

## LEGISLATIVE BILL 1162

Approved by the Governor April 16, 2008

Introduced by Lautenbaugh, 18.

FOR AN ACT relating to the Game Law; to amend sections 37-448, 37-451, 37-458, 37-462, 37-463, 37-465, 37-478, 37-479, 37-483, 37-484, 37-497, 37-4,104, 37-4,105, 37-4,106, and 37-4,108, Reissue Revised Statutes of Nebraska, sections 37-415 and 37-438, Revised Statutes Cumulative Supplement, 2006, and section 37-426, Revised Statutes Supplement, 2007; to remove certain statutory minimum fees; and to repeal the original sections.

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

Section 1. Section 37-415, Revised Statutes Cumulative Supplement, 2006, is amended to read:

37-415 (1) The commission may issue to any Nebraska resident a lifetime fishing, hunting, or combination hunting and fishing permit upon application and payment of the appropriate fee. The fee for a resident lifetime hunting permit shall be ~~not less than one hundred twenty-five dollars~~ and not more than two hundred ninety-nine dollars, the fee for a resident lifetime fishing permit shall be ~~not less than one hundred seventy-five dollars~~ and not more than three hundred forty-five dollars plus the cost of a lifetime aquatic habitat stamp, and the fee for a resident lifetime combination hunting and fishing permit shall be ~~not less than two hundred seventy-five dollars~~ and not more than five hundred ninety-eight dollars plus the cost of a lifetime aquatic habitat stamp, as such fees are established by the commission pursuant to section 37-327. Payment of the fee shall be made in a lump sum at the time of application.

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

(3) The commission may issue to any nonresident a lifetime fishing, hunting, or combination hunting and fishing permit upon application and payment of the appropriate fee. The fee for a nonresident lifetime hunting permit shall be ~~not less than six hundred twenty-five dollars~~ and not more than twelve hundred fifty dollars, the fee for a nonresident lifetime fishing permit shall be ~~not less than four hundred fifty dollars~~ and not more than eight hundred fifty dollars plus the cost of a lifetime aquatic habitat stamp, and the fee for a nonresident lifetime combination hunting and fishing permit shall be ~~not less than nine hundred seventy-five dollars~~ and not more than two thousand dollars plus the cost of a lifetime aquatic habitat stamp, as such fees are established by the commission pursuant to section 37-327. Payment of the fee shall be made in a lump sum at the time of application.

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

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

Sec. 2. Section 37-426, Revised Statutes Supplement, 2007, is amended to read:

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

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

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

(c) No resident of Nebraska sixteen years of age or older and no nonresident of Nebraska regardless of age shall hunt, harvest, or possess any migratory waterfowl unless, at the time of such hunting, harvesting, or possessing, such person has an unexpired Nebraska migratory waterfowl stamp as

prescribed by the rules and regulations of the commission prior to the time of hunting, harvesting, or possessing such migratory waterfowl.

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

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

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

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

(5) Any person to whom a stamp has been issued shall, immediately upon request, exhibit evidence of issuance of the stamp to any officer. Any person hunting, fishing, harvesting, or possessing any game bird, upland game bird, game animal, or fur-bearing animal or any aquatic organism requiring a fishing permit in this state without evidence of issuance of the appropriate stamp shall be deemed to be without such stamp. A habitat stamp shall be issued upon the payment of a fee of ~~not less than thirteen dollars~~ and not more than sixteen dollars per stamp. An aquatic habitat stamp shall be issued in conjunction with each fishing permit for a fee of ~~not less than five dollars~~ and not more than seven dollars and fifty cents per stamp for annual fishing permits, three-day fishing permits, or combination hunting and fishing permits and a fee of ~~not less than seventy-five dollars~~ and not more than one hundred dollars for lifetime fishing or combination hunting and fishing permits. The fee established under section 37-407 for a one-day fishing permit shall include an aquatic habitat stamp. One dollar from the sale of each one-day fishing permit shall be remitted to the State Treasurer for credit to the Nebraska Aquatic Habitat Fund. A Nebraska migratory waterfowl stamp shall be issued upon the payment of a fee of ~~not less than five dollars~~ and not more than ten dollars per stamp. The commission shall establish the fees pursuant to section 37-327.

