

LEGISLATIVE BILL 235

Approved by the Governor June 10, 1993

Introduced by Baack, 47

AN ACT relating to government; to amend sections 28-905, 37-202.01, 37-203, 37-204.01, 37-211.01, 37-214.04, 37-215, 37-215.03, 37-217.01, 37-227, 37-233, 37-304.02, 37-420, 37-421, 37-502, 37-503, 37-703, 37-714, 37-715, 37-901, 37-905, 37-908, 37-1105, 37-1107.01, 37-1108, 37-1212, 37-1214, 37-1217, 37-1227, 37-1238, 37-1241, 37-1259, 53-186, 81-805, 81-815, 81-815.22, and 81-815.31, Reissue Revised Statutes of Nebraska, 1943, and sections 37-201, 37-204, 37-211, 37-213, 37-214.03, 37-216.01, 37-505, 37-720, and 37-1274, Revised Statutes Supplement, 1992; to authorize the Game and Parks Commission to establish fees for various licenses, permits, stamps, bands, registrations, and certificates; to prohibit operation of a vessel to avoid arrest; to change and eliminate provisions relating to state game refuges; to change fees and other provisions relating to park entry permits; to change provisions of the State Boat Act; to prohibit the use of certain lights on vessels; to require compliance with enforcement of the State Boat Act; to change provisions relating to consumption and sale of alcoholic liquor on certain state lands; to authorize acceptance of a gift of real estate; to provide, change, and eliminate penalties; to define and redefine terms; to authorize agreements and accept grants-in-aid from the federal government for recreational trails; to create a fund; to harmonize provisions; to provide a termination date; to provide operative dates; and to repeal the original sections, and also section 37-414, Reissue Revised Statutes of Nebraska, 1943, and section 37-413, Revised Statutes Supplement, 1992.

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

Section 1. The Game and Parks Commission shall establish fees for licenses, permits, stamps, bands, registrations, and certificates issued under the Game Law, the State Boat Act, and sections 37-901 to 37-914 and shall establish the fee required by section 37-304.02 as provided in such law, act, and sections. The commission shall not increase any fee more than six percent in any one year, except that if a fee has not been increased by such percentage in a prior year after 1993, the difference between a six percent increase and the actual percentage increase in such prior year may be added to the percentage increase in a subsequent year. Such fees shall be collected and disposed of as provided

in such law, act, and sections. The commission shall, as provided in such law, act, and sections, establish collection fees to be retained by authorized vendors of such licenses, permits, stamps, bands, registrations, and certificates under such law, act, and sections. The commission shall establish such fees by the adoption and promulgation of rules and regulations.

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

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

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

(3) A statement of the reasons for establishing the fee at the proposed level.

Sec. 2. That section 28-905, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-905. (1) Any person who operates any motor vehicle to flee in such vehicle in an effort to avoid arrest or citation for the violation of any law of the State of Nebraska constituting a misdemeanor, infraction, traffic infraction, or any city or village ordinance, except nonmoving traffic violations, commits the offense of misdemeanor operation of a motor vehicle to avoid arrest.

(2) Any person who operates any motor vehicle to flee in such vehicle in an effort to avoid arrest for the violation of any law of the State of Nebraska constituting a felony commits the offense of felony operation of a motor vehicle to avoid arrest.

(3) Operating a motor vehicle to avoid arrest under subsection (1) of this section is a Class I misdemeanor and the court shall, as part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of two years.

(4) Operating a motor vehicle to avoid arrest under subsection (2) of this section is a Class IV felony.

(5) The court may, as a part of the judgment of conviction under this section and subject to the mandatory provision of subsection (3) of this section, order such person not to operate any motor vehicle for any purpose for a period of up to one year from the date of his or her release from imprisonment, or in the case of a fine only, for a period of one year from the date of satisfaction of the fine.

(6)(a) Any person who operates a vessel as defined in section 37-1203 to flee in such vessel in an effort to avoid arrest or citation for the violation of any statute punishable as a misdemeanor or any city or village ordinance shall be guilty of misdemeanor operation of a vessel to avoid arrest.

