec. 180. That section 72-802, Revised Statutes Supplement, 1976, be amended to read as follows:

72-802. Any officer or board charged with the general supervision of the erection and repair of the public buildings belonging to the state, shall prepare, or have prepared, plans and specifications of the building to be erected or repaired, and such plans shall be prepared in such a manner that the completed building, landscaping, and parking facilities, including the cost of equipment and fixtures necessary therefor, or the completed repair cost, shall not exceed the amount authorized for that purpose. Construction may be commenced after contracts are awarded, but the obligation of the state in any fiscal year under such contracts shall not exceed the amount appropriated for that purpose in such fiscal year. Where contracts are submitted to public bidding and a certain item is specified by trade name, make or catalog number, a bid for the furnishing of

an alternate item, equal thereto in the opinion of the architects and officers or board involved and submitted within the time limits set for receipt of bids, shall not be rejected solely on the basis that such item was not approved prior to the submission of bids. No officer, board, architect, superintendent or contractor shall change any plan for any public building, for which an appropriation is made by the Legislature, so as to exceed such appropriation, and any officer, board, architect, superintendent or contractor who shall violate any of the provisions of this section and section 72-801, shall be deemed guilty of a Class II misdemeanor, ~~and upon conviction thereof shall be fined in any sum not less than five hundred dollars and not more than one thousand dollars, such fine to be paid into the school fund of the county in which conviction is had.~~

Sec. 181. That section 73-105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

73-105. Any officer or person who may be in charge of any such bids prior to the time fixed for the simultaneous opening, who shall open prior to such time, or otherwise disclose to any bidder the contents, amount or other details of any rival bid, shall be guilty of a Class IV misdemeanor, ~~subject to a fine of not less than twenty-five dollars nor more than two hundred and fifty dollars.~~ Any person violating any of the provisions of sections 73-101 to 73-104 shall be guilty of a Class IV misdemeanor, ~~likewise be subject to a fine of not less than twenty-five dollars nor more than two hundred and fifty dollars.~~

Sec. 182. That section 74-204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-204. In addition to the penalties provided in section 74-203, the principal officers of such corporation or company shall be guilty of a Class IV felony, ~~subject to a fine not exceeding one thousand dollars, or imprisonment, upon conviction, in the Nebraska Penitentiary and Correctional Complex for a term not exceeding three years.~~

Sec. 183. That section 74-560, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-560. Any railroad company failing to comply with such order within thirty days thereafter shall be guilty of a Class V misdemeanor, ~~fined in any sum not~~

~~exceeding one hundred dollars,~~ and be liable, in addition, for any loss sustained by livestock shippers because of such failure.

Sec. 184. That section 74-584, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-584. Any person, company or corporation, or the receiver, lessee, manager or superintendent thereof, violating any of the provisions of section 74-583, or who permits said section to be violated when it is within his official power or authority to prevent such violation, shall ~~upon conviction thereof~~ be guilty of a Class IV misdemeanor, fined in any sum not less than one hundred dollars nor more than five hundred dollars for each offense. The operation of one engine any part of one day in violation of said section shall be deemed a separate and distinct offense.

Sec. 185. That section 74-593, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-593. Any person, firm, or corporation operating or controlling any railroad running through or within the State of Nebraska using or permitting to be used on its line in this state a track motor car in violation of the provisions of section 74-592 shall be deemed guilty of a Class V misdemeanor, and upon conviction thereof, shall be fined in a sum of one hundred dollars for each violation.

Sec. 186. That section 74-607, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-607. Any person who shall violate any provision of sections 74-605 and 74-606, shall ~~upon conviction~~ be guilty of a Class V misdemeanor, fined in any sum not less than five nor more than one hundred dollars.

Sec. 187. That section 74-609.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-609.01. It shall be unlawful for any one to hunt upon the fenced right-of-way of any railroad in Nebraska without permission of the owner, owners, or responsible authorities. Any one violating this section shall be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined not less than ten

~~dollars--or--more--than--one--hundred--dollars,---or---be imprisoned-in-the-county-jail-not-to-exceed-thirty-days:~~

Sec. 188. That section 74-706, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-706. If any person while in charge of a locomotive engine running upon the railroad of any such corporation, or while acting as the conductor of a car or train of cars on any such railroad, shall be intoxicated, he shall be deemed guilty of a Class I misdemeanor, ~~and-upon-conviction-thereof-shall-be-fined-not-less-than one-hundred-dollars-nor-more-than-five--hundred--dollars; or-be-imprisoned-not-less-than-six-months-nor--more--than one-year;-and-be-imprisoned-until-the-fine-is-paid:~~

Sec. 189. That section 74-710, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-710. Any person, railroad company or corporation violating the provisions of sections 74-707 and 74-708 shall be deemed guilty of a Class II misdemeanor, ~~and-be-subject-to-a-fine-of-not-less-than one-hundred-dollars-nor-more-than-one--thousand--dollars for-every-violation-thereof:~~

Sec. 190. That section 74-806, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-806. Any railroad corporation violating any of the provisions of sections 74-804 and 74-805, shall be guilty of a Class II misdemeanor and--shall,---upon conviction-thereof,;be-fined,;for-each-offense,;not--less than-two-hundred--dollars--nor--more--than--one--thousand dollars; and shall also be liable to the party injured for all damages he or she sustained thereby.

Sec. 191. That section 74-819, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-819. Any railroad company or corporation, or any person or persons, violating any of the provisions of sections 74-815 to 74-818, shall be deemed guilty of a Class II misdemeanor, ~~and--for--each--offense,--upon conviction-thereof,;shall-pay-a-fine-of-not-less-than-one hundred-dollars-nor-more-than-one-thousand-dollars:~~

Sec. 192. That section 74-906, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

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follows:

74-906. Any common carrier violating any of the provisions of section 74-905 shall be deemed guilty of a Class IV misdemeanor, ~~and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.~~

Sec. 193. That section 74-912, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-912. Any corporation, company or person operating a railroad in this state, and using a locomotive engine, or running a train of cars, or using any freight or way car contrary to the provisions of sections 74-907 to 74-911, shall be deemed guilty of a Class II misdemeanor, ~~and shall be subject to a fine of not less than five hundred dollars nor more than one thousand dollars for each offense; Provided, penalties~~ Penalties and liabilities of this section shall not apply to companies in receiving and hauling cars delivered for transportation by railroads, other than those of this state, which are engaged in interstate traffic. Any railroad employee who may be injured by the running of such engine or train of cars contrary to the provisions of said sections shall not be considered as waiving his rights to recover damages by continuing in the employ of such corporation, company or person.

Sec. 194. That section 74-914, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-914. Any railroad company or corporation, its employees, agents or servants, operating a railroad or railroads in this state, which violates any of the provisions of section 74-913, shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be subject to a fine of not less than one hundred dollars nor more than five hundred dollars for each offense. For the purpose of said section, each day of violation shall constitute a separate offense.~~

Sec. 195. That section 74-1001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-1001. Every railroad company operating a line of railroad extending into any other state shall cause the conductor of every train bringing freight in carload lots into this state from any other state to note on the original waybill of each and every carload of such

freight, destined to points within this state, the year, month, day of the month, and hour of the day, on which such carload of freight entered this state, and to authenticate the same by his signature. Such original waybills, with the above indicated notation thereon, shall be open to inspection by the consignee or party receiving the car, and, at the request of such party, shall be copied on the expense bill of such car by the railroad company's agent at the destination station of such car. Any violation of any of the provisions of this section shall be guilty of a Class V misdemeanor, punishable by a fine of not less than ten dollars nor more than fifty dollars for each offense.

Sec. 196. That section 74-1012, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-1012. If any party shall refuse to pay any of the demurrage, storage charges, damages or forfeitures provided for in sections 74-1001 to 74-1011, it shall be the duty of the party making such refusal to furnish, within thirty days after written request has been made, a written statement to the party claiming such charges, giving full reasons for the refusal to make such payment. Any violation of the provisions of sections 74-1001 to 74-1006 shall be guilty of a Class V misdemeanor, punishable by a fine of not less than ten dollars and not more than fifty dollars for each offense.

Sec. 197. That section 74-1124, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-1124. Violations of sections 74-1122 and 74-1123 shall be punished as follows: If the violation is by a corporation, it shall forfeit and pay the sum of one hundred dollars. If the violation is by a person or a copartnership, such offender shall be deemed guilty of a Class III misdemeanor, punished by a fine of not to exceed one hundred dollars or be imprisoned in the county jail not to exceed three months. Each day that any person or persons, partnership or corporation shall cause or permit any of their employees to operate such cars in violation of the provisions of such sections, or cause or permit cars to be used or operated in violation thereof, shall be deemed a separate offense; Provided, the provisions of said sections shall not apply to cars used and known as trailing cars.

Sec. 198. That section 75-127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-127. Any common carrier, shipper or consignee willfully violating one or more of the provisions of section 75-126 shall be guilty of a Class I misdemeanor, and upon conviction thereof shall be fined a sum not less than one thousand dollars nor more than five thousand dollars for each offense. Any officer, agent, or employee who for or on behalf of any common carrier, shipper or consignee shall willfully violate one or more of the provisions of section 75-126 shall be guilty of a Class II misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars for the first offense, and not less than one hundred dollars nor more than one thousand dollars for any subsequent offense, or shall be imprisoned in the county jail of the county wherein conviction was had, for not less than ten days nor more than six months, or both, within the discretion of the court. Each day of such violation shall constitute a separate offense.

Sec. 199. That section 75-151, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-151. Any common carrier which shall violate any of the provisions of sections 75-146 to 75-150, or which fails, omits, or neglects to obey, observe, or comply with any order, direction, or requirement of the commission under the provisions of such sections, shall forfeit to the State of Nebraska a sum not to exceed five thousand dollars for each and every offense. Every violation of any such order or direction or requirement of such sections shall be a separate and distinct offense, and, in case of a continuing violation, every day's continuance thereof shall be a separate and distinct offense. Every officer and agent of any common carrier which shall violate, or who procures, aids or abets any violation by any such common carrier of any of the provisions of sections 75-146 to 75-150, or who shall fail to obey, observe, and comply with any order of the commission or any provision of an order of the commission under the terms of such sections, or who procures, aids, or abets any such common carrier in its failure to obey, observe, and comply with any such order or provision, shall be guilty of a Class III felony, and upon conviction thereof shall be punished by confinement in the Nebraska Penal and Correctional Complex for a period of not less than one year and not more than ten years.

Sec. 200. That section 75-155, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-155. Unless a more specific penalty is provided, any person knowingly and willfully violating any provision of Chapter 75, or any rule, regulation, or order of the commission, or any term or condition of any permit or certificate issued by the commission shall, upon conviction thereof, be guilty of a Class IV misdemeanor, ~~finned-not-less-than-twenty-five-dollars-nor more-than-two-hundred-dollars-for-the-first-offense;--and not-less-than-fifty-dollars-nor-more--than--five--hundred dollars-for-any-subsequent-offense.~~ Each day of such violation shall constitute a separate offense.

Sec. 201. That section 75-322.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-322.01. Any person knowingly and willfully violating any provision of sections 75-301 to 75-322, or any rule, regulation, requirement, or order of the commission, or any term or condition of any permit or certificate issued by the commission, shall, ~~upon conviction thereof~~ be guilty of a Class IV misdemeanor, ~~7-be-fined-not-less-than--twenty-five--dollars--nor--more than-two-hundred-dollars-for-the-first-offense;--and--not less-than--fifty--dollars--nor--more--than--five--hundred dollars-for-any-subsequent-offense.~~ Each day of such violation shall constitute a separate offense.

Sec. 202. That section 75-428, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-428. Every railroad carrier shall have power to cross, intersect, join, and unite its railroad with any other railroad before constructed, at any point on its route and upon the grounds of such other railroad carrier, with the necessary turnouts, sidings and switches, and other conveniences, in furtherance of the objects of its connection. Every carrier whose railroad is or shall hereafter be intersected by any new railroad shall unite with the owners of such new railroad in forming such intersections and connections, and grant the facilities aforesaid. If the two carriers cannot agree upon the amount of compensation to be made therefor or the points and manner of such crossings and connections, it shall be ascertained and determined by the commission.

All railroad carriers in this state, at all points of connection, intersection, or crossing at grade of different railroads, where it is practicable, shall provide reasonable, ample, and equal facilities by track connection, passenger platforms, and otherwise, for transferring cars, passengers, and property between their

respective roads without unreasonable delay. At any place where the tracks of the two railroad carriers are within five hundred feet apart, whether on the same grade or not, where it is practicable and deemed reasonably necessary, the commission, upon application of any interested person, may require such track connection. No railroad carrier shall discriminate in its rates or charges between such connecting lines or on freight coming over them; but no such carrier shall be required to furnish to another railroad carrier its tracks, equipment or terminal facilities without reasonable compensation. Each of the connecting lines shall pay its proportionate share for the building and maintenance of such track and switches as may be necessary to furnish the transfer facilities required by this section. In case they cannot agree on the amount which each line shall pay then the amount shall, upon application by either party, be determined and adjusted by the commission; Provided, that in all cases where the commission has refused to require track connection as required by the applicant, in such case where the applicant agrees in writing to pay the cost of making such track connection, and costs of maintenance of same, and offers adequate security therefor, then the commission shall order such track connection to be made by such railroad carriers whether the commission deems such track connection practicable or reasonably necessary, or not; and provided further, that such railroad tracks, at the point where such connection is to be made, run within one mile of the corporate limits of any city or village.

