

LEGISLATURE OF NEBRASKA  
 ONE HUNDRED SECOND LEGISLATURE  
 FIRST SESSION  
**LEGISLATIVE BILL 41**

Final Reading

Introduced by Hadley, 37.

Read first time January 06, 2011

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Game Law; to amend sections 37-238,  
 2 37-405, 37-420, 37-421, 37-421.01, 37-427, 37-461,  
 3 37-464, 37-483, 37-484, 37-485, 37-487, 37-488, 37-489,  
 4 37-490, 37-492, 37-497, 37-498, 37-4,103, 37-503, 37-512,  
 5 37-615, and 37-618, Reissue Revised Statutes of Nebraska,  
 6 and sections 37-327, 37-407, 37-411, 37-426, 37-431, and  
 7 37-450, Revised Statutes Cumulative Supplement, 2010; to  
 8 change and eliminate provisions relating to fees,  
 9 falconry, beaver and muskrat damage, controlled shooting  
 10 areas, and possession of game; to change and eliminate  
 11 provisions relating to licenses, permits, and stamps  
 12 issued under the Game Law; to harmonize provisions; to  
 13 repeal the original sections; and to outright repeal  
 14 sections 37-460, 37-499, 37-4,100, 37-4,101, 37-4,102,  
 15 and 37-562, Reissue Revised Statutes of Nebraska.  
 16 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 37-238, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           37-238 Raptor means any bird of the Accipitriformes,  
4 Falconiformes, or Strigiformes, ~~except the golden and bald eagles.~~  
5 including, but not limited to, caracaras, eagles, falcons, harriers,  
6 hawks, kites, osprey, owls, and vultures.

7           Sec. 2. Section 37-327, Revised Statutes Cumulative  
8 Supplement, 2010, is amended to read:

9           37-327 (1) The commission shall establish fees for  
10 licenses, permits, stamps, bands, registrations, and certificates  
11 issued under the Game Law and the State Boat Act ~~and shall establish~~  
12 ~~the fee required by section 37-562 as provided in such law, act, and~~  
13 ~~section. the Game Law and State Boat Act.~~ The commission shall not  
14 increase any fee more than six percent per year, except that if a fee  
15 has not been increased by such percentage in the immediately  
16 preceding year, the difference between a six percent increase and the  
17 actual percentage increase in such preceding year may be added to the  
18 percentage increase in the following year. Such fees shall be  
19 collected and disposed of as provided in ~~such law, act, and section.~~  
20 the Game Law and State Boat Act. The commission shall, as provided in  
21 ~~such law, act, and section, the Game Law and State Boat Act,~~  
22 establish issuance fees to be retained by authorized agents of  
23 issuing such licenses, permits, stamps, bands, registrations, and  
24 certificates. ~~under such law, act, and section.~~ The commission shall  
25 establish such fees by the adoption and promulgation of rules and

1 regulations.

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

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

9 (b) Monthly estimates of cash fund revenue, expenditures,  
10 and ending balances for the current fiscal year and the following two  
11 fiscal years for the fund in which the revenue from the fee being  
12 established is deposited. Estimates shall be prepared for both the  
13 current fee schedule and the proposed fee schedule; and

14 (c) A statement of the reasons for establishing the fee  
15 at the proposed level.

16 (3) The commission may adopt and promulgate rules and  
17 regulations to establish fees for expired licenses, permits, stamps,  
18 bands, registrations, and certificates issued under the Game Law and  
19 the State Boat Act. The commission shall collect the fees and remit  
20 them to the State Treasurer for credit to the State Game Fund.

21 Sec. 3. Section 37-405, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 37-405 (1) The commission shall provide for the issuance  
24 of permits to hunt, fish, or harvest fur. Application for such  
25 permits shall be made to the commission or its agents and shall

1 contain such information as may be prescribed by the commission. All  
2 applications for permits to harvest fur shall include the applicant's  
3 social security number. A permit shall authorize the person to whom  
4 it is issued to hunt, fish, or harvest fur-bearing animals as  
5 provided by the Game Law during the period for which the permit is  
6 issued.

7 (2) If the holder of a hunting permit is a hunter of  
8 migratory game birds, he or she shall be required to declare himself  
9 or herself as such and provide information regarding his or her  
10 migratory game bird hunting activity to the commission. Documentation  
11 of such a declaration shall be made on the hunting permit or a  
12 separate document which shall become a part of the permit. Costs to  
13 the commission of implementing such declaration and documentation and  
14 for participation in a federal program designed to obtain survey  
15 information on migratory bird hunting activity shall be funded from  
16 the State Game Fund. For purposes of this subsection, migratory bird  
17 has the definition found in 50 C.F.R. part 10, subpart B, section  
18 10.12, and migratory game bird has the definition found in 50 C.F.R.  
19 part 20, subpart B, section 20.11(a).

20 ~~(3)~~ (3)(a) All permits shall expire at midnight on  
21 December 31 in the year for which the permit is issued, except as  
22 otherwise provided in subdivision (b) of this subsection and sections  
23 37-415, 37-420, and 37-421.

24 (b) The commission may issue multiple-year permits to  
25 hunt, fish, or harvest fur. The permits shall expire at midnight on

1 December 31 in the last year for which the permit is valid.

2 (c) A multiple-year permit issued to a resident of  
3 Nebraska shall not be made invalid by reason of the holder  
4 subsequently residing outside of Nebraska.

5 (4) A person who is hunting, fur harvesting, or fishing  
6 shall present evidence of having a permit immediately upon demand to  
7 any officer or person whose duty it is to enforce the Game Law. Any  
8 person hunting, fishing, or fur harvesting in this state without such  
9 evidence shall be deemed to be without such permit.