(b) Any person violating subdivision (a) of this subsection shall be guilty of a Class I misdemeanor, and upon conviction thereof the court shall, as part of the judgment of conviction, order such person not to operate any vessel for any purpose for a period of one year.

(7)(a) Any person who operates a vessel as defined in section 37-1203 to flee in such vessel in an effort to avoid arrest for the violation of any statute punishable as a felony shall be guilty of felony operation of a vessel to avoid arrest.

(b) Any person violating subdivision (a) of this subsection shall be guilty of a Class IV felony, and upon conviction thereof the court may, as part of the judgment of conviction and subject to the mandatory provision of subdivision (6)(b) of this section, order such person not to operate any vessel for any purpose for a period of up to two years from (i) the date of his or her release from imprisonment if the sentence imposed includes imprisonment or (ii) the date of satisfaction of the fine if the sentence imposed includes only a fine and no imprisonment.

Sec. 3. That section 37-201, Revised Statutes Supplement, 1992, be amended to read as follows:

37-201. For the purpose of supplying revenue for the propagation, importation, distribution, protection, and conservation of the wildlife of this state, including all wild animals, birds, fish, and all things pertaining thereto, every person sixteen years of age or older who hunts for game animals or game birds or takes bullfrogs or any other species defined as game or who angles for fish and every person sixteen years of age or older who engages in fur harvesting shall first pay a fee ~~as required in the Game Law~~ established by the commission pursuant to section 1 of this act and obtain a permit; except (1) the owner or his or her invitee who angles for fish in any body of water (a) which is entirely upon privately owned land, (b) which is entirely privately stocked, (c) which does not connect by inflow or outflow with other water outside such land, and (d) which is not operated on a commercial basis for profit and (2) any paraplegic who angles for fish in his or her privately owned body of water if he or she does not operate such body of water on a commercial basis for profit.

Any bona fide farmer or rancher; as defined in section 37-215.03; who actually resides on a portion of such farm or ranch land, together with members of his or her immediate family also residing on such land, may hunt, take, and possess, within duly established season bag and possession limits, upland game and all game except migratory water fowl, shore birds, deer, antelope, and wild turkey ~~without the necessity of paying a fee and~~ without obtaining a hunting permit as required in this section and section 37-213 or a habitat stamp as required in sections 37-216.01 to 37-216.09. For ~~the purpose~~ purposes of this exemption, ~~the term~~ immediate family shall mean and be limited to husband and wife and their children. ~~The term~~ and upland game shall mean and be limited to cottontail rabbits, squirrels, grouse, partridges, pheasants, prairie chickens, and quail. Such exemption shall only apply to hunting done on land owned or leased by the bona fide farmer or rancher and shall not

apply when hunting on the lands of other persons. The commission may by rule and regulation require a farmer or rancher; hunting under the provisions of this section; to sign a statement presented by a conservation officer; which states that such farmer or rancher is a bona fide farmer or rancher as ~~described~~ defined in section 37-215.03 of the land upon which he or she is hunting.

A violation of this section shall be a Class IV misdemeanor.

Any farmer or rancher owning or operating a farm or ranch may destroy or have destroyed any predator, including raccoon and opossum, preying on livestock or poultry or causing other agricultural depredation on lands owned or controlled by him or her without a permit issued by the commission.

Sec. 4. That section 37-202.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-202.01. ~~The Game and Parks Commission~~ commission may issue to any Nebraska resident a lifetime fishing, hunting, or combination hunting and fishing license upon application and payment of the appropriate fee. Applications shall be made to the headquarters office of the ~~Game and Parks Commission~~ commission. The fee for a lifetime hunting ~~or lifetime fishing~~ license shall be not less than two hundred dollars and not more than two hundred sixty dollars, the fee for a lifetime fishing license shall be not less than two hundred thirty dollars and not more than three hundred dollars, and the ~~or twenty times the annual license fee, whichever is greater.~~ The fee for a lifetime combination hunting and fishing license shall be not less than four hundred dollars or twenty times the annual combined license fee, whichever is greater and not more than five hundred twenty dollars, as such fees are established by the commission pursuant to section 1 of this act. Payment of the license fee shall be made in a lump sum at the time of application.