Any railroad carrier failing or neglecting to comply with such order within the time fixed, shall upon conviction thereof be guilty of a Class II misdemeanor. ~~finned-in-any-sum-not-less-than-one--hundred--dollars--nor more-than-one-thousand-dollars-~~

Sec. 203. That section 75-429, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-429. Every person, firm, corporation, lessee or receiver of any railroad, engaged in the business of transportation in this state, shall equip with proper lights all switch stands to each and every switch leading from all main tracks of such road, on which trains are generally operated at night, except lines fully equipped with automatic block signals. Lights or other signals may be ordered by the commission to be installed on switch stands to other switches, including crossover switches and lead track switches in yards adjacent to main tracks, where they are found reasonably necessary to

safe operation, after hearing held upon complaint or upon the commission's own motion. The lights upon such switch stands shall be in good condition constantly, and shall be lighted and kept burning between the time of sundown and sunrise, and at such other times when, by reason of excessively foggy weather, the condition of such lights or signals would render it unsafe both for the employees of such railroad and for the general public; Provided, that signals with reflex lenses may be substituted for lighted lamps under regulations prescribed by the commission, and subject to the jurisdiction of such commission to order the removal of the same, after complaint and hearing, if such signals with reflex lenses are found to be unsafe.

Any person, firm, corporation, lessee or receiver of any railroad carrier in this state who shall violate any of the provisions of this section, or who shall permit any such violation on the part of any employee, shall upon conviction be guilty of a Class V misdemeanor, fined in any sum not to exceed five dollars.

Sec. 204. That section 75-434, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-434. Any shipper or association of shippers of livestock within this state may apply to the local agent at any station of any railroad carrier for use of space upon the right-of-way of such railroad convenient to the shipping pens of such railroad at such station or at any siding in the county. Such application shall be in writing, and shall set forth the probable amount of livestock to be shipped by the applicants from such station or siding during the next twelve months, and the space desired by the applicants on which to erect sheds for temporary shelter of livestock awaiting shipment. The application shall specifically set forth the plans for the sheds and their position with reference to the railroad carrier's tracks and shipping pens, together with any facts or arguments why the application should be granted. In case no agreement is reached between the applicants and the railroad carrier for use of right-of-way for such purposes, the applicants shall present their petition to the commission, reciting the facts set forth in their application and praying the commission for relief in the premises. It shall be the duty of the commission to set a time for hearing upon such petition, to make a thorough investigation of facts and conditions set forth, and issue thereupon such order for relief as may be reasonable and within the power of such commission; Provided, no railroad carrier shall be liable to the owner or owners of any sheds or structures

erected upon the right-of-way, under the provisions of this section, for the destruction of the same or damage thereto or destruction or damage to animals contained therein, by any cause whatsoever. Any railroad carrier failing to comply with such order within thirty days thereafter shall be deemed guilty of a Class V misdemeanor and ordered to pay any loss sustained by livestock shippers because of such failure, fined in any sum not exceeding one hundred dollars, and be liable, in addition, for any loss sustained by livestock shippers because of such failure:

Sec. 205. That section 75-610, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-610. Any telephone company, or manager thereof, failing or neglecting to comply with the provisions of sections 75-607 to 75-609, or who shall violate any of the provisions of said sections, shall, for each offense, upon conviction thereof be guilty of a Class IV misdemeanor, fined in any sum not less than one hundred dollars nor more than five hundred dollars:

Sec. 206. That section 75-723, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-723. Any person, partnership, company, association, or corporation who shall violate any of the provisions of sections 75-709 to 75-724, shall upon conviction thereof be guilty of a Class II misdemeanor, fined in any sum not less than two hundred dollars nor more than one thousand dollars for each offense:

Sec. 207. That section 76-247, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-247. A duly authenticated copy of the record of any power recorded in this state shall be entitled to record and shall operate to all intents and purposes, having the same force and effect, as the record of the original instrument. Such copy shall be duly authenticated only when there shall be attached thereto a certificate of the register of deeds under his hand and official seal, setting forth that the same is a true copy of the original record in his office, the date of the filing of the original instrument, and the volume and page where the same is recorded; Provided, it shall be unlawful for any register of deeds in this state to give a certified copy of any power of attorney which has been revoked and the revocation thereof filed in his office,

without also stating the fact of such revocation in his certificate; and any person violating any of the provisions of this section shall be guilty of a Class V misdemeanor, ~~fined in any sum not exceeding one hundred dollars;~~

Sec. 208. That section 76-527, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-527. Any person, firm, or corporation engaged in the business of abstracting in this state without having complied with the provisions of sections 25-1292 and 76-509 to 76-528 shall be guilty of a Class III misdemeanor, ~~and shall upon conviction thereof, be punished by a fine of not exceeding one hundred dollars or suffer imprisonment in the county jail for a period not exceeding thirty days, or by both such fine and imprisonment;~~

Sec. 209. That section 76-1315, Revised Statutes Supplement, 1976, be amended to read as follows:

76-1315. Any person who willfully violates any provision of sections 76-1301 to 76-1315 or of a rule adopted under it or any person who willfully, in a statement of record filed for registration, makes any untrue statement of a material fact or omits to state a material fact shall, ~~upon conviction thereof,~~ be guilty of a Class I misdemeanor or fined double the amount of the gain from the transaction, whichever is the greater, but not more than ten thousand dollars, ~~fined not less than two hundred fifty dollars or double the amount of gain from the transaction, whichever is the larger but not more than ten thousand dollars, be imprisoned for not more than one year, or both fined and imprisoned;~~

Sec. 210. That section 77-202.20, Revised Statutes Supplement, 1976, be amended to read as follows:

77-202.20. (1) Any person who makes any false or fraudulent claim for exemption, or any false statement or false representation of a material fact in support of such claim, or any person who assists another in the preparation of any such false or fraudulent claim, or enters into any collusion with another by the execution of a fictitious deed or other instrument for the purpose of obtaining unlawful exemption under the provisions of sections 77-202.12 to 77-202.22, shall be guilty of a Class II misdemeanor and shall, ~~upon conviction thereof,~~ be subject to a forfeiture of the exemption herein granted for a period of two years from date of conviction, ~~and to a fine of not less than twenty five~~

dollars,--nor--more--than--two--hundred--dollars,--or--to imprisonment-in-the-county-jail-for--not--more--than--six months,--or--to--both--such--fine--and--imprisonment. Any person who shall make oath to any false or fraudulent application for homestead exemption, knowing the same to be false or fraudulent, shall be guilty of a Class I misdemeanor, perjury and shall, upon conviction thereof, be punished as provided in section 28-704:

(2) In addition to the penalty provided in subsection (1) of this section, if any person files a claim for exemption as provided in subdivision (4) of section 77-202.13 which is excessive due to misstatements by the owner filing such claim, the claim may be disallowed in full, and, if the claim has been allowed, an amount equal to the amount of taxes lawfully due but not paid by reason of such unlawful and improper allowance of homestead exemption shall be due and shall, upon entry of the amount thereof on the books of the county treasurer, be a lien on such property until paid and a penalty equal to the amount of taxes lawfully due but claimed for exemption shall be assessed.

Sec. 211. That section 77-408, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-408. Any officer, elective or appointive, who shall willfully neglect or refuse in whole or in part to perform the duties required of him by law in the assessment of property for taxation, shall be deemed guilty of a Class V misdemeanor, and ~~upon conviction thereof shall be fined in any sum not less than twenty dollars nor more than one hundred dollars,~~ and shall be answerable in damages to the county or any person thereby injured up to the limits of his official bond.

Sec. 212. That section 77-605, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-605. In case of failure to make such statement or schedule to the State Board of Equalization and Assessment, such person, company or corporation so failing to make a return shall be guilty of a Class I misdemeanor, ~~forfeit the sum of not less than one thousand dollars nor more than five thousand dollars for each offense, to be recovered by action in the name of the State of Nebraska.~~ In such case the board shall proceed upon the best information obtainable, and in the manner directed in section 77-604, to ascertain the actual and assessed valuation of all the taxable property of such corporation, and to the assessed valuation they

shall add fifty per cent thereof as a penalty for such failure.

Sec. 213. That section 77-607, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-607. The State Board of Equalization and Assessment shall have power to require the attendance before it of any officer, agent or servant of any railroad or railway company having any portion of its property in this state, to answer under oath such questions touching said property as may be propounded by the board. The board shall have power to issue whatever notice or process may be necessary to compel the attendance of any such person as a witness, which process may be served by any person deputed by the board for that purpose. Any person, who shall fail to respond to such process, or who shall refuse to answer any proper question put to him by the board, shall be guilty of a Class IV misdemeanor. forfeit the sum of five hundred dollars; to be recovered in a civil action prosecuted in the name of the state.

Sec. 214. That section 77-668, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-668. Any assessor failing to perform the duties required of him by sections 77-637 to 77-675, or to make a true assessment and return according to his best information and judgment after exercising due diligence with respect thereto, shall be guilty of a Class III misdemeanor. fined in any sum not exceeding five hundred dollars; or be punished by imprisonment not to exceed ninety days.

Sec. 215. That section 77-1219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1219. It shall be the duty of the county assessor, or the county clerk where he is ex officio county assessor, when required by any person having property in charge which has been assessed for the current year, to give a certificate of assessment, showing the amount, kind, location and value of property assessed, and such certificate shall be evidence of the legal assessment of such property for the year. If any county assessor, or county clerk where he is ex officio county assessor shall fraudulently give to any person such certificate, or if any person shall in any manner illegally obtain any such certificate, such clerk or

person shall, ~~upon conviction thereof~~ be guilty of a Class III misdemeanor, punished by a fine in any sum not exceeding one hundred dollars or be imprisoned in the county jail for a term not exceeding ninety days.

Sec. 216. That section 77-1220, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1220. Every person or company engaged in the business of receiving property in pledge, or as security for money or other thing of value advanced to the pawner or pledger, shall be held to be a pawnbroker, and shall, between January 1 and February 15 of each year, return under oath the value of all property in pledge and held by him as pawnbroker on hand January 1 at 12:01 a.m. Taxes shall be charged upon the true value of such property to the pawnbroker the same as other property. Every person or company that fails to comply with the provisions of this section shall be deemed guilty of a Class IV misdemeanor, and shall, upon conviction thereof, be fined in a sum not to exceed five hundred dollars.

Sec. 217. That section 77-1226.01, Revised Statutes Supplement, 1976, be amended to read as follows:

77-1226.01. (1) Goods, wares and merchandise in interstate commerce through the State of Nebraska shall be deemed to have acquired no situs in this state for the purpose of assessment for taxation. Goods, wares and merchandise stored in transit in the state, or stored in the state for shipment, in bonded and licensed warehouses or storage areas, whether manufactured, processed, produced or otherwise originating within or without the state and which are intended for and which are shipped to final destinations outside this state upon leaving such warehouses or storage areas shall be exempt from ad valorem taxation while in such storage areas.

(2) Every owner, keeper, or person in actual charge of any and every storage area, warehouse, or any place where goods, wares, or merchandise of any and all kinds and description are stored or kept by him, either for himself or for others and whether for a profit or not, shall, on or before February 1 of each year, furnish to the county assessor or county clerk, where he is ex officio county assessor, a list of all such goods, wares and merchandise held, stored, or kept by him, either for himself or for others either as owner, agent, consignee, or bailee on January 1 at 12:01 a.m. of each year for which the property is required to be listed, including (a) goods, wares, and merchandise stored in transit in

interstate commerce or (b) goods, wares and merchandise stored in transit in the state, or stored in the state for shipment, in bonded and licensed warehouses or storage areas and which are intended for and which are shipped to destinations outside this state upon leaving such warehouses or storage areas.

(3) Any person mentioned in subsection (2) of this section, except as exempted in said subsection, shall give the name and address of every person, firm, or corporation for whom goods, wares, or merchandise are so stored giving the names of every such person and, if any such persons, firms, or corporations be nonresidents of the county, he shall give the names and addresses of the local agents of such nonresidents, if there be any.

(4) In listing and reporting the goods, wares, and merchandise, as subsection (2) or (3) of this section requires, there shall be given, in addition to the names and addresses of the owners, a general description of the property so stored.