Sec. 3. Section 37-438, Revised Statutes Cumulative Supplement, 2006, is amended to read:

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

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

(3) A temporary permit may be purchased by any person and shall be valid until noon of the day following the date of issue. The fee for the temporary permit for a resident motor vehicle shall be, ~~until January 1, 2007,~~

~~not more than three dollars, and on and after January 1, 2007,~~ not more than four dollars. The fee for the temporary permit for a nonresident motor vehicle shall not be more than five dollars. The commission shall establish such fees by the adoption and promulgation of rules and regulations. The commission may issue temporary permits which are either valid for any area or valid for a single area.

Sec. 4. Section 37-448, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

37-451 The commission may issue permits for hunting mountain sheep and may establish separate and, when necessary, different regulations therefor within the limitations prescribed in subsection (1) of section 37-447 and section 37-452 for hunting deer. Such regulations shall include provisions allowing persons who find dead mountain sheep, or any part of a mountain sheep, to turn over to the commission such mountain sheep or part of a mountain sheep. The commission may dispose of such mountain sheep or part of a mountain sheep as it deems reasonable and prudent. Except as otherwise provided in this section, the permits shall be issued to residents of Nebraska. The commission shall, pursuant to section 37-327, establish and charge a nonrefundable application fee of ~~not less than twenty dollars~~ and not more than twenty-five dollars for permits issued only to residents. Any number of resident-only permits, as authorized by the commission, shall be awarded by random drawing to eligible applicants. No permit fee shall be charged in addition to the nonrefundable application fee. No more than one additional permit may be authorized and issued pursuant to an auction open to residents and nonresidents. The auction shall be conducted according to rules and regulations prescribed by the commission. Any money derived from the sale of permits by auction shall be used only for perpetuation and management of mountain sheep, elk, and deer. If the commission determines to limit the number of permits issued for any or all management units, the commission shall by rule and regulation determine eligibility requirements for the permits. A person may obtain only one mountain sheep permit in his or her lifetime.

Sec. 6. Section 37-458, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(3) The commission shall adopt and promulgate necessary rules and regulations to carry out this section and may designate areas in which the coyote population may present a threat or cause substantial damage to

livestock and restrict the issuance of permits only to such areas. The commission, officers and agents of the commission, and any other peace officer of this state shall have the authority to enforce this section and section 37-509.

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

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

(2) Original application for a taxidermist permit shall be made to the commission upon such form and containing such information as may be prescribed by the commission. The application shall include the address of the premises where taxidermist services will be provided and a statement of the applicant's qualifications and experience as a taxidermist. Requests for renewals of existing permits shall be made by letter to the commission not later than thirty days preceding the expiration date of the permit.

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

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

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

Sec. 8. Section 37-463, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(3) It shall be unlawful for any fur buyer to have raw furs in his, her, or its possession unless the record gives positive evidence of the origin

of such furs and unless such record balances at all times. Such record shall be open to inspection by conservation officers at any and all times and shall be made available to such officers upon demand.

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

Sec. 9. Section 37-465, Reissue Revised Statutes of Nebraska, is amended to read:

37-465 An application for an aquaculture permit to operate an aquaculture facility shall be made to the commission on a form prescribed by the commission. The application shall include (1) the name, social security number if the applicant is an individual, residence, and place of business of the applicant, (2) the exact description of the land upon which the facility is to be located and the nature of the applicant's title to the land, whether in fee or under lease, and (3) the kind and approximate number of aquatic organisms authorized to be kept or reared in the facility. The annual fee for an aquaculture permit shall be ~~not less than sixty-five dollars~~ and not more than seventy-five dollars, as established by the commission pursuant to section 37-327. The permit shall expire at midnight on December 31 in the year for which the permit is issued.