A lifetime license shall not be made invalid by reason of the holder subsequently residing outside the state.

A duplicate lifetime license may be issued if the original has been lost or destroyed. The fee for a duplicate shall be not less than one dollar and fifty cents and not more than two dollars, as established by the commission pursuant to section 1 of this act.

~~The Game and Parks Commission~~ commission shall adopt and promulgate rules and regulations to carry out ~~the provisions of sections 37-202.01 to this section and sections 37-202.02 and 37-202.03.~~

Sec. 5. That section 37-203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-203. Permits shall be issued by the commission and may be procured from the secretary ~~thereof~~ of the commission and from such other persons and corporations as may be designated by the commission to issue ~~said~~ permits and collect the prescribed fees. ~~therefor.~~ Any person, firm, or corporation, other than the secretary of the commission or an employee of the commission, ~~who shall be~~ authorized by the commission to sell ~~said~~ permits shall be entitled to collect and

retain ~~an additional fee of fifty cents on~~ fee of not less than fifty cents and not more than one dollar, as established by the commission pursuant to section 1 of this act, for each resident and nonresident permit issued as reimbursement for the clerical work of issuing the ~~same~~ permit and collecting and remitting ~~therefor~~ the permit fee.

Sec. 6. That section 37-204, Revised Statutes Supplement, 1992, be amended to read as follows:

37-204. (1) ~~The following fees shall~~ commission shall establish fees pursuant to section 1 of this act to be paid to the state for ~~permits issued under the Game Law~~ resident and nonresident hunting permits, annual fishing permits, three-day fishing permits, combined fishing and hunting permits, and fur harvesting permits, as follows:

(a) Resident fees shall be (i) not less than eight dollars and fifty cents and not more than eleven dollars for hunting, (ii) not less than eleven dollars and fifty cents and not more than fifteen dollars for fishing, (iii) not less than seven dollars and fifty cents and not more than ten dollars for a three-day fishing permit, (iv) not less than nineteen dollars and fifty cents and not more than twenty-five dollars for both fishing and hunting, and (v) not less than fifteen dollars and not more than twenty dollars for fur harvesting; and

(b) Nonresident fees shall be (i) not less than two hundred dollars and not more than two hundred sixty dollars for a period of time specified by the commission for fur harvesting one thousand or less fur-bearing animals and not less than ten dollars additional and not more than fifteen dollars additional for each one hundred or part of one hundred fur-bearing animals harvested, (ii) not less than forty dollars and not more than fifty-five dollars for hunting, (iii) not less than seven dollars and fifty cents and not more than ten dollars for a three-day fishing permit, and (iv) not less than twenty-five dollars and not more than thirty-five dollars for an annual fishing permit.

(2) ~~No person, except a~~ Any resident of the United States who has resided in this state continuously for a period of ninety days before making an application for a permit under the Game Law and who has a bona fide intention of becoming a legal resident of this state, supported by documentary proof, shall be deemed to be a resident ~~or~~ and may be issued a resident permit ~~as such~~ under the Game Law. The issuance of a hunter's permit to anyone known to be physically or mentally unfit to carry or use firearms is hereby prohibited. All nonresident hunters and fur harvesters regardless of age shall be required to obtain a permit, and all nonresident anglers under sixteen years of age shall be accompanied by a person possessing a valid fishing permit. The commission may limit the number of days for which a permit is issued and the number of fish or game birds taken on one permit and may issue coupons which are attached to nonresident permits for the purpose of tagging and identification. Nonresident ~~permits for fur harvesting~~ fur-harvesting permits may be issued only to residents of states which sell similar permits to residents of Nebraska. No hunting permit or fur-harvesting permit shall be required of any nonresident entering this

state solely to participate in scheduled dog trials for which an entry fee is charged. For purposes of this subsection, scheduled dog trials shall mean events in which hunting dogs and their owners or handlers compete and are judged under controlled conditions in various feats of skill and performance in the hunting or retrieving of birds and animals when such events are conducted under the written authorization of the commission.