(5) Any person failing to furnish the list required by him, by subsections (2) to (4) of this section, or failing to furnish it within the time required, shall be guilty of a Class I misdemeanor, and ~~shall, upon conviction thereof, be fined not less than one thousand dollars nor more than ten thousand dollars for each and every misdemeanor.~~

Sec. 218. That section 77-1231.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1231.01. As part of the return of the business schedule, for taxation, there shall be attached thereto a certified statement of the dollar amount of the inventory at the end of the fiscal year as set out in the taxpayer's latest federal income tax return, which shall be on a separate page and shall be kept by the assessor in a place where only taxing officials may have access thereto. The taxpayer shall also report in his business schedule the method of determining the inventory value in the certified statement attached thereto which he reported to the Director of Internal Revenue and the date of latest physical inventory. Any person, partnership, or corporation failing to attach such certified statement shall be deemed guilty of a Class IV misdemeanor, and ~~shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars.~~

Sec. 219. That section 77-1232, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

77-1232. If any person shall make a false or fraudulent list, schedule or statement required by law or shall willfully fail or refuse to deliver to the assessor a list of the taxable property which by law is required to be listed, or shall temporarily convert any part of such property into property not taxable, for the fraudulent purpose of preventing such property from being listed and of evading the payment of taxes thereon, or shall transfer or transmit any property to any person with such intent, he shall ~~upon conviction thereof be guilty of a Class IV misdemeanor, fined in a sum of not less than fifty dollars and not more than five hundred dollars:~~

Sec. 220. That section 77-1261, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1261. Any person who makes a statement which is false or fraudulent or who willfully fails or refuses to make a statement as required by section 77-1253 shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be fined not less than fifty dollars nor more than two thousand dollars:~~

Sec. 221. That section 77-1268, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1268. Any person violating the provisions of sections 77-1211 and 77-1265 to 77-1268 shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment:~~

Sec. 222. That section 77-1318.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1318.02. Failure to comply with the requirements of section 77-1318.01 shall be guilty of a Class IV misdemeanor, ~~be a misdemeanor and any person shall, upon conviction thereof, be punishable by a fine of not less than twenty-five dollars nor more than two hundred fifty dollars and costs of prosecution:~~

Sec. 223. That section 77-1324, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1324. Any person, partnership, association, or corporation falsifying any statement required by section 77-1323, shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars;~~

Sec. 224. That section 77-1719.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1719.02. On or before September 1 of each year, the county treasurer shall verify this report to the county board, and shall make an itemized report covering the amount uncollected. Such itemized report shall include the number of the distress warrant, the name and address of the taxpayer, the amount involved, and the reason for failure to collect same, or the failure of the sheriff to make a legal return on same. If such report of the county treasurer to the county board shows any false return by the sheriff, or failure to make legal return, the county board shall direct the sheriff to appear at a public hearing at a time to be fixed by such board. Notice of the hearing shall be given to the sheriff at least ten days prior thereto. At such hearing, the board shall hear evidence and make its findings as to whether there has been willful neglect of duty on the part of the sheriff. If the board shall find that there has not been willful neglect of duty it shall enter an order finding that the sheriff should be absolved from any liability for failure to collect such distress warrants. If the board shall find there has been willful neglect of duty, it shall cause proceedings to be instituted under sections 23-2001 to 23-2009 to remove such sheriff from office. Failure of the sheriff to comply with the requirements of sections 77-1719 and 77-1719.01 shall be prima facie evidence of willful neglect of duty and willful maladministration in office. The failure or refusal of any member of the county board to carry out the provisions of sections 77-1718 to 77-1719.04 shall be deemed a Class III misdemeanor, ~~and, upon conviction thereof, such member so offending, shall be fined in a sum not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than thirty days, or by both fine and imprisonment;~~

Sec. 225. That section 77-1725, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1725. Except in any city or village which has adopted a building code with provisions for demolition of

unsafe buildings or structures, it shall be unlawful for any person to tear down or remove any building situated on any real estate while there are any delinquent taxes unpaid thereon, or to remove any building situated within the corporate limits of any city or village which has an unpaid bonded indebtedness or which city or village is a part of or all of a school district which has such bonded indebtedness, to a point outside of such city or village, without paying to the county treasurer, to be deposited by said treasurer in the bond sinking fund of said city or village, school district or city or village and school district, as the case may be, an amount that bears the same proportion to the total outstanding bonded indebtedness of such city or village, if such city or village has such bonded indebtedness, as the assessed valuation for the preceding calendar year of the building sought to be removed bears to the total assessed valuation of all taxable property in such city or village for the preceding calendar year or, if such school district has such outstanding bonded indebtedness, an amount which is a similar proportion of the assessed valuation of such building sought to be removed to the total outstanding bonded indebtedness of such school district, or both such amounts, as the case may be. Any person so offending shall be guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars and costs;~~ and shall moreover be liable to the county, to be recovered in a civil action, for the amount of all delinquent taxes on such real estate and to such city or village for the amount of said proportion of any outstanding bonded indebtedness of such city or village to be recovered in the name of such city or village and also to such school district for the amount of said proportion of any outstanding bonded indebtedness of such school district to be recovered in the name of such school district; Provided, such action may be brought in the name of such county, city, village or school district for such delinquent taxes and also for such proportion or proportions, if the one bringing such action has an interest in any of such taxes or amounts, for the benefit of all those interested in the same. Such proportion of such indebtedness, in either or all of such cases is hereby made and shall be a lien upon such building so removed from such city or village and said lien and the lien of such taxes shall follow and adhere to such building or the materials thereof wherever situated, or into whatever form the same may be converted. It shall be the duty of the county treasurer, whenever advised of the tearing down or removal of any such building, to issue a distress warrant for the amount of the delinquent taxes on such real estate, and to follow such building or material, and levy on and sell the same as personal

property to satisfy such taxes. The provisions of this section shall be cumulative with and shall not prevent any such county, city, village, school district or any other proper person or persons from bringing an action for an injunction or any other remedy which any of them may be entitled to in regard to such removal.

Sec. 226. That section 77-1726, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1726. When any corporation doing business in this state shall fail or neglect to pay any taxes assessed or charged against it, when the same shall have become delinquent, the county treasurer shall notify any agent or officer of the company in the county where such tax is delinquent that the same is delinquent, and the amount due, and shall further notify the officer or agent to pay over all money that may be in his hands, or that may afterwards come into his hands, belonging to such corporation, not exceeding the amount of tax due, to such county treasurer. If such agent or officer shall fail to pay over the money to the county treasurer, he shall be deemed guilty of a Class IV misdemeanor, ~~and upon conviction thereof shall be fined not less than fifty dollars, nor more than five hundred dollars.~~

Sec. 227. That section 77-1816, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1816. If any treasurer or deputy shall sell or assist in selling any real property, knowing the same to be not subject to taxation, or that the taxes for which the same is sold have been paid, or shall knowingly and willfully sell, or assist in selling, any real property for the payment of taxes to defraud the owner of such real property, or shall knowingly execute a deed for property so sold, he shall be ~~liable to a fine of not less than one thousand dollars nor more than three thousand dollars, or to imprisonment not exceeding one year, or to both fine and imprisonment, and to pay the injured party all damages sustained by any such wrongful act, and all such sales shall be void~~ deemed guilty of a Class I misdemeanor and shall be liable to pay the injured party all damages sustained by such wrongful act, and all such sales shall be void.

Sec. 228. That section 77-2026, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2026. Any appraiser appointed under the authority and by virtue of section 77-2019 who shall take any fee or reward from any executor, administrator, trustee, legatee, next of kin or heir of any decedent, or from any person or corporation liable to pay such tax or any portion thereof, shall be guilty of a Class IV misdemeanor, ~~and, upon conviction in any court of competent jurisdiction, he shall be fined not less than one hundred dollars nor more than five hundred dollars,~~ and in addition thereto the county judge shall dismiss him from such service.

Sec. 229. That section 77-2105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2105. The State Tax Commissioner shall have charge of the administration of sections 77-2101 to 77-2107 and shall make such rules and regulations as may be necessary for the carrying out of said sections. He shall have authority to require all persons or corporations liable for the payment of this estate or excise tax to file returns on such forms and at such times as he may require. The county judges of the state shall furnish the commissioner with such information as he may require from time to time with reference to estates pending in the county courts of Nebraska. Any person or corporation who shall fail to furnish the commissioner with such information or reports as he may require under said sections shall be guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be fined in any sum not to exceed one hundred dollars and the costs of the action.~~

Sec. 230. That section 77-2310, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2310. The making of profit, directly or indirectly, by the State Treasurer out of any money in the state treasury belonging to the state, the custody of which the treasurer is charged with, by loaning, depositing or otherwise using it or depositing the same in any manner, or the removal by the treasurer or by his consent of such money or a part thereof out of the vault of the treasurer's department or any legal depository of the same, except for the payment of warrants, legally drawn or for the purpose of depositing the same in the banks selected as depositories under the provisions of sections 77-2301 to 77-2309, shall be deemed guilty of a Class IV felony, ~~and upon conviction thereof shall be subject to punishment in the Nebraska Penitentiary and Correctional Complex for the term of not more than two~~

~~years or a fine not exceeding five thousand dollars,~~ and shall also be liable under and upon his official bond for all profits realized from such unlawful using of such funds.

Sec. 231. That section 77-2311, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2311. If the State Treasurer shall willfully fail or refuse at any time to do or perform any act required of him by sections 77-2301 to 77-2309, he shall be guilty of a Class II misdemeanor, ~~and upon conviction thereof he shall be sentenced to pay a fine of not exceeding five thousand dollars.~~ It shall be the duty of the Attorney General to enter and prosecute to final determination all suits for the recovery of any penalty arising under the conditions of any bond required to be given by the provisions of sections 77-2303 to 77-2305.

Sec. 232. That section 77-2323, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2323. Any treasurer, or any officer of a bank, who shall directly or indirectly violate or knowingly permit to be violated the provisions of sections 77-2316 to 77-2323 so far as it relates to the deposit of public money in a bank shall be guilty of a Class IV felony, ~~and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than one thousand dollars or shall be imprisoned in the Nebraska Penal and Correctional Complex for not less than one year and not more than three years.~~

Sec. 233. That section 77-2325, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2325. The making of profit, directly or indirectly, by the county treasurer, out of any money in the county treasury belonging to the county, the custody of which the treasurer is charged with, by loaning or depositing or otherwise using or depositing the same in any manner, or the removal by the county treasurer or by his consent of such money or a part thereof out of the vault of the treasurer's department or any legal depository of the same, except for the payment of warrants legally drawn or for the purpose of depositing the same in the banks selected as depositories under the provisions of sections 77-2312 to 77-2324, shall be deemed a Class IV felony, and upon conviction thereof any

~~county treasurer shall be subject to punishment in the Nebraska Penitentiary and Correctional Complex for the term of not more than two years, or a fine not exceeding five thousand dollars, and shall also be liable under and upon his official bond for all profits realized from such unlawful using of such funds.~~

Sec. 234. That section 77-2326, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2326. If the county treasurer shall willfully fail or refuse at any time to do or perform any act required of him by sections 77-2312 to 77-2324, he shall be guilty of a Class I misdemeanor, ~~and subject to indictment therefor, and upon conviction thereof he shall be sentenced to pay a fine of not exceeding five thousand dollars, and it~~ it shall be the duty of the county attorney to enter and prosecute to final determination all suits for the recovery of any penalty arising under the conditions of any bond required to be given by the provisions of said sections.

Sec. 235. That section 77-2350.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2350.02. If the treasurer or ex officio treasurer of any school district, municipal university or township, shall willfully fail or refuse at any time to do or perform any act required of him by the provisions of sections 77-2350 to 77-2352, he shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be fined in a sum not exceeding five hundred dollars.~~

Sec. 236. That section 77-2614, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2614. Any person who, with intent to defraud the state, shall make, alter, forge or counterfeit any license, permit, stamp or cigarette tax meter impression provided for in sections 77-2601 to 77-2615, or who shall have in his possession any forged, counterfeited, spurious or altered license, permit, stamp or cigarette tax meter impression, with intent to use the same, knowing or having reasonable grounds to believe the same to be such, or shall have in his possession one or more cigarette stamps or cigarette tax meter impressions which he knows have been removed from the pieces or packages of cigarettes to which they were affixed, or who affixes to any piece or package of cigarettes a stamp or cigarette

tax meter impression which he knows has been removed from any other piece or package of cigarettes shall be deemed guilty of a Class IV felony. ~~upon conviction thereof, be fined not less than one hundred dollars nor more than one thousand dollars or shall be imprisoned in the Nebraska Penal and Correctional Complex not less than one year nor more than three years.~~

Sec. 237. That section 77-2615, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2615. Any person who shall violate any of the provisions of sections 77-2601 to 77-2615, or any rule or regulation lawfully made in accordance therewith, for which a specific penalty is not otherwise provided or who shall, except as permitted by sections 77-2601 to 77-2615, sell, deliver, or accept, with intent to evade the provisions of sections 77-2601 to 77-2615, any cigarettes upon which the tax provided by section 77-2602 has not been paid shall be deemed guilty of a Class IV felony. ~~upon conviction thereof, be fined not less than twenty-five dollars nor more than five thousand dollars, or imprisoned not less than one month nor more than three years.~~ Where any person is found to have in his possession more than ten unstamped packages of cigarettes, except as permitted under section 77-2607, it shall be prima facie evidence of attempt to evade the provisions of sections 77-2601 to 77-2615.