10 (5) The commission shall adopt and promulgate rules and  
11 regulations necessary to carry out this section.

12 Sec. 4. Section 37-407, Revised Statutes Cumulative  
13 Supplement, 2010, is amended to read:

14 37-407 (1) The commission may offer multiple-year permits  
15 or combinations of permits at reduced rates and may establish fees  
16 pursuant to section 37-327 to be paid to the state for resident and  
17 nonresident annual hunting permits, annual fishing permits, three-day  
18 fishing permits, one-day fishing permits, combination hunting and  
19 fishing permits, fur-harvesting permits, and nonresident ~~special two-~~  
20 day hunting permits issued for periods of two consecutive days, as  
21 provided in this section. ~~between the Wednesday immediately preceding~~  
22 ~~Thanksgiving Day and December 31 of the same calendar year and~~  
23 ~~limited to one special two day permit per applicant per year, as~~  
24 ~~follows:~~

25 (2) The fee for a multiple-year permit shall be

1 established by the commission pursuant to section 37-327 and shall  
2 not be more than the number of years the permit will be valid times  
3 the fee required for an annual permit as provided in subsection (3)  
4 or (4) of this section. Payment for a multiple-year permit shall be  
5 made in a lump sum at the time of application. A replacement  
6 multiple-year permit may be issued under section 37-409 if the  
7 original is lost or destroyed.

8           ~~(1)-(3)~~ Resident fees shall be (a) not more than thirteen  
9 dollars for an annual hunting permit, (b) not more than seventeen  
10 dollars and fifty cents for an annual fishing permit, (c) not more  
11 than eleven dollars and fifty cents for a three-day fishing permit,  
12 (d) not more than eight dollars for a one-day fishing permit, (e) not  
13 more than twenty-nine dollars for ~~both~~an annual fishing and hunting  
14 permit, and (f) not more than twenty dollars for an annual fur  
15 harvesting permit. ~~;~~ ~~and~~

16           ~~(2)-(4)~~ Nonresident fees shall be (a) not more than two  
17 hundred sixty dollars for a period of time specified by the  
18 commission for fur harvesting one thousand or less fur-bearing  
19 animals and not more than seventeen dollars and fifty cents  
20 additional for each one hundred or part of one hundred fur-bearing  
21 animals harvested, (b)(i) for persons sixteen years of age and older,  
22 not more than eighty dollars for an annual hunting permit and (ii)  
23 for persons under sixteen years of age, not less than the fee  
24 required pursuant to subdivision ~~(1)(a)-(3)(a)~~ of this section for an  
25 annual hunting permit, (c) not more than ~~thirty-five~~fifty-five

1 dollars for a ~~special~~ two-day hunting permit plus the cost of a  
2 habitat stamp, (d) not more than nine dollars for a one-day fishing  
3 permit, (e) not more than sixteen dollars and fifty cents for a  
4 three-day fishing permit, (f) not more than forty-nine dollars and  
5 fifty cents for an annual fishing permit, and (g)(i) for persons  
6 sixteen years of age and older, not more than one hundred fifty  
7 dollars for ~~both an annual fishing and hunting permit~~ and (ii) for  
8 persons under sixteen years of age, not less than the fee required  
9 pursuant to subdivision ~~(1)(e)~~ (3)(e) of this section for ~~both an~~  
10 annual fishing and hunting permit.

11 Sec. 5. Section 37-411, Revised Statutes Cumulative  
12 Supplement, 2010, is amended to read:

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

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

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

25 (c) For any person who is sixteen years of age or older

1 to hunt or possess any migratory waterfowl without a federal  
2 migratory bird hunting stamp and a Nebraska migratory waterfowl stamp  
3 as required under the Game Law and rules and regulations of the  
4 commission; or

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

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

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

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

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



1           (6) Except as provided in this section and sections  
2 37-407 and 37-418, it shall be unlawful for any nonresident to trap  
3 or attempt to trap or to harvest fur or attempt to harvest fur from  
4 any wild mammal.

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

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

20           Sec. 6. Section 37-420, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           37-420 (1) Any veteran who is a legal resident of the  
23 State of Nebraska ~~and who was discharged or separated with a~~  
24 ~~characterization of honorable or general (under honorable conditions)~~  
25 ~~shall be exempt from the payment of any fees provided by the laws of~~

1 ~~the State of Nebraska and established by the commission pursuant to~~  
2 ~~section 37-327 for the privilege of fishing or hunting in Nebraska~~  
3 shall, upon application and without payment of any fee, be issued a  
4 combination fishing and hunting permit, habitat stamp, aquatic  
5 habitat stamp, and Nebraska migratory waterfowl stamp if the veteran:

6 (a) Was discharged or separated with a characterization  
7 of honorable or general (under honorable conditions); and

8 ~~(a)-(b)(i)~~ Is rated by the United States Department of  
9 Veterans Affairs as fifty percent or more disabled as a result of  
10 service in the armed forces of the United States; or

11 ~~(b)-(ii)~~ Is receiving a pension from the department as a  
12 result of total and permanent disability, which disability was not  
13 incurred in the line of duty in the military service.

14 ~~(2) The exemption described in subsection (1) of this~~  
15 ~~section shall not extend to the privilege of commercial fishing,~~  
16 ~~trapping of fur-bearing animals, or hunting for deer, antelope, wild~~  
17 ~~turkey, or any other species of fish and game on which the open~~  
18 ~~season is limited to a restricted number of permits or to special~~  
19 ~~permits for a restricted area or game management unit.~~

20 ~~(3)-(2)~~ If disabled persons are unable by reason of  
21 physical infirmities to hunt and fish in the normal manner, the  
22 commission may issue special permits without cost to those persons to  
23 hunt and fish from a vehicle, but such permits shall not authorize  
24 any person to shoot from any public highway.