Sec. 7. That section 37-204.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-204.01. ~~The Game and Parks Commission~~ commission may issue a duplicate permit for hunting, fishing, both hunting and fishing, or fur harvesting; or for such other permits as may be issued by the commission to any person who ~~shall have~~ has lost his or her original permit upon receipt from such person of satisfactory proof of purchase and an affidavit of loss of such original permit. Application for such duplicate permit shall be made in such form as the commission may prescribe. A fee of not less than one dollar and fifty cents and not more than two dollars, as established by the commission pursuant to section 1 of this act, shall be charged for the issuance of such duplicate permit.

Sec. 8. That section 37-211, Revised Statutes Supplement, 1992, be amended to read as follows:

37-211. (1) It shall be unlawful for any person, firm, or corporation dealing in raw furs to conduct such business without first obtaining from the ~~Game and Parks Commission~~ commission a fur ~~buyers~~ buyer's permit. The annual fee for this permit shall be not less than one hundred dollars and not more than one hundred thirty dollars per annum for residents, as established by the commission pursuant to section 1 of this act. ~~No person, except a~~ 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 ~~or~~ and may be issued a resident permit ~~as such~~ 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 any such~~ permit shall be is issued to a nonresident of this state, the applicant ~~therefor~~ 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 permittee 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 ~~buyer, both~~ 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 V misdemeanor, and as a part of the penalty the court shall require the offender to purchase the required permit.

Sec. 9. That section 37-211.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-211.01. (1) It shall be unlawful for any person to perform taxidermy services on any game, ~~as defined in section 37-101,~~ for any person other than himself or herself without first obtaining a taxidermist permit from the ~~Game and Parks Commission~~ commission. The permit ~~must~~ shall be conspicuously posted at the location where taxidermy services are performed. The annual fee for such permit ~~will~~ shall be not less than five dollars ~~per annum~~ and not more than seven dollars, as established by the commission pursuant to section 1 of this act. 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 ~~Game and Parks Commission~~ commission upon such form and containing such information as may be prescribed by the commission. ~~The application shall include the~~ but including 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 ~~Game and Parks Commission~~ commission not later than thirty days preceding the expiration date of the permit.

(3) A permit shall authorize a taxidermist to: (a) ~~Receive~~ receive, transport, hold in custody or possession, mount, or otherwise prepare game fish, game animals, fur-bearing animals, raptors, and all other birds and creatures protected by Chapter 37; and return them to the legal owner or his or her agent from whom received; and (b) sell captive-reared game fish, game animals, game birds, or other birds and mammals 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) Permittees ~~must~~ 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 fish, game animals, furbearers, game birds, raptors, or other birds or creatures protected by Chapter 37; or their nests or eggs were received or delivered, the number and species, ~~of such,~~ and the dates of receipt and delivery. In addition to other records required by this subsection, the permittee ~~must~~ shall maintain ~~in his file~~ proper invoices or other documents confirming his or her lawful acquisition of captive-reared game fish, game animals,

fur-bearing animals, game birds, or other birds or mammals being held by him or her, including those which are on consignment for sale. Permittees ~~must~~ 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 ~~Game and Parks Commission~~ commission during normal business hours.

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

Sec. 10. That section 37-213, Revised Statutes Supplement, 1992, be amended to read as follows:

37-213. (1) Unless holding a permit as required in the Game Law, it shall be unlawful:

(a) ~~For any~~ (1) ~~for any person who is a resident of the State of Nebraska and who~~ is sixteen years of age or older or ~~who is a~~ any nonresident of ~~this state~~ Nebraska to engage in fur harvesting or possess any fur-bearing animal or raw fur, except that a person may possess a fur-bearing animal or raw fur for up to ten days after expiration of a valid permit;

(b) ~~For any~~ (2) ~~for any person who is a resident of the State of Nebraska and who~~ is sixteen years of age or older or ~~who is a~~ any nonresident of ~~this state~~ Nebraska to hunt for, kill, shoot at, pursue, take, or possess any kind of game birds, game animals, or crows;