Sec. 238. That section 77-2619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2619. Any person, firm, corporation, or association, that shall willfully fail, neglect, or refuse to make any report required by sections 77-2616 to 77-2619, or by rules and regulations lawfully promulgated thereunder, or that shall knowingly make any false statement in any such report, shall be deemed guilty of a Class III misdemeanor. ~~and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, for each offense.~~

Sec. 239. That section 77-2711, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2711. (1) (a) The Tax Commissioner shall enforce the provisions of sections 77-2702 to 77-2713 and may prescribe, adopt, and enforce rules and regulations

relating to the administration and enforcement of such sections.

(b) The Tax Commissioner may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

(2) The Tax Commissioner may employ accountants, auditors, investigators, assistants, and clerks necessary for the efficient administration of sections 77-2701 to 77-27,135, and may delegate authority to his representatives to conduct hearings, prescribe regulations, or perform any other duties imposed by sections 77-2701 to 77-2713.

(3) (a) Every seller, every retailer, and every person storing, using, or otherwise consuming in this state tangible personal property purchased from a retailer shall keep such records, receipts, invoices, and other pertinent papers in such form as the Tax Commissioner may reasonably require.

(b) Every such seller, retailer, or person shall keep such records for not less than three years from the making of such records unless the Tax Commissioner in writing sooner authorized their destruction.

(4) The Tax Commissioner or any person authorized in writing by him may examine the books, papers, records, and equipment of any person selling tangible personal property and any person liable for the use tax and may investigate the character of the business of the person in order to verify the accuracy of any return made, or, if no return is made by the person, to ascertain and determine the amount required to be paid.

(5) The taxpayer shall have the right to keep or store his records at a point outside this state and shall make his records available to the Tax Commissioner at all times.

(6) In administration of the use tax, the Tax Commissioner may require the filing of reports by any person or class of persons having in his or their possession or custody information relating to sales of tangible personal property, the storage, use, or other consumption of which is subject to the tax. The report shall be filed when the Tax Commissioner requires, and shall set forth the names and addresses of purchasers of the tangible personal property, the sales price of the property, the date of sale, and such other information as the Tax Commissioner may require.

(7) It shall be a Class I misdemeanor for the Tax Commissioner or any official or employee of the Tax Commissioner to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and activities of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof, or any book containing any abstract or particulars thereof to be seen or examined by any person not connected with the Tax Commissioner. Nothing in this section shall be construed to prohibit (a) the delivery to a taxpayer, his duly authorized representative, or his successors, receivers, trustees, executors, administrators, assignees, or guarantors, if directly interested, of a certified copy of any return or report in connection with his tax, (b) the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof, (c) the inspection by the Attorney General or other legal representative of the state of the reports or returns of any taxpayer when information on the reports or returns is considered, by the Attorney General, to be relevant to any action or proceeding instituted by the taxpayer or against whom an action or proceeding is being considered or has been commenced by any state agency, or (d) the furnishing of any information to the United States government or to states allowing similar privileges to the Tax Commissioner.

(8) In all proceedings under the provisions of sections 77-2701 to 77-27,135, the Tax Commissioner may act for and on behalf of the people of the State of Nebraska. The commissioner in his discretion may waive all or part of any penalties provided by the provisions of sections 77-2701 to 77-27,135, but may not waive the minimum interest on delinquent taxes of one half of one per cent per month.

Sec. 240. That section 77-2713, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2713. (1) Any person required under the provisions of sections 77-2702 to 77-2713 to collect, account for, or pay over any tax imposed by sections 77-2701 to 77-27,135, who willfully fails to collect or truthfully account for or pay over such tax, and any person who willfully attempts in any manner to evade any tax imposed by such provisions of sections 77-2701 to 77-27,135 or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a Class IV

felony, and shall, upon conviction thereof, be fined not more than ten thousand dollars, or be imprisoned for not more than five years, or both.

(2) Any person who willfully aids or assists in, or procures, counsels, or advises, the preparation or presentation of a false or fraudulent return, affidavit, claim, or document under or in connection with any matter arising under the provisions of sections 77-2702 to 77-2713, shall, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document, be guilty of a Class IV felony, and shall, upon conviction thereof, be fined not more than ten thousand dollars, or be imprisoned for not more than five years, or both.

(3) A person who engages in business as a retailer in this state without a permit or permits or after a permit has been suspended, and each officer of any corporation which so engages in business, shall be guilty of a Class IV misdemeanor. Each day of such operation shall constitute a separate offense, and upon conviction thereof, such person and each such officer shall be fined not to exceed five hundred dollars for each violation.

(4) Any person who gives a resale certificate to the seller for property which he knows, at the time of purchase, is purchased for the purpose of use rather than for the purpose of resale, lease, or rental by him in the regular course of business shall be guilty of a Class IV misdemeanor, and shall, upon conviction thereof, be fined not to exceed five hundred dollars for each violation.

(5) Any violation of the provisions of sections 77-2702 to 77-2713, except as otherwise provided, shall be a Class IV misdemeanor, and any person found guilty of any such violation shall be fined not to exceed five hundred dollars for each violation.

(6) Any prosecution under the provisions of sections 77-2702 to 77-2713 shall be instituted within three years after the commission of the offense; Provided, that if such offense is the failure to do an act required by or under the provisions of such sections to be done before a certain date, a prosecution for such offense may be commenced not later than three years after such date. The failure to do any act required by or under the provisions of sections 77-2702 to 77-2713 shall be deemed an act committed in part at the principal office of the Tax Commissioner. Any prosecution under

the provisions of sections 77-2701 to 77-27,135 may be conducted in any county where the person or corporation to whose liability the proceeding relates resides, or has a place of business or in any county in which such crime is committed. The Attorney General shall have concurrent jurisdiction with the county attorney in the prosecution of any offenses under the provisions of sections 77-2701 to 77-27,135.

(7) Any corporate officer or employee with the duty to pay taxes imposed upon a corporation or to perform some other act required of a corporation shall be personally liable for the payment of such taxes or penalties in the event of willful failure on his part to perform such act.

Sec. 241. That section 77-27,113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,113. Any person who willfully attempts in any manner to evade any income tax imposed by the provisions of sections 77-2701 to 77-27,135 or the payment thereof shall, in addition to other penalties provided by law, be guilty of a Class IV felony, and shall, upon conviction thereof, be fined not more than ten thousand dollars, or be imprisoned not more than five years, or be both so fined and imprisoned, together with the costs of prosecution.

Sec. 242. That section 77-27,114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,114. Any person required under the provisions of sections 77-2701 to 77-27,135 to collect, truthfully account for, and pay over any income tax imposed by the provisions of sections 77-2701 to 77-27,135 who willfully fails to collect or truthfully account for and pay over such tax shall, in addition to other penalties provided by law, be guilty of a Class IV felony, and shall, upon conviction thereof, be fined not more than ten thousand dollars, or be imprisoned not more than five years, or be both so fined and imprisoned, together with the costs of prosecution.

Sec. 243. That section 77-27,115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,115. Any person required under the provisions of sections 77-2701 to 77-27,135 to pay any income tax or estimated tax, or required by the

provisions of sections 77-2701 to 77-27,135 to make a return, other than a return of estimated tax, keep any records, or supply any information, who willfully fails to pay such tax or estimated tax, make such return, keep such records, or supply such information, at the time or times required by law, shall, in addition to other penalties provided by law, be guilty of a Class II misdemeanor, and shall, upon conviction thereof, be fined not more than three hundred dollars, or be imprisoned not more than six months, or be both so fined and imprisoned, together with the costs of prosecution.

Sec. 244. That section 77-27,116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,116. Any person who willfully makes and subscribes any return, statement or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or willfully aids or procures the preparation or presentation in a matter arising under the income tax provisions of sections 77-2701 to 77-27,135 of a return, affidavit, claim or other document which is fraudulent or is false as to any material matter shall be guilty of a Class IV felony, and shall, upon conviction thereof, be fined not more than ten thousand dollars, or be imprisoned not more than five years, or be both so fined and imprisoned, together with the costs of prosecution.

Sec. 245. That section 77-3009, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3009. Any person violating any of the provisions of sections 77-3001 to 77-3011 shall, upon conviction thereof, be deemed guilty of a Class II misdemeanor, fined in an amount not less than twenty-five dollars nor more than five hundred dollars, or imprisoned for a period not exceeding six months, or both, in the discretion of the court. Each day on which any person shall engage in or conduct the business of operating or distributing the machines or devices subject to the provisions of sections 77-3001 to 77-3011, without having paid the tax as provided, shall constitute a separate offense.

Sec. 246. That section 77-3110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3110. Any person who fails to (1) register with the Tax Commissioner as required by the provisions of sections 77-3101 to 77-3112, (2) register any contract required to be registered under the provisions of sections 77-3101 to 77-3112, or (3) comply with any other provision of sections 77-3101 to 77-3112, shall be guilty of a Class II misdemeanor ~~and shall, upon conviction thereof, be fined not more than one thousand dollars, or be imprisoned not more than six months, or be both so fined and imprisoned;~~ and shall be ordered to pay the cost of prosecution. Each day of activity or operation, in the performance of a contract, in which the contractor is not registered as required by sections 77-3101 to 77-3112, and each day of activity or operation, in the performance of a contract, under a contract which is required to be registered under the provisions of sections 77-3101 to 77-3112 but which is not registered shall constitute a separate offense.

Sec. 247. That section 79-216, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-216. Any person violating the provisions of sections 79-201 to 79-215 shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be fined not less than five dollars nor more than one hundred dollars, or imprisoned in the county jail for not more than ninety days, or both such a fine and imprisonment;~~

Sec. 248. That section 79-442, Revised Statutes Supplement, 1976, be amended to read as follows:

79-442. Except as provided in section 70-624.04, no school officer shall be a party to any oral or written school contract for building, furnishing supplies, services, or sale of real estate except through condemnation, in amounts in excess of two thousand dollars for class 4 and 5 districts and ten thousand dollars for class 1, 2, 3, and 6 districts in any one school year, and no contract may be divided for the purpose of evading the requirements of this section; Provided, the receiving of deposits, cashing of checks, and buying and selling warrants and bonds of indebtedness of any school district of this state by a financial institution shall not be considered a contract under the provisions of this section; and provided further, that ownership of less than one per cent of the outstanding stock of any one class shall not constitute an interest, direct or indirect, within the meaning of this section. Any officer of a board of education, any person, any agent, official, or employee of a firm or corporation, or

any firm or corporation violating the provisions of this section shall be guilty of a Class IV felony, and shall, upon conviction thereof, be fined not less than fifty dollars nor more than one thousand dollars or imprisoned in the Nebraska Penal and Correctional Complex not more than one year, or both such a fine and imprisonment. In addition thereto, if such a person is a member of a board of education he shall be ousted from public office by a court having jurisdiction.

Sec. 249. That section 79-454, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-454. Any person who shall refuse to withdraw from such meeting on being so ordered as provided in section 79-453, or who shall willfully disturb such meeting, shall be guilty of a Class V misdemeanor, upon conviction thereof be fined a sum not exceeding twenty dollars:

Sec. 250. That section 79-488, Revised Statutes Supplement, 1976, be amended to read as follows:

79-488. All boards of education and the governing authority of any nonpublic school in this state shall cause all school buses, whether owned by the district or school or not, to be inspected before school shall open in the fall and each eighty days during that part of the year when school is in session, by a qualified motor vehicle mechanic appointed by the board of education or governing authority and approved by the county superintendent or district superintendent; Provided, that any bus that has been inspected under rules and regulations of the Public Service Commission shall be exempted from the provisions of this section. The mechanic shall thoroughly inspect every bus as to brakes, lights, windshield wipers, window glass, tires, doors, heaters, defrosting equipment, steering gear, and the mechanical condition of every part of such bus bearing upon the safety thereof as a means of transportation. Within five days after such inspection, the mechanic shall make a report of his inspection in writing on regular forms provided by the State Department of Education which shall show the work done, and file one copy of such report with the owner if other than the school district or school, and one copy with the board of education or governing authority using such bus to transport pupils, and also file one copy with the county superintendent or district superintendent and the State Department of Education.