25 ~~(4)-(3)~~ All permits issued without the payment of any

1 fees pursuant to this section shall be perpetual and become void only  
2 upon termination of eligibility as provided in this section.

3 ~~(5)-(4)~~ The commission may adopt and promulgate rules and  
4 regulations necessary to carry out this section.

5 ~~(6)-(5)~~ Permits issued under subdivision (3) of this  
6 section as it existed prior to January 1, 2006, shall not expire as  
7 provided in section 37-421.

8 Sec. 7. Section 37-421, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 37-421 (1) The commission may issue an annual combination  
11 fishing and hunting permit, habitat stamp, aquatic habitat stamp, and  
12 Nebraska migratory waterfowl stamp upon application and payment of a  
13 fee of five dollars to (a) any Nebraska resident who is a veteran,  
14 who is sixty-four years of age or older, and who was discharged or  
15 separated with a characterization of honorable or general (under  
16 honorable conditions) or (b) any Nebraska resident who is sixty-nine  
17 years of age or older. ~~A person who is issued a permit under this~~  
18 ~~section shall be exempt from the payment of any additional fees~~  
19 ~~provided by the laws of the State of Nebraska and established by the~~  
20 ~~commission pursuant to section 37-327 for the privilege of fishing or~~  
21 ~~hunting in Nebraska, except that such exemption shall not extend to~~  
22 ~~the privilege of commercial fishing, trapping of fur-bearing animals,~~  
23 ~~or hunting for deer, antelope, wild turkey, or any other species of~~  
24 ~~fish and game on which the open season is limited to a restricted~~  
25 ~~number of permits or to special permits for a restricted area or game~~

1 ~~management unit.~~

2 (2) A permit issued as provided in this section shall  
3 expire as provided in subdivision (3)(a) of section 37-405. Permits  
4 issued under this section as it existed before January 1, 2006, shall  
5 not expire as provided in section 37-405.

6 (3) If disabled persons are unable by reason of physical  
7 infirmities to hunt and fish in the normal manner, the commission may  
8 issue special permits without cost to those persons to hunt and fish  
9 from a vehicle, but such permits shall not authorize any person to  
10 shoot from any public highway.

11 (4) The commission may adopt and promulgate rules and  
12 regulations necessary to carry out this section.

13 Sec. 8. Section 37-421.01, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 37-421.01 (1) Notwithstanding any provision of section  
16 37-407 to the contrary, a Nebraska resident who ~~purchased a hunting,~~  
17 ~~fishing, or combination hunting and fishing permit and who was is~~  
18 deployed out of state with a branch of the United States military or  
19 has been so deployed within the last twelve months at the time of  
20 application shall be entitled to receive a discounted permit an  
21 annual combination fishing and hunting permit, habitat stamp, aquatic  
22 habitat stamp, and Nebraska migratory waterfowl stamp on a one-time  
23 basis upon returning to the state if the resident:

24 (a) Submits an application to the commission with a fee  
25 of five dollars; and

1           ~~(a)-(b)~~ Provides to the commission ~~satisfactory proof of~~  
2 ~~purchase of the original permit and evidence of the resident's~~  
3 ~~deployment out of state, during the period of the original permit;~~  
4 ~~and~~

5           ~~(b)~~ Was deployed out of state for more than one half of  
6 ~~the period of the original permit.~~

7           (2)(a) Notwithstanding any provision of section 37-447,  
8 37-449, 37-450, 37-451, or 37-457 to the contrary, a Nebraska  
9 resident who purchased a big game permit and who was deployed out of  
10 state with a branch of the United States military for the entire  
11 season of the hunt and who was unable to use the permit shall be  
12 entitled to receive a discounted permit on a one-time basis upon  
13 returning to the state if the resident provides to the commission  
14 ~~satisfactory proof of purchase of the original permit and evidence of~~  
15 ~~the resident's deployment.~~ Alternatively, the member of the military  
16 may request a refund of the amount paid for a big game permit and the  
17 commission shall pay such amount.

18           (b) For purposes of this subsection, big game means  
19 antelope, deer, elk, mountain sheep, and wild turkeys.

20           ~~(3)-(c)~~ The commission shall establish a fee of five  
21 dollars for the discounted permits authorized in this ~~section.~~  
22 subsection.

23           (3) The commission may authorize electronic issuance of  
24 the discounted permits authorized under this section.

25           (4) The commission may adopt and promulgate rules and

1 regulations that set forth the procedures for applying for, and the  
2 issuance of, the discounted permits authorized in this section,  
3 including what constitutes evidence of deployment to qualify for the  
4 permits.

5           Sec. 9. Section 37-426, Revised Statutes Cumulative  
6 Supplement, 2010, is amended to read:

7           37-426 (1) Except as provided in subsection (4) of this  
8 section:

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

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

24           (c) No resident of Nebraska sixteen years of age or older  
25 and no nonresident of Nebraska regardless of age shall hunt, harvest,

1 or possess any migratory waterfowl unless, at the time of such  
2 hunting, harvesting, or possessing, such person has an unexpired  
3 Nebraska migratory waterfowl stamp as prescribed by the rules and  
4 regulations of the commission prior to the time of hunting,  
5 harvesting, or possessing such migratory waterfowl.

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

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

24 ~~(3)~~ (c) The commission may issue a lifetime aquatic  
25 habitat stamp upon application and payment of the appropriate fee.