Sec. 10. Section 37-478, Reissue Revised Statutes of Nebraska, is amended to read:

37-478 (1) To conduct an auction in this state of captive wild birds, captive wild mammals, or captive wildlife as specified in subsection (1) of section 37-477, a person shall apply to the commission on a form prescribed by the commission for a captive wildlife auction permit. An applicant for a permit shall specify the dates of the auction and shall apply for a permit for each auction to be held in the state. The application for the permit shall include the applicant's social security number. The fee for such permit shall be ~~not less than fifty dollars~~ and not more than sixty-five dollars, as established by the commission pursuant to section 37-327. The commission shall adopt and promulgate rules and regulations specifying application requirements and procedures, reporting and inspection requirements, and other requirements related to auction activities.

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

Sec. 11. Section 37-479, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

Sec. 12. Section 37-483, Reissue Revised Statutes of Nebraska, is amended to read:

37-483 The construction, operation, and maintenance of a facility commonly known as a recall pen, also known as a recapture pen, which is used for the recapture of marked game birds originating from the holder of a captive wildlife permit in conjunction with dog training or dog trial activities shall be legal if the person owning or controlling such recall pen, prior to the operation thereof, pays an annual fee of ~~not less than thirteen dollars~~ and not more than fifteen dollars, as established by the commission pursuant to section 37-327, for each recall pen under his or her ownership or

control. The commission shall adopt and promulgate rules and regulations for the issuance of permits for recall pens and for the possession and use of recall pens. Nothing in this section shall authorize the use of recall pens for the trapping of other wild birds.

Sec. 13. Section 37-484, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 14. Section 37-497, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) The commission may issue falconry licenses to permit the taking and possession of raptors for the purpose of practicing falconry. No such license may be issued to an applicant unless he or she is a resident of the state, has paid the fees required in this subsection, and has passed a written and oral examination concerning raptors given by the commission or an authorized representative of the commission. The commission shall charge a fee for each license of ~~not less than fourteen dollars~~ and not more than seventeen dollars for persons fourteen to seventeen years of age and ~~not less than forty dollars~~ and not more than forty-six dollars for persons eighteen years of age and older, as established by the commission pursuant to section 37-327. If the applicant fails to pass either examination or both of them, he or she shall not be entitled to reapply for a falconry license for a period of six months after the date of the examination. A person less than fourteen years of age shall not be issued a falconry license, and a person from fourteen to seventeen years of age may be issued such a license only if he or she is sponsored by an adult person who has a valid falconry license. All falconry licenses shall be nontransferable and shall expire three years after the date of issuance. If the commission is satisfied as to the competency and fitness of an applicant whose license has expired, a license may be renewed without requiring further examination under such terms and conditions as are established by the commission. Species of raptors which may be taken, captured, or held in possession shall include only those species authorized by the commission. The number of each species of raptors which may be taken, captured, or held in possession shall be subject to regulation by the commission.

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

Sec. 15. Section 37-4,104, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) The commission shall, pursuant to section 37-327, establish and collect fees from residents and nonresidents for all commercial fishing

permits as follows:

(a) ~~Not less than eighty-five dollars and not more than ninety-eight dollars for residents and not less than one hundred seventy dollars and not more than one hundred ninety-five dollars and fifty cents for nonresidents for each commercial fishing permit permitting the legal use of five hundred lineal feet of seine or fraction thereof, and five hundred lineal feet of trammel net or fraction thereof, and ten hoop nets without wings, and permitting the use of one helper if the helper is in the same boat as the person holding the permit;~~

(b) ~~Not less than twenty-five dollars and not more than twenty-nine dollars for residents and not less than fifty dollars and not more than sixty dollars for nonresidents for each additional five hundred lineal feet of seine or trammel net or fraction thereof; and~~

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

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

Sec. 16. Section 37-4,105, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

Sec. 17. Section 37-4,106, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 18. Section 37-4,108, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

Sec. 19. Original sections 37-448, 37-451, 37-458, 37-462, 37-463, 37-465, 37-478, 37-479, 37-483, 37-484, 37-497, 37-4,104, 37-4,105, 37-4,106, and 37-4,108, Reissue Revised Statutes of Nebraska, sections 37-415 and 37-438, Revised Statutes Cumulative Supplement, 2006, and section 37-426, Revised Statutes Supplement, 2007, are repealed.