All such boards of education and governing authorities shall also cause such buses to be inspected at least twice during each calendar year by the Nebraska State Patrol. The Nebraska State Patrol shall thoroughly inspect every bus as to brakes, lights, windshield wipers, window glass, tires, doors, heaters, defrosting equipment, steering gear, and the mechanical condition of such bus bearing upon the safety thereof as a means of transportation. Within five days after such inspection, the Nebraska State Patrol shall make a report of its inspection in writing, and file one copy of such report with the board of education or governing authority and file one copy with the State Department of Education. If any inspection required by the provisions of this section discloses any defect in equipment bearing upon the safety of a bus as a means of transportation and the defect is not corrected within twenty-four hours after discovery, the bus shall immediately be removed from service until such defects are corrected to the satisfaction of a law enforcement officer. Failure to remove such bus from service shall constitute a Class V misdemeanor, ~~and any person guilty thereof shall, upon conviction thereof, be punished by a fine of not less than ten nor more than one hundred dollars.~~ Such conviction shall be grounds for dismissal of any employee.

Sec. 251. That section 79-488.06, Revised Statutes Supplement, 1976, be amended to read as follows:

79-488.06. Any person operating a school bus, including any school bus which transports pupils by direct contract with the pupils or their parents and not owned by or under contract with the school district or nonpublic school, before the opening of a school term or before operating a school bus, shall each year submit himself to (1) an examination, to be conducted by a driver's license examiner of the Department of Motor Vehicles, to determine his qualifications to operate such bus, and (2) an examination by a licensed physician to determine whether or not he meets the physical and mental standards established pursuant to subdivision (12) of section 79-328, and shall furnish to the board of education or governing authority of a nonpublic school and the Director of Motor Vehicles a written report of each such examination on standard forms prescribed by the State Department of Education, signed by the person conducting the same, showing he is qualified to operate a school bus and that he meets the physical and mental standards. If the Director of Motor Vehicles determines that he is so qualified and meets such standards, a special school bus operator's permit in such form as the director shall prescribe shall be issued to him. No contract shall be entered into until such permit shall

have been received and exhibited to the board of education or the governing authority of a nonpublic school. The holder of such permit shall have it on his person at all times while operating a school bus. It shall be unlawful for any person operating a school bus to be or remain on duty for a longer period than sixteen consecutive hours. When any person operating a bus shall have been continuously on duty for sixteen hours, he shall be relieved and not be permitted or required to again go on duty without having at least ten consecutive hours' rest off duty, and no such operator, who has been on duty sixteen hours in the aggregate in any twenty-four hour period, shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty. Any person violating the provisions of this section shall be guilty of a Class V misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than twenty-five nor more than one hundred dollars, and the contract canceled~~ The contract shall be canceled as provided in subdivision (12) of section 79-328.

Sec. 252. That section 79-493, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-493. Any member of the school board or board of education of any district, or any agent, employee, or servant thereof, who shall transport or cause to be transported at public expense any nonresident high school pupil or pupils from any point nearer another school offering high school courses, or who shall reimburse those nonresident high school students who transport themselves, or who shall expend any portion of school money for room, house rent, or board for nonresident students residing nearer another school offering high school courses, shall be deemed guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be fined in any sum not exceeding fifty dollars for each offense.~~ This section shall not apply to any state normal school, teachers' college or agricultural college within the state. Nothing in this section shall prevent any school board or board of education from furnishing transportation to students within a district in which a high school has been discontinued.

Sec. 253. That section 79-4,138, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,138. Any person violating any of the provisions of sections 79-4,133 to 79-4,137 shall be guilty of a Class V misdemeanor, ~~and upon conviction~~

~~thereof shall be fined in any sum not to exceed one hundred dollars.~~

Sec. 254. That section 79-514, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-514. The secretary of any such school board or board of education, failing or neglecting to comply with the provisions of section 79-513 shall be deemed guilty of a Class V misdemeanor, ~~and, upon conviction thereof, shall be fined in a sum not exceeding twenty-five dollars for each offense; and, in~~ in the discretion of the court, the judgment of conviction may provide for the removal from office of such secretary for such failure or neglect.

Sec. 255. That section 79-516, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-516. Any president or secretary of such board, failing or neglecting to comply with the provisions of section 79-515 shall be deemed guilty of a Class V misdemeanor, ~~and, upon conviction thereof, shall be fined in a sum not exceeding twenty-five dollars for each offense; and, in~~ in the discretion of the court, the judgment of conviction may provide for the removal from office of such president or secretary for such failure or neglect.

Sec. 256. That section 79-806, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-806. The secretary of any such board of education, failing or neglecting to comply with the provisions of section 79-805 shall be deemed guilty of a Class V misdemeanor, ~~and, upon conviction thereof, shall be fined in any sum not exceeding twenty-five dollars for each offense and, in~~ in the discretion of the court, the judgment of conviction may provide for the removal from office of such secretary for such failure or neglect.

Sec. 257. That section 79-1051, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1051. The funds of the retirement system which are not required for current operations shall be invested and reinvested by the trustees subject to the approval of the board of education as provided in sections 79-1051.01 to 79-1051.05. Except as otherwise

provided herein, no trustee and no member of the board shall have any direct interest in the income, gains, or profits of any investment made by the trustees, nor shall any such person receive any pay or emolument for services in connection with any such investment. No trustee or member of the board shall become an endorser or surety or in any manner an obligor for money loaned by or borrowed from the system. Any person who shall have violated any of these restrictions shall be deemed guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be fined not less than one hundred dollars nor more than one thousand dollars:~~

Sec. 258. That section 79-1269, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1269. Any person who shall violate the provisions of section 79-1268 shall be guilty of a Class III misdemeanor, punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail not less than five days nor more than thirty days. Violation of said section shall be cause for the removal of any superintendent, member of a board of education or school board, or other public school official.

Sec. 259. That section 79-1273, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1273. Any person or persons who shall violate the purpose and intent of the provisions of section 79-1272 shall be guilty of a Class III misdemeanor, ~~and upon conviction be fined not to exceed one hundred dollars or be imprisoned in the county jail not to exceed ninety days or both:~~

Sec. 260. That section 79-1553, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1553. Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records for the purpose of defrauding or attempting to defraud the school retirement system of the State of Nebraska shall be deemed guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be fined not less than ten nor more than one thousand dollars.~~ Any school employee, member of a school board or board of education, or agent of any employer, who willfully fails or refuses to furnish to the retirement board upon its request and in the manner

prescribed by it such information, data, or records, as may be necessary for carrying into effect the provisions of sections 79-1501 to 79-1557, shall be deemed guilty of a Class V misdemeanor, and shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars.

Sec. 261. That section 79-1707, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1707. Any person violating any of the provisions of sections 79-1701 to 79-1706 shall be deemed guilty of a Class III misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than one hundred dollars or be imprisoned in the county jail not to exceed three months.

Sec. 262. That section 79-1808, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1808. Any person violating the provisions of sections 79-1801 to 79-1808 shall be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined not more than five hundred dollars or be imprisoned in the county jail not more than three months.

Sec. 263. That section 79-1824, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1824. Any person or persons, violating the provisions of sections 79-1819 to 79-1824 shall be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined not more than five hundred dollars or be imprisoned in the county jail not more than ninety days.

Sec. 264. That section 80-405, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

80-405. Any person who shall knowingly, by fraudulent representations, obtain or attempt to obtain any payment or aid herein provided for shall be deemed guilty of a Class II misdemeanor, and upon conviction thereof shall be fined in a sum not to exceed five hundred dollars or imprisoned in the county jail not to exceed six months, or both.

Sec. 265. That section 81-161.05, Revised Statutes Supplement, 1976, be amended to read as follows:

81-161.05. Neither the materiel division, nor any employee under its direction, shall be financially interested, or have any beneficial personal interest, directly, or indirectly, in the purchase or leasing of any articles or property, nor in any firm, partnership, corporation or association furnishing them. No such person shall receive or accept directly or indirectly from any person, firm or corporation submitting any bid or to whom a contract may be awarded, by rebate, gift or otherwise, any money or other thing of value whatsoever, or any promise, obligation or contract for future reward, or compensation. Any person who violates the provisions of this section shall be guilty of a Class IV felony, and ~~upon conviction thereof, shall be subject to a fine of five hundred dollars, or imprisonment in the Nebraska Penal and Correctional Complex for a period of one year, or to both such fine and imprisonment;~~ and forfeiture of his office or position.

Sec. 266. That section 81-217.10, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-217.10. Any person who violates any of the provisions of sections 81-217.01 to 81-217.10 or the orders, rules, or regulations promulgated by the director under the authority thereof shall, ~~upon conviction thereof,~~ be guilty of a Class III misdemeanor, ~~fined for each and every offense, in a sum not exceeding one hundred dollars, or imprisoned in the county jail for not more than thirty days;~~

Sec. 267. That section 81-217.15, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-217.15. (1) Any person other than a common carrier engaged solely in transportation, except a common carrier who salvages or sells food, who violates any of the provisions of section 81-217.13 shall be guilty of a Class III misdemeanor for a first offense, and shall be guilty of a Class I misdemeanor for each subsequent offense, ~~and shall, upon conviction thereof, be punished by imprisonment for not more than three months, or by a fine of not less than fifty nor more than five hundred dollars, or by both such imprisonment and fine; but if the violation is committed after a conviction of such person under the provisions of this section has become final, such person shall, upon conviction thereof, be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or by both such imprisonment and fine;~~

(2) No person shall be subject to the penalties of subsection (1) of this section for having violated subdivision (1) or (3) of section 81-217.13 if he establishes a guaranty or undertaking signed by and containing the name and address of the person residing in the State of Nebraska from whom he received in good faith the article, to the effect that such article is not adulterated or misbranded within the meaning of sections 81-217.11 to 81-217.27, designating sections 81-217.11 to 81-217.27.

(3) No publisher, radio broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this section by reason of the dissemination by him of such false advertisement, unless he has refused, on the request of the director, to furnish the director the name and post-office address of the manufacturer, packer, distributor, seller, or advertising agency, residing in the State of Nebraska, who causes him to disseminate such advertisement.

Sec. 268. That section 81-228, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-228. Any person, association, partnership or corporation violating any of the provisions of sections 81-218 to 81-227 shall be deemed guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be sentenced to pay a fine of not less than twenty-five dollars nor more than one hundred dollars,~~ and the Department of Agriculture may, in the event of such conviction, revoke any license or licenses theretofore issued to the guilty party.

Sec. 269. That section 81-257, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-257. Any person, firm, association, corporation, tester, independent cream buyer or owner of any cream station, their agents, servants or employees, violating any of the provisions of sections 81-229 to 81-263, shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be fined in a sum not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding three months.~~

Sec. 270. That section 81-263.79, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-263.79. Any person or persons violating the provisions of sections 81-263.50 to 81-263.80, or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the director, or his duly authorized agents, in performance of their duties in connection with the provisions of sections 81-263.50 to 81-263.80 or under the regulations issued by the director, shall be guilty of a Class IV misdemeanor, and ~~shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars for the first violation, and not less than one hundred dollars nor more than five hundred dollars for a subsequent violation.~~

Sec. 271. That section 81-263.122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-263.122. Any person or licensee violating the provisions of sections 81-263.87 to 81-263.123, or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the director, or his duly authorized agents, in performance of their duties in connection with the enforcement of sections 81-263.87 to 81-263.123 or the rules and regulations issued by the director, shall be guilty of a Class V misdemeanor, and ~~shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars for the first violation, and not less than fifty dollars nor more than one hundred dollars for each subsequent violation and conviction.~~

Sec. 272. That section 81-267, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-267. The violation of any of the provisions of sections 81-264 to 81-266 is declared to be a misdemeanor, and any person, whether individually or as a member of a partnership, or as a responsible agent or officer of a corporation, who shall be convicted of such violation, either on his own behalf or in the interests of a corporation, shall be guilty of a Class III misdemeanor. ~~shall be punished by imprisonment in the county jail for not less than thirty days nor more than sixty days, or by a fine of not less than fifty dollars nor more than one hundred dollars or both.~~

Sec. 273. That section 81-275.33, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

81-275.33. Any person violating the provisions of sections 81-275.15 to 81-275.33, shall be guilty of a Class IV misdemeanor, and shall, upon conviction thereof, be fined not more than five hundred dollars. In case of a conviction, the license of such violator may be suspended by the director.

Sec. 274. That section 81-280, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-280. Any person violating any of the provisions of sections 81-276 to 81-279 shall be guilty of a Class III misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars or imprisoned in the county jail not exceeding three months.

Sec. 275. That section 81-291, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-291. Any person violating any of the provisions of sections 81-287 to 81-290 shall be deemed guilty of a Class III misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned for not less than thirty days.

Sec. 276. That section 81-293, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-293. Any person, firm or corporation that shall violate any of the provisions of section 81-292 shall be deemed guilty of a Class III misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than one hundred dollars, or shall be imprisoned in the county jail not more than thirty days, or both.

Sec. 277. That section 81-2,120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,120. Any person who shall refuse to comply with any lawful orders or requirements of the Department of Agriculture issued under section 81-2,119, shall be guilty of a Class III misdemeanor, and upon conviction thereof shall be fined in any sum not more than two hundred dollars or imprisoned in the county jail not more

than ninety days; and each day after the expiration of the time limit fixed by the order of the department for abating insanitary conditions shall constitute a separate offense.