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

9 (3)(a) The commission may issue a multiple-year habitat  
10 stamp upon application and payment of the appropriate fee. The fee  
11 for a multiple-year habitat stamp shall be established by the  
12 commission pursuant to section 37-327 and shall not be more than the  
13 number of years the stamp is valid times the fee required in  
14 subsection (5) of this section for an annual habitat stamp. Payment  
15 of such fee shall be made in a lump sum at the time of application. A  
16 replacement multiple-year habitat stamp may be issued if the original  
17 is lost or destroyed.

18 (b) The commission may issue a multiple-year Nebraska  
19 migratory waterfowl stamp upon application and payment of the  
20 appropriate fee. The fee for a multiple-year Nebraska migratory  
21 waterfowl stamp shall be established by the commission pursuant to  
22 section 37-327 and shall not be more than the number of years the  
23 stamp is valid times the fee required in subsection (5) of this  
24 section for an annual Nebraska migratory waterfowl stamp. Payment of  
25 such fee shall be made in a lump sum at the time of application. A



1 replacement Nebraska multiple-year migratory waterfowl stamp may be  
2 issued if the original is lost or destroyed.

3 (c) The commission may issue a multiple-year aquatic  
4 habitat stamp upon application and payment of the appropriate fee.  
5 The fee for a multiple-year aquatic habitat stamp shall be  
6 established by the commission pursuant to section 37-327 and shall  
7 not be more than the number of years the stamp is valid times the fee  
8 required in subsection (5) of this section for an annual aquatic  
9 habitat stamp. Payment of such fee shall be made in a lump sum at the  
10 time of application. A replacement multiple-year aquatic habitat  
11 stamp may be issued if the original is lost or destroyed.

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

23 ~~(5)~~ (5)(a) Any person to whom a stamp has been issued  
24 shall, immediately upon request, exhibit evidence of issuance of the  
25 stamp to any officer. Any person hunting, fishing, harvesting, or

1 possessing any game bird, upland game bird, game animal, or fur-  
2 bearing animal or any aquatic organism requiring a fishing permit in  
3 this state without evidence of issuance of the appropriate stamp  
4 shall be deemed to be without such stamp.

5 (b) An annual A-habitat stamp shall be issued upon the  
6 payment of a fee of twenty dollars per stamp. A multiple-year habitat  
7 stamp shall be issued in conjunction with a multiple-year hunting  
8 permit or a multiple-year combination hunting and fishing permit at a  
9 fee of not more than twenty dollars times the number of years the  
10 multiple-year permit is valid.

11 (c) An aquatic habitat stamp shall be issued in  
12 conjunction with each fishing permit for a fee of ten dollars per  
13 stamp for annual fishing permits, three-day fishing permits, or  
14 combination hunting and fishing permits, a fee of not more than ten  
15 dollars times the number of years the multiple-year fishing permit or  
16 a multiple-year combination hunting and fishing permit is valid, and  
17 a fee of not more than two hundred dollars for lifetime fishing or  
18 combination hunting and fishing permits. The fee established under  
19 section 37-407 for a one-day fishing permit shall include an aquatic  
20 habitat stamp. One dollar from the sale of each one-day fishing  
21 permit shall be remitted to the State Treasurer for credit to the  
22 Nebraska Aquatic Habitat Fund.

23 (d) An annual A-Nebraska migratory waterfowl stamp shall  
24 be issued upon the payment of a fee of not more than sixteen dollars  
25 per stamp. A multiple-year Nebraska migratory waterfowl stamp may

1 only be issued in conjunction with a multiple-year hunting permit or  
2 a multiple-year combination hunting and fishing permit at a fee of  
3 not more than twenty dollars times the number of years the multiple-  
4 year permit is valid.

5 (e) The commission shall establish the fees pursuant to  
6 section 37-327.

7 Sec. 10. Section 37-427, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 37-427 The habitat stamp, aquatic habitat stamp, or  
10 Nebraska migratory waterfowl stamp required by section 37-426 is not  
11 transferable. ~~The and, except for the~~ lifetime habitat stamp, the  
12 lifetime aquatic habitat stamp, and the lifetime Nebraska migratory  
13 waterfowl stamp, and a do not expire. A multiple-year stamp expires  
14 at midnight on December 31 in the last year for which the multiple-  
15 year stamp is valid. A habitat stamp purchased for a permit which is  
16 valid into the next calendar year, expires when the permit expires.  
17 Any other stamp expires at midnight on December 31 in the year for  
18 which the stamp is issued.

19 Sec. 11. Section 37-431, Revised Statutes Cumulative  
20 Supplement, 2010, is amended to read:

21 37-431 (1)(a) The Nebraska Habitat Fund is created. The  
22 commission shall remit fees received for annual and multiple-year  
23 habitat stamps and annual and multiple-year Nebraska migratory  
24 waterfowl stamps to the State Treasurer for credit to the Nebraska  
25 Habitat Fund. Any money in the fund available for investment shall be

1 invested by the state investment officer pursuant to the Nebraska  
2 Capital Expansion Act and the Nebraska State Funds Investment Act. Up  
3 to twenty-five percent of the annual receipts of the fund may be  
4 spent by the commission to provide access to private wildlife lands  
5 and habitat areas, and the remainder of the fund shall not be spent  
6 until the commission has presented a habitat plan to the Committee on  
7 Appropriations of the Legislature for its approval.

8 (b) Fees received for lifetime habitat stamps and  
9 lifetime Nebraska migratory waterfowl stamps under the Game Law shall  
10 be credited to the Nebraska Habitat Fund. Twenty-five percent of the  
11 fees for such stamps shall not be expended but may be invested by the  
12 state investment officer pursuant to the Nebraska Capital Expansion  
13 Act and the Nebraska State Funds Investment Act. Income from such  
14 investments may be expended by the commission pursuant to section  
15 37-432.