(c) ~~For~~ (3) ~~for any person who is sixteen years of age or older to hunt or take or attempt to hunt or take any migratory waterfowl without first obtaining and affixing to his or her hunting permit a federal migratory bird hunting stamp. All such stamps affixed to hunting permits shall be signed by the holder of the hunting permit. The term migratory~~ Migratory waterfowl shall mean any ducks, geese, coots, or brant upon which an open season has been established by the commission; or

(d) ~~For~~ (4) ~~for any person who is sixteen years of age or older to take, angle for, or attempt to take any kind of fish, bullfrog, snapping turtle, tiger salamander, mussel, or minnow from the waters of this state or possess the same, except that~~ (a) (i) the owner or invitee of the owner of any body of water (b) which is located entirely upon privately owned land, (c) which is entirely privately stocked, (d) which does not connect by inflow or outflow with other water outside such land, and (e) which is not operated on a commercial basis for profit and (f) (ii) any paraplegic who angles for fish in his or her privately owned body of water if he or she does not operate such body of water on a commercial basis for profit shall not be required to hold a permit before fishing from or possessing fish or minnows taken from such waters.

(2) 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 commercial fishery shall be not less than fifty dollars per year, and not more than sixty-five dollars per year, as established by the commission pursuant to section 1 of this

act, payable in advance, and no person shall operate such an establishment without first obtaining such permit from the commission. Before issuing such permit 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.

(3) It shall be unlawful for a nonresident to hunt for, kill, shoot at, pursue, take, or possess any kind of game birds or game animals, mussel, turtle, or amphibian, to angle for or take or attempt to angle for or take any kind of fish, or to harvest fur or attempt to harvest fur while in the possession of a resident permit illegally obtained.

(4) It shall ~~also~~ be unlawful for anyone to do or attempt to do any other thing for which a permit is ~~provided in~~ required by the Game Law without first obtaining such permit and paying the fee required.

(5) During any season which permits the taking of deer with rifles using center-fire cartridges, wild animals other than deer may be hunted only with a shotgun, .22 rimfire rifle, or .22 rimfire handgun, except that this provision shall not apply to a holder of a valid deer permit or a bona fide farmer or rancher who owns, leases, or resides upon farm or ranch land or a member of the immediate family of such farmer or rancher, while hunting on such farm or ranch land.

(6) Except as provided in sections 37-204 and 37-209, it shall be unlawful for any nonresident to trap or attempt to trap or to harvest fur or attempt to harvest fur from any wild mammal.

(7)(a) Any ~~violation of person violating~~ this section shall ~~constitute be guilty of~~ a Class II misdemeanor; and ~~the offender~~ shall be fined at least forty dollars.

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

Sec. 11. That section 37-214.03, Revised Statutes Supplement, 1992, be amended to read as follows:

37-214.03. Any veteran of any war as defined in section 80-401.01 who is a legal resident of the State of Nebraska and (1) who is rated by the United States Department of Veterans Affairs as fifty percent or more disabled as a result of service in the armed forces of the United States, (2) who is receiving a pension from the department as a result of total and permanent disability, which disability was not incurred in line of duty in the military service, or (3) who is sixty-five years of age or older shall be exempt from the payment of any fees provided by the laws of the State of Nebraska and established by the commission pursuant to section 1 of this act for the privilege of fishing or hunting in Nebraska, except that such exemption shall not extend to the privilege of commercial fishing, trapping of fur-bearing animals, or hunting for deer, antelope, wild turkey, or any other species of fish and game on which the open season is limited

to a restricted number of permits or to special permits for a restricted area or game management unit. If disabled persons are unable by reason of physical infirmities to hunt and fish in the normal manner, the ~~Game and Parks Commission~~ commission may issue special permits without cost to those persons to hunt and fish from a vehicle, but such ~~permit permits~~ shall not authorize any person to shoot from any public highway. All permits issued without the payment of any fees pursuant to this section shall be perpetual and become void only upon termination of eligibility of ~~such veteran~~ as provided in this section. The ~~Game and Parks Commission is authorized to~~ commission may adopt and promulgate rules and regulations necessary to carry out ~~the provisions of~~ this section.