Sec. 278. That section 81-2,121, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,121. Any person violating any of the provisions of sections 81-2,111 to 81-2,119 shall be guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars or imprisoned in the county jail not exceeding three months;~~

Sec. 279. That section 81-2,134, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,134. Any person violating any of the provisions of sections 81-2,122 to 81-2,133 shall be guilty of a Class III misdemeanor. ~~upon conviction, be fined in a sum not exceeding one thousand dollars or imprisoned in the county jail not exceeding three months;~~

Sec. 280. That section 81-2,147.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,147.09. Any person violating the provisions of sections 81-2,147 to 81-2,147.09 shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars for the first offense and not less than twenty-five dollars nor more than two hundred fifty dollars for each subsequent offense.~~ When the director shall find that any person has violated any of the provisions of sections 81-2,147 to 81-2,147.09, he or his duly authorized agent or agents may institute proceedings in a court of competent jurisdiction in the locality in which the violation occurred, to have such persons convicted therefor; or the director may file with the Attorney General, with a view of prosecution, such evidence as may be deemed necessary; Provided, that no prosecution under the provisions of sections 81-2,147 to 81-2,147.09 shall be instituted without the defendant first having been given an opportunity to appear before the director or his duly authorized agent to introduce evidence either in person or by agent or attorney at a private hearing. If, after such hearing, or without such hearing in case the defendant or his agent or attorney fails or refuses to appear, the director is of the

opinion that the evidence warrants prosecution, he shall proceed as provided in this section. It is the duty of the county attorney or the Attorney General, as the case may be, to institute proceedings at once against any person charged with a violation of the provisions of sections 81-2,147 to 81-2,147.09, if, in the judgment of such officer, the information submitted warrants such action. After judgment by the court in any case arising under the provisions of sections 81-2,147 to 81-2,147.09, the director shall publish any information pertinent to the issuance of the judgment by the court in such media as he may designate from time to time.

Sec. 281. That section 81-2,154, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,154. It shall be unlawful for any person, firm, association or corporation to issue, make, use or circulate any certification, as defined in section 81-2,149, without the authority and approval of the College of Agriculture of the University of Nebraska, or its duly authorized agency. Every person, firm, association or corporation who shall violate any of the provisions of sections 81-2,149 to 81-2,154 pertaining to certification, shall be deemed guilty of a Class IV misdemeanor, ~~and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor exceeding five hundred dollars for each offense.~~

Sec. 282. That section 81-2,157, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,157. Every violation of the provisions of sections 81-2,155 and 81-2,156 shall be a Class III misdemeanor, ~~punishable by a fine of not more than one hundred dollars or imprisonment for thirty days in the county jail, or both.~~ The Department of Agriculture, through its duly authorized agent or agents, shall report violations of said sections to the proper county attorney or to the Attorney General for prosecution.

Sec. 283. That section 81-2,162.17, Revised Statutes Supplement, 1976, be amended to read as follows:

81-2,162.17. Any person violating any provisions of this act or the rules and regulations issued thereunder, or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the director in the performance of his duty pursuant to this act, shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, (1) for the first conviction be fined~~

not less than one hundred dollars nor more than five hundred dollars and (2) for each subsequent conviction thereof, be fined not less than three hundred dollars nor more than one thousand dollars or be imprisoned in the county jail for not less than thirty days nor more than six months, or be both so fined and imprisoned.

Sec. 284. That section 81-2,179, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,179. Any person violating any of the provisions of sections 81-2,165 to 81-2,180 shall be guilty of a Class III misdemeanor, except sections 81-2,171 and 81-2,172, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than five hundred dollars, or be imprisoned for not more than sixty days, or both so fined and imprisoned, for each offense. Any person violating any of the provisions of section 81-2,171 or 81-2,172, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than two hundred fifty dollars nor more than five hundred dollars, or be imprisoned for not more than sixty days, or both so fined and imprisoned, for each offense.

Sec. 285. That section 81-2,185, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,185. Any person violating any of the provisions of sections 81-2,181 to 81-2,184, shall be guilty of a Class III misdemeanor, fined in a sum not less than ten dollars, or imprisoned in the county jail not exceeding three months.

Sec. 286. That section 81-2,196, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,196. If any person, partnership, corporation or association shall violate the provisions of sections 81-2,186 to 81-2,197, such person, partnership, corporation or association shall be deemed guilty of a Class IV misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than fifty dollars and not exceeding five hundred dollars for each offense.

Sec. 287. That section 81-2,230, Revised Statutes Supplement, 1976, be amended to read as follows:

81-2,230. Any person violating any of the provisions of sections 81-2,217 to 81-2,232 shall be guilty of a Class IV misdemeanor, ~~and shall upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for the first violation, and not less than one hundred dollars nor more than five hundred dollars for a subsequent violation:~~

Sec. 288. That section 81-513, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-513. The State Fire Marshal may condemn and by order direct the destruction, repair, or alteration of any building or structure which by reason of age, dilapidated condition, defective chimneys, defective electric wiring, gas connections, heating apparatus, or other defect, is especially liable to fire and which, in his judgment, is so situated as to endanger life or limb or other buildings or property in the vicinity. Before he condemns or orders the destruction, closing, or nonoccupancy of any building or structure owned by the public for any other cause than fire prevention, he shall be required to obtain a written report from a building contractor, licensed architect, or licensed engineer stating the condition of the building and the reason why such building or structure should be condemned, destroyed, closed, or ordered to remain unoccupied, and a copy of the report shall be attached to the order. In case the order requires the repair of a building, the owner, lessee, or other person upon whom rests the duty to keep the structure in repair and upon whom such order is served, shall make such repairs as are thereby directed, within the limit of time stated in the order. The order, if considered necessary by the fire marshal for the protection of life or property, may direct that the structure be closed and not further used or occupied until such repairs are made. Any person who shall willfully disobey the order directing the closing of such buildings, pending the making of such repairs, shall be guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars or shall be imprisoned in the county jail not exceeding thirty days, or both.~~ Each day such person shall neglect or refuse to obey the order aforesaid shall be deemed a separate and distinct offense in violation thereof.

Sec. 289. That section 81-522, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-522. Any officer referred to in section 81-506 who neglects to comply with any of the requirements of sections 81-501.01 to 81-531 shall be guilty of a Class V misdemeanor. ~~upon conviction be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each neglect or violation;~~

Sec. 290. That section 81-538, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-538. Any one violating any of the provisions of sections 81-501.01 to 81-537, for which no other specific penalty is provided, or any valid rule or regulation promulgated by the State Fire Marshal, shall be deemed guilty of a Class V misdemeanor, ~~and upon conviction shall be fined in the sum of not less than five dollars nor more than one hundred dollars for each offense;~~ and each day's noncompliance shall constitute a separate offense.

Sec. 291. That section 81-541, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-541. Any person, firm or corporation violating any of the provisions of sections 81-539 to 81-541 shall be deemed guilty of a Class V misdemeanor, ~~and, upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars;~~

Sec. 292. That section 81-5,113, Revised Statutes Supplement, 1976, be amended to read as follows:

81-5,113. It shall be a misdemeanor knowingly and willfully to commit, or to order, instruct, or direct another to commit, any of the following acts:

(1) To make a false statement in any license application, request for inspection, certificate, or other lawfully authorized or required form or statement provided by sections 81-571 to 81-5,114;

(2) To perform electrical work for another without a proper license for such work;

(3) To fail to file a request for inspection when required;

(4) To interfere with, or refuse entry to, an inspector lawfully engaged in the performance of his duties; or

(5) To violate any lawful rule, regulation, or order of the board.

Any person guilty of a misdemeanor under who violates sections 81-571 to 81-5,114 shall be guilty of a Class III misdemeanor, fined not less than ten dollars nor more than five hundred dollars, or be imprisoned in the county jail for not more than ninety days, or be both so fined and imprisoned.

Sec. 293. That section 81-812.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-812.04. Any person violating the provisions of section 81-812.01 shall be guilty of a Class V misdemeanor, and shall, upon conviction thereof, be fined not less than five dollars nor more than twenty-five dollars.

Sec. 294. That section 81-815.19, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-815.19. (1) Any person who violates any provision of sections 81-815.01 to 81-815.18, or any provisions of the rules or regulations established by the Game and Parks Commission pursuant thereto, for which a penalty is not otherwise provided, shall be guilty of a Class III misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment for each such violation.

(2) Any person who violates any provision of section 81-815.08 or 81-815.13 shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than twenty nor more than one hundred dollars, or by imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment for each violation.

(3) Any person who violates any provision of section 81-815.10 shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not to exceed six months, or by both for each violation.

Sec. 295. That section 81-815.33, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-815.33. Any person violating the provisions of sections 81-815.21 to 81-815.35 or the regulations governing the public use or administration of a state park shall be guilty of a Class III misdemeanor, and shall, upon conviction, be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail not to exceed thirty days:

Sec. 296. That section 81-885.45, Revised Statutes Supplement, 1976, be amended to read as follows:

81-885.45. Any person, partnership, corporation, or subdivider acting as a broker, salesman, or subdivider without having first obtained the required license, shall be guilty of a Class II misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than five hundred dollars nor more than one thousand dollars or any natural person so convicted shall be punished by imprisonment in the county jail for not less than ten days nor more than six months, or by both such fine and imprisonment:

Sec. 297. That section 81-8,127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,127. Any person who shall practice, or offer to practice, land surveying in this state without being registered or any person registered under sections 81-8,108 to 81-8,127, who shall fail to file a copy of the plat and field notes as provided in section 81-8,122, shall be deemed guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined not more than one hundred dollars, or imprisoned in the county jail for a period of not more than thirty days, or both such fine and imprisonment:

Sec. 298. That section 81-8,142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,142. Any person who violates any of the provisions of sections 81-8,128 to 81-8,142 or who assists another to violate the same, shall be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars, or be imprisoned not more than ninety days:

Sec. 299. That section 81-8,158, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,158. No person, firm, corporation or association shall conduct or operate a collection agency or do a collection-agency business as defined in sections 81-8,158 to 81-8,183 until he or it shall have secured a license therefor as provided in sections 81-8,158 to 81-8,183. Any person, firm, corporation or association conducting or operating such a collection agency or doing such a collection-agency business without such license shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or be confined in the county jail not less than ten days nor more than thirty days, or both such fine and imprisonment for each day that such unlawful business is conducted.~~ Any officer or agent of a firm, corporation or association who shall personally participate in any violation of sections 81-8,158 to 81-8,183 shall be guilty of a Class III misdemeanor. ~~subject to the same penalties as set forth in this section.~~

Nothing contained in this section shall be construed to require a regular employee of a collection agency duly licensed as such in this state to procure a collection-agency license.

Sec. 300. That section 81-8,205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,205. Any person who violates such permanent injunction, presents or attempts to file as his own the certificate of registration of another, who shall give false or forged evidence of any kind to the board in obtaining a certificate of registration, who indorses any document which he did not actually prepare or supervise the preparation, who shall falsely impersonate another practitioner of like or different name, or who shall use a revoked certificate of registration shall be deemed guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned for three months, or be both so fined and imprisoned.~~

Sec. 301. That section 81-8,254, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,254. A person who willfully obstructs or hinders the proper exercise of the Public Counsel's functions, or who willfully misleads or attempts to mislead the Public Counsel in his inquiries, shall be guilty of a Class II misdemeanor, ~~and, upon conviction~~

~~thereof, shall be fined not more than one thousand dollars:~~ No employee of the State of Nebraska, who files a complaint pursuant to sections 81-8,240 to 81-8,254, shall be subject to any penalties, sanctions, or restrictions in connection with his employment because of such complaint.

Sec. 302. That section 81-8,286, Revised Statutes Supplement, 1976, be amended to read as follows:

81-8,286. (1) No person shall, after January 1, 1974, act as a real estate appraiser without a license issued by the commission. This section shall not apply to any person exempted by any other provision of sections 81-8,276 to 81-8,287. No person shall testify as an appraiser before any tribunal, court, judge, referee, or judicial committee without being licensed under the provisions of sections 81-8,276 to 81-8,287.

(2) No person who engages in the business or acts in the capacity of a real estate appraiser shall bring or maintain any action in any court of this state for the collection of compensation for the performance of any act or contract for which a license is required by sections 81-8,276 to 81-8,287 without alleging and proving that he was a duly licensed real estate appraiser at all times during the performance of such act or contract.

(3) Any person required by sections 81-8,276 to 81-8,287 to be licensed who engages in the profession of real estate appraising without obtaining a license therefor, or who violates any provision of sections 81-8,276 to 81-8,287, shall be guilty of a Class IV misdemeanor and ~~shall, upon conviction thereof, be fined not more than five hundred dollars;~~ and shall be ineligible to obtain a license for one year from the date of conviction of such offense, except that the commission, at its discretion, may grant a license to such person within such one-year period upon application and after a hearing thereon.