16 (2)(a) The Nebraska Aquatic Habitat Fund is created. The  
17 commission shall remit fees received for annual and multiple-year  
18 aquatic habitat stamps and one dollar of the one-day fishing permit  
19 fee as provided in section 37-426 to the State Treasurer for credit  
20 to the Nebraska Aquatic Habitat Fund. Any money in the fund available  
21 for investment shall be invested by the state investment officer  
22 pursuant to the Nebraska Capital Expansion Act and the Nebraska State  
23 Funds Investment Act. Up to thirty percent of the annual receipts of  
24 the fund may be spent by the commission to provide public waters  
25 angler access enhancements and to provide funding for the

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

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

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

25 Sec. 12. Section 37-450, Revised Statutes Cumulative

1 Supplement, 2010, is amended to read:

2 37-450 (1) The commission may issue permits for hunting  
3 elk and may adopt and promulgate separate and, when necessary,  
4 different rules and regulations therefor within the limitations  
5 prescribed in sections 37-447 and 37-452 for hunting deer.

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

13 (3) A person may obtain only one antlered-elk permit in  
14 his or her lifetime except for a limited permit to hunt elk pursuant  
15 to section 37-455 and an auction or lottery permit pursuant to  
16 section 37-455.01.

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

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

25 Sec. 13. Section 37-461, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           37-461 If any dam, canal, drainage ditch, irrigation  
3 ditch, private fish pond, aquaculture facility, artificial waterway,  
4 railroad embankment, or other property is being damaged or destroyed  
5 by muskrats or beavers, the commission may issue a permit to the  
6 ~~owner or owners of such dam, canal, ditch, pond, facility, waterway,~~  
7 ~~embankment, or other property person who owns or controls the~~  
8 ~~property allowing the person or his or her designee to take or~~  
9 ~~destroy such muskrats or beavers. The muskrats, beavers, or parts~~  
10 ~~thereof taken under the authority of such permit shall not be sold or~~  
11 ~~used unless the permitholder also possesses a fur-harvesting permit~~  
12 ~~that is current or valid at the time of the sale or use. The , and~~  
13 ~~the commission may make and enforce rules adopt and promulgate rules~~  
14 ~~and regulations in connection with the issuance of such permits. as~~  
15 ~~are necessary to prevent the illegal destruction of muskrats by any~~  
16 ~~holder of such a permit. Any person violating this section shall be~~  
17 guilty of a Class III misdemeanor and shall be fined at least fifty  
18 dollars.

19           Sec. 14. Section 37-464, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           37-464 Except as otherwise provided in the Game Law, it  
22 shall be unlawful for any person, other than a person holding a fur-  
23 harvesting permit, a captive wildlife permit, a fur buyer's permit,  
24 or a permit issued pursuant to section ~~37-460, 37-461,~~ with regard to  
25 ~~pelts of beaver or muskrat taken pursuant to such permits, permit,~~

1 and officers and employees of the commission, to possess the raw fur,  
2 ~~or pelt, or carcass~~ of any fur-bearing animal protected by the Game  
3 Law. ~~at any time other than during the open season for such fur-~~  
4 ~~bearing animal and ten days immediately thereafter. Any person who by~~  
5 ~~trapping or other lawful means has become the owner of the raw furs~~  
6 ~~or pelts of such fur-bearing animals during the open season thereon~~  
7 ~~and who during the ten days immediately after the close of such open~~  
8 ~~season has been unable to obtain a satisfactory price for such furs~~  
9 ~~or otherwise has been prevented from lawfully disposing of the same~~  
10 ~~may, during such ten-day period, obtain from the commission a permit~~  
11 ~~to retain possession of such furs for such further period of time as~~  
12 ~~the commission may by rule and regulation designate. All applications~~  
13 ~~for such permits shall be verified under oath, state the number and~~  
14 ~~kind of untanned pelts on hand which it is desired to carry over, be~~  
15 ~~filed with the commission before the expiration of such ten-day~~  
16 ~~period, and be accompanied by the certificate of an employee of the~~  
17 ~~commission or the county sheriff that the applicant, to the personal~~  
18 ~~knowledge of such employee or sheriff, then has on hand the number~~  
19 ~~and kinds of furs for which the permit is applied for. Any person~~  
20 ~~knowingly making or assisting in making a false certificate in~~  
21 ~~connection with such an application shall be guilty of a Class V~~  
22 ~~misdemeanor.~~

23           Sec. 15. Section 37-483, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           37-483 The construction, operation, and maintenance of a



1 facility commonly known as a recall pen, also known as a recapture  
2 pen, which is used for the recapture of marked game birds originating  
3 from the holder of a captive wildlife permit in conjunction with dog  
4 training or dog trial activities shall be legal if the person owning  
5 or controlling such recall pen, prior to the operation thereof, ~~pays~~  
6 ~~an annual fee of not more than fifteen dollars, as established by the~~  
7 ~~commission pursuant to section 37-327, for each recall pen under his~~  
8 ~~or her ownership or control.~~ holds a captive wildlife permit and  
9 complies with section 37-479. The commission shall adopt and  
10 promulgate rules and regulations for the issuance of permits for  
11 recall pens and for the possession and use of recall pens. Nothing in  
12 this section shall authorize the use of recall pens for the trapping  
13 of other wild birds.

14           Sec. 16. Section 37-484, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           37-484 Any person or persons owning, holding, or  
17 controlling by lease or otherwise, which possession must be for a  
18 term of five or more years, any ~~contiguous~~ tract or tracts of land  
19 having an area of not less than ~~one hundred twenty~~ eighty acres and  
20 not more than ~~one thousand two hundred eighty~~ two thousand five  
21 hundred sixty acres who desires to establish a game breeding and  
22 controlled shooting area to propagate, preserve, and shoot game birds  
23 under the regulations as provided in sections 37-484 to 37-496 shall  
24 make application to the commission for a license as provided by such  
25 sections. Such application shall be made under oath of the applicant

1 or one of its principal officers if the applicant is an association,  
2 club, or corporation and shall be accompanied by a license fee of not  
3 more than one hundred forty-nine dollars and fifty cents, as  
4 established by the commission pursuant to section 37-327. Any  
5 controlled shooting area existing on February 18, 1987, shall  
6 continue in operation on the existing acreage until such controlled  
7 shooting area license is not renewed or canceled. If the applicant is  
8 an individual, the application shall include the applicant's social  
9 security number.

10 Sec. 17. Section 37-485, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 37-485 Upon receipt of the application, the commission  
13 shall inspect the area proposed to be licensed described in such  
14 application and its premises and facilities. The commission shall  
15 also inspect the area where game birds are to be propagated, reared,  
16 and liberated and the cover for game birds on such area. The  
17 commission shall also ascertain the ability of the applicant to  
18 operate a property of this character. If the commission finds (1)  
19 that the area is of the size specified in section 37-484, (2) that  
20 the area is ~~contiguous,~~ comprised of one or more tracts and each  
21 tract is a distance of no more than two miles from at least one other  
22 tract in the proposed area, (3) that the area has the proper  
23 requirements for the operation of such a property, (4) that the game  
24 birds propagated or released thereon are not likely to be diseased  
25 and a menace to other game, (5) that the operation of such property

1 will not work a fraud upon persons who may be permitted to hunt  
2 thereon, and (6) that the issuing of the license will otherwise be in  
3 the public interest, the commission shall approve such application  
4 and issue a game breeding and controlled shooting area license for  
5 the operation of such a property on the tract described in such  
6 application with the rights and subject to the limitations prescribed  
7 in sections 37-484 to 37-496.

8           Sec. 18. Section 37-487, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           37-487 Upon receipt of ~~the~~a license under sections  
11 37-484 to 37-496, the licensee shall promptly post such licensed  
12 areas ~~at intervals of not more than five hundred feet with signs to~~  
13 ~~be~~according to the requirements prescribed by the commission. ~~The~~  
14 ~~boundaries of such licensed game breeding and controlled shooting~~  
15 ~~areas shall also be clearly defined by natural boundaries, artificial~~  
16 ~~boundaries, or by signs.~~

17           Sec. 19. Section 37-488, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19           37-488 ~~(1)~~The licensee of any licensed game breeding and  
20 controlled shooting area may take or authorize to be taken, within  
21 the season fixed and designated and in such numbers as provided in  
22 sections 37-484 to 37-496, game birds as specified in rules and  
23 regulations of the commission and released on licensed areas during  
24 the shooting season as provided in such sections. The commission  
25 shall prescribe requirements, in rules and regulations, for the

1 marking and transport of the game birds released.

2 ~~(2) All game birds that are released for shooting~~  
3 ~~purposes shall be at least twelve weeks of age before liberation~~  
4 ~~date.~~

5 ~~(3) All game birds released for hunting on a controlled~~  
6 ~~shooting area shall be marked by banding, toe clipping, or some other~~  
7 ~~method approved by the commission prior to release. Any game bird~~  
8 ~~killed by a hunter on a controlled shooting area which does not have~~  
9 ~~a band shall be banded prior to being transported from such area. The~~  
10 ~~licensee shall pay to the commission the sum of not less than ten~~  
11 ~~cents and not more than fifteen cents, as established by the~~  
12 ~~commission pursuant to section 37-327, for each band used to mark~~  
13 ~~game birds.~~

14 ~~(4) The licensee shall furnish a receipt to each hunter~~  
15 ~~taking game birds on the controlled shooting area which shall~~  
16 ~~indicate the name of the hunter, the date of the taking, the sex and~~  
17 ~~species of the game birds taken, and the name of the controlled~~  
18 ~~shooting area.~~

19 Sec. 20. Section 37-489, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 37-489 For the purpose of sections 37-484 to 37-496, at  
22 ~~least five hundred game birds shall be released upon such licensed~~  
23 ~~game breeding and controlled shooting areas in a manner satisfactory~~  
24 ~~to numbers regulated by the commission. The licensee shall keep a~~  
25 ~~register which shall clearly show the number and kind of game birds~~

1 ~~released and propagated each year, the date of release, the number~~  
2 ~~and kind of game birds taken, the date when taken, and the~~  
3 ~~disposition made of such game birds.~~ The licensee shall also keep  
4 such records and make such reports ~~under oath~~ as to game birds  
5 released, propagated, and taken, at such times and in such manner as  
6 may be required by the commission. ~~The commission shall keep an~~  
7 ~~adequate record of the number of game birds released and propagated~~  
8 ~~on each licensed game breeding and controlled shooting area in each~~  
9 ~~year and of the game birds taken.~~

10           Sec. 21. Section 37-490, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           37-490 No person shall hunt any upland game birds and  
13 mallard ducks upon such breeding and controlled shooting area except  
14 between September 1 and April 1 of each year, except that turkeys may  
15 be hunted throughout the open season and dog training or dog trial  
16 activities may be permitted as prescribed by rules and regulations of  
17 the commission.