Sec. 303. That section 81-1108.18, Revised Statutes Supplement, 1976, be amended to read as follows:

81-1108.18. In order to promote the public safety and welfare, the administrator shall adopt and promulgate rules and regulations governing the parking of motor vehicles on the approaches to the capitol and capitol grounds, and on the lands adjacent to the capitol grounds, owned or leased by the State of Nebraska. Such rules and regulations may limit, restrict, or prohibit parking thereon. Notwithstanding the provisions of article 9 of Chapter 84, such rules and regulations shall

become effective upon posting notice of the same on or about the premises to be regulated. If any vehicle is found upon any regulated premises in violation of this section, or the rules and regulations adopted pursuant thereto, and the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation. Violation of any such rules or regulations shall constitute a Class V misdemeanor. ~~Any person found guilty of such violation shall be punished by a fine of not less than one dollar nor more than twenty-five dollars.~~

Sec. 304. That section 81-1117.03, Revised Statutes Supplement, 1976, be amended to read as follows:

81-1117.03. Any public official or employee who shall violate the provisions of section 81-1117.02 shall be guilty of a Class II misdemeanor ~~and shall, upon conviction thereof, be punished by imprisonment in the county jail for not less than three months nor more than six months,~~ and shall be subject to removal from office or discharge in the discretion of the Governor or agency head as appropriate.

Sec. 305. That section 81-1525, Revised Statutes Supplement, 1976, be amended to read as follows:

81-1525. Any property owner or person in lawful possession of property who fails or refuses to remove an accumulation of junk as directed by the director pursuant to section 81-1524 shall be guilty of a Class V misdemeanor, ~~and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars.~~

Sec. 306. That section 82-111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

82-111. Any person who shall destroy, deface, remove or injure any of the monuments erected by the state to mark the Oregon Trail in Nebraska shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty nor more than ninety days, or both.~~

Sec. 307. That section 82-124, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

82-124. Any person who shall violate any of the provisions of sections 82-119 to 82-124 shall be guilty of a Class V misdemeanor, ~~and shall, upon conviction thereof, be fined, for each separate offense, not less than ten dollars nor more than one hundred dollars.~~ Each day that a violation continues after notice shall constitute a separate offense. Where the markers are damaged maliciously, the court shall collect the replacement costs as part of the punishment.

Sec. 308. That section 82-126, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

82-126. The Nebraska State Historical Society or any other society whose duty it is to preserve historical sites and monuments may restrict visitation at such hours and times as in its judgment would be a detriment to the site or monument. The society responsible for such site or monument may erect appropriate signs or notices restricting any visitation which might subject the site or monument to hazards and defacing. Any person violating the provisions of such signs or notices shall be guilty of a Class V misdemeanor, ~~and upon conviction thereof, be fined not to exceed one hundred dollars.~~

Sec. 309. That section 83-151, Revised Statutes Supplement, 1976, be amended to read as follows:

83-151. No person, firm or corporation, their employees, agents or servants, may sell, expose for sale or offer for sale any goods, wares or merchandise, except farm supplies, machinery and equipment, manufactured, produced or mined wholly or in part by offenders, except offenders on parole or probation, or released to the community in accordance with the provisions of the Nebraska Treatment and Corrections Act, or manufactured, produced or mined wholly or in part in any correctional institution in the State of Nebraska or in any state of the United States, the sale of which is not specifically sanctioned by law; and any person or corporation violating any provision of this section shall be deemed guilty of a misdemeanor Class IV felony, ~~and upon conviction thereof shall be fined in any sum not exceeding one thousand dollars, or shall be imprisoned in the Nebraska Penal and Correctional Camp, not exceeding three years, or both.~~ The prohibitions of this section shall not apply to items, such as hobby and craft items, manufactured or produced by offenders on their own time with their own resources, in which case any money derived from the sale of such hobby and craft items shall be placed in the offenders' own individual private accounts.

Sec. 310. That section 83-198, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-198. A person shall be guilty of a felony if he threatens or attempts to threaten harm to a member of the Board of Parole with the purpose to influence his decision, opinion, recommendation, vote, or other exercise of discretion as member of the board or if he privately addresses to any member of the board any representation, entreaty, argument or other communication designed to influence the outcome of any matter which is or may come before the board on the basis of considerations other than those authorized by law, and shall be guilty of a Class IV felony. ~~Upon conviction thereof, be punished by a fine of not more than five hundred dollars, or by commitment to the Division of Corrections for not more than two years, or by both such fine and commitment.~~

Sec. 311. That section 83-1,133, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,133. A person shall be guilty of a felony if he threatens or attempts to threaten harm to a member of the Board of Pardons with the purpose to influence his decision, opinion, recommendation, vote, or other exercise of discretion as member of the board or if he purposely or knowingly privately addresses to any member of the board any representation, entreaty, argument or other communication designed to influence the outcome of any application which is or may come before the board on the basis of considerations other than those authorized by law, and shall be guilty of a Class IV felony. ~~Upon conviction thereof, be punished by a fine of not more than five hundred dollars, or by commitment to the Division of Corrections for not more than two years, or by both such fine and commitment.~~

Sec. 312. That section 83-356, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-356. Any person taking care of a mentally ill person, and restraining such a person, either with or without authority, who shall treat such person with wanton severity, harshness or cruelty, or shall in any way abuse such a person, shall be guilty of a Class V misdemeanor, ~~and shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars,~~ and shall also be liable in an action for all damages sustained by such mentally ill person.

Sec. 313. That section 83-417, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-417. ~~* Any person shall be guilty of a felony if he who~~ purposely or knowingly allows any committed offender to escape or, without the approval of the chief executive officer of the facility, allows any offender to be visited, conversed with, comforted, or relieved or conveys to or from any committed offender any communication or article shall be guilty of a Class IV felony. ~~; and shall, upon conviction thereof, be fined in any sum not more than one thousand dollars or sentenced to the Division of Corrections for not more than ten years, or be both so fined and sentenced:~~

Sec. 314. That section 83-443, Revised Statutes Supplement, 1976, be amended to read as follows:

83-443. No warden, deputy warden, inspector, guard, physician or other employee who has charge, control or direction of any convicts shall be in any manner whatever financially interested in the work or profit of the labor of any convict; nor shall he receive any pay, gift, gratuity or favor of a valuable character from any person interested either directly or indirectly in such labor. Any person guilty of a violation of the provisions of this section shall be deemed guilty of a Class IV felony. ~~; and upon conviction shall be punished by imprisonment in the Nebraska Penitentiary and Correctional Complex for a term of not less than two years and not more than five years.~~ The offense may be reduced to a misdemeanor upon recommendation of the jury, if the court concurs in the recommendation; in such a case, the defendant shall be summarily discharged by the Director of Correctional Services. This section shall not prohibit the camp physician from the practice of his profession.

Sec. 315. That section 83-473, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-473. Any person or persons who shall entice, or shall attempt to entice, away from the Youth Development Center-Kearney any boy legally committed to the school, or who shall knowingly harbor, conceal or aid in harboring or concealing, any boy who shall have escaped from the school, shall be guilty of a Class IV felony. ~~upon conviction thereof be punished by a fine not exceeding two hundred dollars, or imprisonment in the Nebraska Penitentiary and Correctional Complex not exceeding two years.~~ Any sheriff or other officer authorized to make

arrests, or any officer or employee of the school, shall arrest any inmate who shall have escaped from the school and shall return him thereto. The Deputy Director of Juvenile Delinquency shall use all proper means for the apprehension of any escaped inmate, and for this purpose he may offer a reward not to exceed twenty-five dollars, in each case.

Sec. 316. That section 84-712.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-712.03. Any person denied any rights granted by sections 84-712 to 84-712.03 may file for speedy relief by a writ of mandamus in the district court within whose jurisdiction the state, county or political subdivision officer who has custody of said public record can be served. Any official who shall violate the provisions of sections 84-712 to 84-712.03 shall be subject to removal or impeachment and in addition shall be deemed guilty of a Class III misdemeanor, ~~and--shall; upon conviction--thereof;--be--fined--not--exceeding--one hundred-dollars;--or--be--imprisoned--in--the--county--jail--not exceeding--three--months;~~

Sec. 317. That section 84-1327, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1327. Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records for the purpose of defrauding or attempting to defraud the State Employees Retirement System of the State of Nebraska shall be guilty of a Class II misdemeanor, ~~and--shall;--upon conviction--thereof;--be--fined--not--less--than--ten--dollars nor--more--than--one--thousand--dollars;~~

Sec. 318. That section 84-1414, Revised Statutes Supplement, 1976, be amended to read as follows:

84-1414. (1) Any motion, resolution, rule, regulation, ordinance or formal action of a public body made or taken in violation of any of the provisions of sections 79-327, 84-1408 to 84-1413, and 85-104 shall be declared void by the district court. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the provisions of sections 79-327, 84-1408 to 84-1414, and 85-104.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of sections 79-327, 84-1408 to 84-1414, and 85-104, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of sections 79-327, 84-1408 to 84-1414, and 85-104 to discussions or decisions of the public body. The court may order payment of reasonable attorney fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body knowingly violating any provision of sections 79-327, 84-1408 to 84-1414, and 85-104 shall be guilty of a Class V misdemeanor, ~~and shall, upon conviction thereof, be fined not more than fifty dollars:~~

Sec. 319. That section 85-179.10, Revised Statutes Supplement, 1976, be amended to read as follows:

85-179.10. Any person who has not been approved by the board, with the concurrence of the department, and who holds himself out as a physician's assistant, or who uses any other term to indicate or imply that he is a physician's assistant, shall be guilty of a Class IV felony, ~~and shall, upon conviction thereof, be punished by a fine of not more than five thousand dollars, or by imprisonment in the Nebraska Penitentiary and Correctional Complex for not more than six years, or by both such a fine and imprisonment:~~

Sec. 320. That section 86-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

86-106. Every officer or employee of any telegraph company or association engaged in the transmission of dispatches who shall willfully delay the transmission or delivery of any dispatch, or divulge the contents of any dispatch entrusted to his or her care, to any person except the party entitled to receive the same, shall be guilty of a Class III misdemeanor, ~~and upon conviction shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars for each offense, or imprisonment for not less than thirty days nor more than three months in the county jail:~~

Sec. 321. That section 86-108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

86-108. It shall be unlawful for any telegraph company, association or organization, engaged in the business of forwarding dispatches by telegraph, to demand, collect or receive from any publisher or proprietor of a newspaper, any greater sum for a given service than it demands, charges or collects from the publisher or proprietor of any other newspaper for a like service. The violation of the provisions of this section and section 86-107 by any telegraph company or association shall constitute a Class II misdemeanor, and upon conviction said telegraph company or association shall be fined for each and every offense in any sum not less than one hundred dollars nor more than one thousand dollars, with costs of prosecution. In addition thereto such telegraph company or association shall be liable for all damages sustained by the person or parties in consequence of such discrimination.

Sec. 322. That section 86-110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

86-110. Any press association, corporation or organization violating section 86-109 shall be deemed guilty of a Class II misdemeanor, and upon conviction shall, for each and every offense, be fined in any sum not less than one hundred dollars nor more than one thousand dollars, and in addition thereto such association and the members thereof shall be jointly and severally liable for all damages sustained by the owner of any newspaper in consequence of such discrimination.

Sec. 323. That section 86-202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

86-202. Any person, firm, association or corporation failing to comply with the provisions of section 86-201 shall be deemed guilty of a Class III misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than twenty-five dollars for each station not properly equipped, and for each week's delay.