18           Sec. 22. Section 37-492, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           37-492 The commission may adopt and promulgate rules and  
21 regulations for carrying out, administering, and enforcing the  
22 provisions of sections 37-484 to 37-496. The commission shall limit  
23 the number of areas proposed for licensing so that the total acreage  
24 licensed for game breeding and controlled shooting areas in any one  
25 county does not exceed ~~one~~ two percent of the total acreage of the

1 county in which the areas are sought to be licensed. The commission  
2 shall not require distances between boundaries of game breeding and  
3 controlled shooting areas to be greater than two miles. ~~No license~~  
4 ~~shall be issued for any game breeding and commercial controlled~~  
5 ~~shooting area established on and after July 15, 1998, whose boundary~~  
6 ~~lies within one mile of a game refuge or wildlife management area. No~~  
7 license shall be issued for any area whereon mallard ducks are shot  
8 or to be shot if the area lies within three miles of any river or  
9 within three miles of any lake with an area exceeding three acres,  
10 except that a license may be issued for such area for the shooting of  
11 upland game birds only, and the rearing or shooting of mallard ducks  
12 thereon is prohibited.

13           Sec. 23. Section 37-497, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           37-497 (1) The commission may take such steps as it deems  
16 necessary to provide for the protection and management of raptors.

17           (2) The commission may issue falconry ~~licenses to permit~~  
18 permits for the taking and possession of raptors for the purpose of  
19 practicing falconry. ~~No such license may be issued to an applicant~~  
20 ~~unless he or she is a resident of the state, A falconry permit may be~~  
21 issued only to a resident of the state who has paid the fees required  
22 in this subsection, and has passed a written and oral examination  
23 concerning raptors given by the commission or an authorized  
24 representative of the commission. The commission shall charge a fee  
25 for each ~~license~~ permit of not more than seventeen dollars for

1 persons ~~fourteen-twelve~~ to seventeen years of age and not more than  
2 forty-six dollars for persons eighteen years of age and older, as  
3 established by the commission pursuant to section 37-327. If the  
4 applicant fails to pass ~~either the examination, or both of them,~~ he  
5 or she shall not be entitled to reapply for a falconry ~~license~~ permit  
6 for a period of six months after the date of the examination. A  
7 person less than ~~fourteen-twelve~~ years of age shall not be issued a  
8 falconry ~~license, and a permit.~~ A person from ~~fourteen-twelve~~ to  
9 seventeen years of age may be issued ~~such a license a permit~~ only if  
10 he or she is sponsored by an adult ~~person~~ who has a valid falconry  
11 ~~license. permit and appropriate experience.~~ All falconry ~~licenses~~  
12 permits shall be nontransferable and shall expire three years after  
13 the date of issuance. If the commission is satisfied as to the  
14 competency and fitness of an applicant whose ~~license~~ permit has  
15 expired, ~~a license his or her permit~~ may be renewed without requiring  
16 further examination ~~under such subject to terms and conditions as are~~  
17 ~~established~~ imposed by the commission. ~~Species~~ The commission shall  
18 adopt and promulgate rules and regulations outlining species of  
19 raptors which may be taken, captured, or held in possession. ~~shall~~  
20 ~~include only those species authorized by the commission. The number~~  
21 ~~of each species of raptors which may be taken, captured, or held in~~  
22 ~~possession shall be subject to regulation by the commission.~~

23 (3) The commission may issue captive propagation ~~licenses~~  
24 ~~to permit~~ permits to allow the captive propagation of raptors. ~~No~~  
25 ~~such license may be issued to an applicant unless he or she is a~~

1 ~~resident of the state and~~ A permit may be issued to a resident of the  
2 state who has paid the fee required in this subsection. The fee for  
3 each license—permit shall be not more than two hundred thirty  
4 dollars, as established by the commission pursuant to section 37-327.  
5 ~~All such licenses—~~ The permit shall be nontransferable, shall expire  
6 three years after the date of issuance, and may be renewed under  
7 terms and conditions established by the commission. The commission  
8 shall authorize the species and the number of each such species which  
9 may be taken, captured, acquired, or held in possession. The  
10 commission shall adopt and promulgate rules and regulations governing  
11 the issuance and conditions of captive propagation licenses— permits.

12 (4) The commission may issue raptor collecting permits to  
13 nonresidents as prescribed by the rules and regulations of the  
14 commission. The fee for a permit shall be not more than two hundred  
15 dollars, as established by the commission pursuant to section 37-327.  
16 A raptor collecting permit shall be nontransferable. The commission  
17 shall adopt and promulgate rules and regulations governing the  
18 issuance and conditions of raptor collecting permits.

19 Sec. 24. Section 37-498, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 37-498 (1) It shall be unlawful for any person to take or  
22 attempt to take or maintain a raptor in captivity, ~~any raptor,~~ except  
23 as otherwise provided by law or by rule or regulation of the  
24 commission, unless he or she ~~shall first secure~~ possesses a falconry  
25 ~~or permit,~~ a captive propagation license—permit, or a raptor



1 collecting permit as required by section 37-497.

2 (2) No person shall sell, barter, purchase, or offer to  
3 sell, barter, or purchase any raptor, raptor egg, or raptor semen,  
4 except as permitted under a falconry or captive propagation license  
5 permit issued under section 37-497 or the rules and regulations  
6 adopted and promulgated by the commission. Nothing in this section  
7 shall be construed to permit any sale, barter, purchase, or offer to  
8 sell, barter, or purchase any raptor, raptor egg, or raptor semen  
9 taken from the wild.

10 ~~(3) No person shall transport any raptor out of this~~  
11 ~~state for any purpose, except (a) for hunting, exhibition, scientific~~  
12 ~~use, or temporary medical or personal care when authorized by the~~  
13 ~~commission in writing and (b) as permitted under a captive~~  
14 ~~propagation license.~~

15 Sec. 25. Section 37-4,103, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 37-4,103 Any person violating any provision of ~~sections~~  
18 section 37-497 to 37-4,102 or 37-498 shall be guilty of a Class IV  
19 misdemeanor. ~~In , and, in addition, the court shall require that any~~  
20 ~~raptor or raptors in the possession of the offender be confiscated~~  
21 ~~and the license order the revocation of the permit of the offender.~~  
22 ~~be revoked.~~

23 Sec. 26. Section 37-503, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 37-503 It shall be unlawful for anyone, ~~except a holder~~

1 ~~of an aquaculture permit, a captive wildlife auction permit, or a~~  
2 ~~captive wildlife permit,~~ to have in his or her possession, except  
3 during the open season thereon, any unmounted game except as ~~provided~~  
4 ~~in sections 37-460 and 37-562 allowed by the Game Law or the rules~~  
5 ~~and regulations of the commission. adopted pursuant to such sections.~~

6           Sec. 27. Section 37-512, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           37-512 Every express company and common carrier, their  
9 officers, agents, and servants, and every other person who (1)  
10 transfers or carries from one point to another within the state, (2)  
11 takes out of the state, or (3) receives, for the purpose of  
12 transferring from this state, any raw furs protected by the Game Law,  
13 except as permitted in this section, shall be guilty of a Class III  
14 misdemeanor. ~~It shall be lawful for any~~ Any express company,  
15 railroad, common carrier, or postmaster ~~to may~~ receive raw furs  
16 protected by the Game Law for transportation from one point to  
17 another by express, baggage, or mail ~~during the open season and ten~~  
18 ~~days thereafter, or such further period as may be specifically~~  
19 ~~granted a shipper by the commission,~~ when such raw fur is accompanied  
20 by a tag ~~furnished by the commission and~~ document placed upon the  
21 package giving the name of the consignee, the number of his or her  
22 fur-harvesting permit, the date of expiration of the permit which  
23 must be on or after the date of shipment, and a description of the  
24 kind and number of each kind of raw fur in the shipment. ~~A duplicate~~  
25 ~~portion of such tag shall be filled out and sent to the secretary of~~

1 ~~the commission.~~

2           Sec. 28. Section 37-615, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           37-615 It shall be unlawful for any person to take any  
5 species of wildlife protected by the Game Law while his or her  
6 permits are revoked. It shall be unlawful for any person to apply for  
7 or purchase a permit to hunt, fish, or harvest fur in Nebraska while  
8 his or her permits are revoked and while the privilege to purchase  
9 such permits is suspended. Any person who violates this section shall  
10 be guilty of a Class III misdemeanor and in addition shall be  
11 suspended from hunting, fishing, and fur harvesting or purchasing  
12 permits to hunt, fish, and harvest fur for a period of not less than  
13 two nor more than five years as the court directs. The court shall  
14 consider the number and severity of the violations of the Game Law in  
15 determining the length of the suspension.

16           ~~Any person whose privilege or permit to hunt, fish, or~~  
17 ~~harvest fur in another state has been suspended or revoked as a~~  
18 ~~result of a conviction shall not be eligible to obtain a permit to~~  
19 ~~hunt, fish, or harvest fur if the conviction would constitute grounds~~  
20 ~~for suspension or revocation under sections 37-614 to 37-617 until~~  
21 ~~the period of suspension or revocation in the other state has~~  
22 ~~expired.~~

23           Sec. 29. Section 37-618, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           37-618 Any (1) Except as otherwise provided in subsection

1 (3) of this section, any person whose privilege or permit to hunt,  
2 fish, or harvest fur has been suspended or revoked in any  
3 jurisdiction within the United States or Canada shall be prohibited  
4 from obtaining a permit for such activity in this state during the  
5 period of suspension or revocation in the prosecuting jurisdiction if  
6 the offense for which the privilege or permit is suspended or revoked  
7 is an offense under the Game Law or would constitute grounds for  
8 suspension or revocation under sections 37-614 to 37-617.

9 (2) If such person has previously obtained a permit under  
10 the Game Law for such activity, the permit shall become invalid and  
11 shall be suspended for the same period as determined in the  
12 prosecuting jurisdiction. The person shall immediately return the  
13 permit to the commission. No person shall possess a permit which has  
14 been suspended or revoked under this section except as otherwise  
15 provided in subsection (3) of this section.

16 (3) The commission may adopt and promulgate rules and  
17 regulations to create a process to (a) review the suspension or  
18 revocation of a privilege or permit to hunt, fish, or harvest fur  
19 imposed by any jurisdiction other than Nebraska to determine if the  
20 offense for which the privilege or permit is suspended or revoked is  
21 an offense under the Game Law or would constitute grounds for  
22 suspension or revocation under sections 37-614 to 37-617 and (b)  
23 provide for a hearing, if necessary, to confirm the suspension or  
24 revocation in Nebraska or reinstate the privilege or affirm the  
25 eligibility of the person to purchase a permit in Nebraska. The

1 process may include an application for the review and a procedure for  
2 screening applications to determine if the hearing before the  
3 commission is necessary or appropriate.

4 (4) Any person who violates the provisions of this  
5 section shall be guilty of a Class I misdemeanor.

6 Sec. 30. Original sections 37-238, 37-405, 37-420,  
7 37-421, 37-421.01, 37-427, 37-461, 37-464, 37-483, 37-484, 37-485,  
8 37-487, 37-488, 37-489, 37-490, 37-492, 37-497, 37-498, 37-4,103,  
9 37-503, 37-512, 37-615, and 37-618, Reissue Revised Statutes of  
10 Nebraska, and sections 37-327, 37-407, 37-411, 37-426, 37-431, and  
11 37-450, Revised Statutes Cumulative Supplement, 2010, are repealed.

12 Sec. 31. The following sections are outright repealed:  
13 Sections 37-460, 37-499, 37-4,100, 37-4,101, 37-4,102, and 37-562,  
14 Reissue Revised Statutes of Nebraska.