Sec. 324. That section 86-203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

86-203. If any officer, employee or operator of any person, firm, association or corporation in this state, engaged in the business of receiving messages to be forwarded by telephone, shall send or receive any such message in such a way that the same may be overheard by

persons standing near the sender or receiver, or shall in any way divulge the contents of such message to any person not authorized to receive same, he or she shall be deemed guilty of a Class V misdemeanor, ~~and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars for each message so sent, received or divulged.~~

Sec. 325. That section 86-210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

86-210. Any telephone company, or the owner or lessee of any telephone system, violating any of the provisions of sections 86-208 and 86-209, ~~shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, and any agent, officer or employee of any such company or owner or lessee of any telephone system who shall violate, or act or assist in the violation of said sections, shall be guilty of a Class II misdemeanor. punished by imprisonment in the county jail not less than thirty days nor more than six months.~~

Sec. 326. That section 86-211, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

86-211. Any state officer, state appointee or employee, or any member of the Legislature, or any county officer who shall violate any of the provisions of sections 86-208 and 86-209, shall be guilty of a Class II misdemeanor ~~punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment in the county jail for not less than thirty days nor more than six months, and upon conviction shall forfeit the office held by such person at the time of committing such offense.~~

Sec. 327. That section 86-329, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

86-329. Any person who connects any instrument, device or contrivance with any wire supplying or intended to supply electricity or electric current, or connects any pipe or conduit supplying gas or water, without the knowledge and consent of the supplier of such products, in such manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, gas, or water may be consumed without passing through the meter provided for measuring or registering the amount or quantity thereof passing through it, and

any person who knowingly uses or knowingly permits the use of electricity, electric current, gas or water obtained in the above-mentioned unauthorized ways, shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be punished for such offense by a fine of not less than three hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days nor more than ninety days, or by both such fine and imprisonment.~~

Sec. 328. That section 86-503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

86-503. Each and every express company which violates any of the provisions of section 86-502, shall be deemed guilty of a Class V misdemeanor, ~~and for each offense, shall upon conviction thereof be fined in any sum not less than five dollars nor more than one hundred dollars, but in no event shall the fine be in excess of the value of the stock.~~

Sec. 329. That section 86-702, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

86-702. (1) Except as otherwise specifically provided in sections 86-701 to 86-707, any person who (a) willfully intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire or oral communication; (b) willfully uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when (i) such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or (ii) such device transmits communications by radio, or interferes with the transmission of such communication; (c) willfully discloses, or endeavors to disclose, to any other person the contents of any wire or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire or oral communication in violation of this subsection; or (d) willfully uses, or endeavors to use, the contents of any wire or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire or oral communication in violation of this subsection, shall be guilty of a Class IV felony. ~~upon conviction thereof be fined in a sum not less than twenty-five dollars nor more than five hundred dollars or be imprisoned in the Nebraska Penitentiary and Correctional Complex not less than one year nor more than three years;~~

~~or-be-both-so-fined-and-imprisoned:~~

(2) (a) It shall not be unlawful under sections 86-701 to 86-707 for an operator of a switchboard, or an officer, employee, or agent of any communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication; Provided, that such communication common carriers shall not utilize service observing or random monitoring except for mechanical or service quality control checks.

(b) It shall not be unlawful under sections 86-701 to 86-707 for a person acting under color of law to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.

(c) It shall not be unlawful under sections 86-701 to 86-707 for a person not acting under color of law to intercept a wire or oral communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any state or for the purpose of committing any other injurious act.

Sec. 330. That section 86-707, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

86-707. It shall be unlawful for any person to (1) willfully and without lawful authority cut, break, tap or make connection with any telegraph or telephone line, wire, cable or instrument, or read or copy, in any unauthorized manner, any message, communication or report passing over it, in this state, (2) willfully prevent, obstruct or delay, by any means or contrivance whatsoever, the sending, transmission, conveyance or delivery in this state of any authorized message, communication or report by or through any telegraph or telephone line, wire or cable under the control of any telegraph or telephone company doing business in this state, (3) aid, agree with, employ or conspire with any person or persons to unlawfully do or perform, or cause to be done, any of the above-mentioned acts, or (4)

occupy, use a line, or knowingly permit another to occupy, use a line, room, table, establishment or apparatus to unlawfully do or cause to be done any of the above-mentioned acts. Any person who violates the provisions of this section shall be guilty of a Class IV felony, and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or be imprisoned in the Nebraska Penitentiary and Correctional Complex not less than one year nor more than three years, or be both so fined and imprisoned.

Sec. 331. That section 87-220, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

87-220. Any person, not excepted by section 87-210, who shall engage in or transact any business in this state under a trade name, as defined in sections 87-208 to 87-219, without registering such trade name shall be deemed guilty of a Class V misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than ten dollars nor more than one hundred dollars. Each day any violation shall continue shall be deemed a separate and distinct offense.

Sec. 332. That section 88-402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

88-402. Any person, firm or corporation who shall transact a warehouse business or advertise himself or themselves as a public warehouseman for the storing of property, other than grain, for compensation, as provided in section 88-401, without first giving a bond and securing a license, as provided in section 88-401 or who shall continue to transact such business after such license has been revoked or such bond may have become void or found insufficient for the penal sum in which it is executed, save only that he may be permitted to deliver property previously stored in such warehouse, shall be guilty of a Class V misdemeanor, and shall, upon conviction thereof, be fined in any sum not more than one hundred dollars.

Sec. 333. That section 88-513, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

88-513. No officer or agent of any state-licensed grain warehouse shall issue a receipt for grain not actually received. If at any time there is less grain in a warehouse than outstanding receipts

issued for such grain, there shall be a presumption that the officers of such warehouse have wrongfully removed or caused to be removed grain or issued receipts for grain not actually received and in violation of this section. Any officer or agent who shall violate the provisions of this section shall be guilty of a Class I misdemeanor. ~~7 upon conviction, be subject to a fine of not less than one hundred dollars and not more than one thousand dollars or imprisonment in the Nebraska Penitentiary and Correctional Complex for not more than one year, or both.~~

Sec. 334. That section 88-515, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

88-515. (1) It shall be the duty of the State Railway Public Service Commission to enforce the provisions of sections 88-501 to 88-519 and to make and promulgate rules and regulations to aid in the administration of such sections. The owner or operator of any grain elevator or warehouse in the state, violating any of the provisions of such sections, shall be deemed guilty of a Class IV felony, ~~and shall upon conviction thereof, be fined not less than one hundred dollars nor more than ten thousand dollars, or may be imprisoned for not less than one year nor more than five years, or both,~~ and in addition thereto shall be liable for any damages suffered by any person from such violation. It is made the duty of the Attorney General, or of any county attorney, upon request of the commission, to assist in the prosecution of any such violations.

(2) The State-Railway Public Service Commission is empowered after hearing before it and upon complaint filed by such commission or any person to suspend or revoke the license of anyone licensed under sections 88-501 to 88-522 for the violation of or failure to comply with the provisions of sections 88-501 to 88-522 or any rule or regulation made in pursuance of the authority therefor granted under sections 88-501 to 88-522. A verified complaint stating the grounds for suspension or revocation shall be filed with the commission in triplicate, and thereupon the commission shall serve the licensee complained against with a copy of the complaint and a copy of the order of the commission, fixing the time for hearing thereon, which time shall be at least twenty days from the date of service. If the commission determines that the public good requires it, it may upon the filing of complaint and without hearing, temporarily suspend a license pending the determination by it of the complaint.

Sec. 335. That section 88-518, Revised Statutes Supplement, 1976, be amended to read as follows:

88-518. Any person, firm, cooperative, or corporation, other than a public grain warehouseman licensed as such in this state, who shall purchase grain from the owner thereof for the purpose of resale, or who shall purchase and transport grain or who shall transport grain into this state for resale, or who shall act as employee or agent of a seller or purchaser of grain, or both, or who shall represent a seller or purchaser for purposes of collective bargaining in the marketing of grain, shall first procure a license therefor from the Public Service Commission before transacting such business and shall be subject to such rules and regulations as may be reasonably and appropriately promulgated by the commission for its enforcement and administration of the provisions of this section. Such license shall expire on June 30 and shall be renewed annually. The fee for each such buyer shall be twenty-five dollars. In addition to such license fee each licensee shall pay a registration fee in an amount fixed by the commission, not to exceed fifteen dollars per annum, for each vehicle used by the licensee in transporting grain. The proceeds of such registration fee shall be placed in the state treasury and by the State Treasurer credited to the state General Fund. Each vehicle used by a licensee hereunder shall be equipped with a license plate or other identification in a manner and form prescribed by the commission. Such identification shall not be transferred from one vehicle to another except in case of destruction or disposition of the vehicle previously bearing such identification. All such transfers must first be approved by the commission. Before any such license shall be issued, the applicant therefor shall file with the commission a bond to the State of Nebraska, with a corporate surety, approved by the commission, in a penal sum of not less than five thousand dollars conditioned that the applicant will pay the purchase price of such grain upon demand of the owner or seller, and that he owns, free of liens, any grain which he offers for sale; Provided, that the aggregate liability of the surety to all such owners shall in no event exceed the sum of such bond. The provisions of this section shall not apply to anyone purchasing grain for his own use or consumption; but the word use or the word consumption, as used herein, shall not be construed to mean or include the sale of such grain in its natural or processed state at retail or wholesale. It shall be the duty of the supervisor or public warehouses, subject to the supervision of the Public Service Commission, employees of the Division of Motor Fuels of the Tax Commissioner, weighing station

employees of the Department of Roads, and other law enforcement agencies to enforce the provisions of this section. Any person violating the provisions of this section shall be guilty of a Class II misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment; and in addition shall be liable for any damages suffered by any person as a result of such violation. It shall be the duty of the Attorney General or any county attorney, upon request of the commission, to assist in the prosecution of any such violations.

Sec. 336. That section 88-522, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

88-522. All persons operating a public grain warehouse shall make all facilities including methods, books, records, accounts, scales, and other weighing equipment within their establishment available to the state supervisor of weighing or his agent at all times during regular business hours. Any person, firm, corporation, or association failing to comply with the provisions of sections 88-520 to 88-522 shall be guilty of a Class IV misdemeanor, and shall, upon conviction thereof, be fined not less than twenty-five nor more than two hundred dollars.

Sec. 337. That section 88-615, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

88-615. Any person who shall, in order to procure any warehouse certificate hereunder, make any statement of material fact knowing such statement to be false, shall be guilty of a Class II misdemeanor, and shall upon conviction thereof be punished by imprisonment in the county jail for not less than ten days nor more than six months, or by a fine of not less than twenty-five dollars nor more than two hundred dollars, or both such fine and imprisonment.

Sec. 338. That section 89-1,101, Revised Statutes Supplement, 1976, be amended to read as follows:

89-1,101. Any person who violates any provision of sections 89-183 to 89-1,103 for which a specific penalty has not been prescribed shall be guilty of a Class III misdemeanor, and upon a first conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by

~~imprisonment for not more than three months, or both. Upon a subsequent conviction thereof, he shall be guilty of a Class I misdemeanor, punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for up to one year, or both.~~

Sec. 339. That section 90-104, Revised Statutes Supplement, 1976, be amended to read as follows:

90-104. Any person, firm or corporation who shall violate any of the provisions of section 90-103, shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than five hundred dollars, or shall be imprisoned in the county jail not exceeding three months or both.~~

Sec. 340. This act shall become operative on July 1, 1978.

Sec. 341. That original sections 54-101.01, 54-107, 54-114, 54-116, 54-117, 54-119, 54-124, 54-128, 54-130, 54-133.03, 54-143.01, 54-143.02, 54-145.06, 54-156, 54-158, 54-302, 54-306, 54-415, 54-613, 54-709, 54-726.04, 54-750 to 54-752, 54-753.04, 54-753.05, 54-758, 54-760, 54-761, 54-906, 54-1011, 54-1171, 54-1181.01, 54-1203, 54-1337, 54-1343, 54-1345, 54-1408, 54-1411, 54-1509, 54-1521, 54-1605, 54-1711, 54-1808, 54-1913, 55-142, 55-165, 55-166, 55-175, 55-177, 55-428, 57-507, 57-516, 57-713, 57-915, 57-1106, 59-505, 59-705, 59-801, 59-802, 59-805, 59-815, 59-825, 59-1503, 60-116, 60-117, 60-331.02, 60-343, 60-344, 60-409.13, 60-414, 60-423, 60-430, 60-430.01, 60-430.07, 60-436, 60-506, 60-558 to 60-560, 60-1005, 60-1202, 60-1307 to 60-1309, 60-1407.02, 60-1411.04, 60-1418, 60-1612, 60-1707, 60-1808, 60-1908, 60-1911, 60-2106 to 60-2108, 60-2307, 62-304, 63-103, 66-102, 66-107, 66-312, 66-312.01, 66-316, 66-326, 66-410.02, 66-410.07, 66-419, 66-427, 66-431, 66-432, 66-443, 66-520.01, 66-524, 66-637, 68-314, 68-1017, 69-109, 69-208, 69-1005, 69-1007, 69-1008, 69-1102, 69-1215, 69-1324, 70-409, 70-508, 70-511, 70-514, 70-642.04, 71-166, 71-167, 71-1, 101, 71-1, 132.36, 71-1, 147.13, 71-1, 167, 71-220, 71-338, 71-502, 71-503, 71-506, 71-515, 71-613, 71-1006, 71-1103, 71-1114, 71-1118, 71-1343, 71-1613, 71-1631.01, 71-1805, 71-1905, 71-2028, 71-2511, 71-2718, 71-2916, 71-3107, 71-3213, 71-3517, 71-3715, 71-3822, 71-3829, 71-4719, 72-245, 72-313, 73-105, 74-204, 74-560, 74-584, 74-593, 74-607, 74-609.01, 74-706, 74-710, 74-806, 74-819, 74-906, 74-912, 74-914, 74-1001, 74-1012, 74-1124, 75-127, 75-151, 75-155, 75-322.01, 75-428, 75-429, 75-434, 75-610, 75-723, 76-247, 76-527, 77-408, 77-605, 77-607, 77-668, 77-1219, 77-1220, 77-1231.01, 77-1232,

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 88-518, 89-1,101, and 90-104, Revised Statutes
 Supplement, 1976, are repealed.