Sec. 12. That section 37-214.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-214.04. Any person who is at least seventy years old and a resident of this state shall be exempt from the payment of any fees provided by the laws of the State of Nebraska and established by the commission pursuant to section 1 of this act for the privilege of fishing or hunting in Nebraska, except that such exemption shall not extend to the privilege of commercial fishing, trapping of fur-bearing animals, or ~~of~~ hunting for deer, antelope, wild turkey, or any other species of fish and game on which the open season is limited to a restricted number of permits; or to special permits for a restricted area or game management unit. The A permit issued without payment of fees as provided in this section shall be a permanent permit which shall not expire. If disabled persons are unable by reason of physical infirmities to hunt and fish in the normal manner, the ~~Game and Parks Commission~~ commission may issue special permits without cost to those persons to hunt and fish from a vehicle, but such ~~permit permits~~ shall not authorize any person to shoot from any public highway. The ~~Game and Parks Commission is authorized to~~ commission may adopt and promulgate rules and regulations necessary to carry out ~~the provisions of~~ this section.

Sec. 13. That section 37-215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-215. (1)(a) The commission may ~~The Game and Parks Commission is authorized to~~ issue permits for the hunting and killing of deer and ~~to~~ prescribe and establish regulations and limitations for the hunting, killing, transportation, and possession of deer. The commission may specify by regulation the information to be required on applications for such permits. Regulations and limitations for the hunting, killing, transportation, and possession of deer may include, but not be limited to, regulations and limitations as to the type, ~~and~~ caliber, and other specifications of firearms and ammunition used and specifications for bows and arrows used. Such regulations and limitations may further specify and limit the method of hunting deer and may provide for dividing the state into management units or areas, and the commission may enact different deer harvest regulations for the different management units as pertains to sex, species, and age of the deer harvested.

(b) The number of such permits may be limited, as provided by the regulations of the commission, but the permits shall be disposed of in an impartial manner. Whenever the commission ~~shall deem~~ deems it advisable to limit the number of permits issued for any or all management units, the commission shall, by rules and regulations, determine who shall be eligible to apply for such permits. In establishing eligibility, the commission shall give preference to persons who did not receive a permit during the previous year or years.

(c) Such permits may be issued to allow killing of deer in the Nebraska National Forest and other game reserves and such other areas in the State of Nebraska as the commission may designate whenever the commission ~~shall deem~~ deems that permitting such killing will not be detrimental to the proper preservation of wildlife in Nebraska in such forest, reserves, or areas.

(d) The commission shall, pursuant to section 1 of this act, establish and charge a fee ~~for each permit so issued in the sum of not less than~~ twenty dollars and not more than twenty-five dollars for residents and not less than one hundred dollars and not more than one hundred thirty dollars for nonresidents for each permit issued under this subsection.

(e) The commission may issue nonresident permits only after a reasonable period has first been provided solely for issuance of resident permits, and if ~~and should~~ the commission issue issues nonresident permits, the issuance of resident permits shall continue until permit quotas have been filled or a reasonable cutoff date reached. No permit shall be issued until after a reasonable period for making application, as established by the commission, has expired. When more valid applications are received for any management unit than there are permits available, such permits shall be allocated on the basis of a public drawing. All valid applications received during the predetermined application period shall be considered equally in any such public drawing without regard to time of receipt of such applications by the ~~Game and Parks Commission~~ commission.

(1) No person shall be issued a permit to kill deer, antelope, or elk unless such person is at least fourteen years of age, except that any person aged who is fourteen or fifteen years of age shall only hunt deer, antelope, or elk when accompanied by a person aged twenty-one years of age or over.

(2) The ~~Game and Parks Commission may also~~ commission may issue permits for the hunting and killing of antelope and may establish separate and, when necessary, different regulations therefor within the limitations prescribed in subsection (1) of this section for the taking of deer. The commission shall, pursuant to section 1 of this act, establish and charge a fee ~~for each antelope permit so issued in the sum of not less than~~ twenty dollars and not more than twenty-five dollars for residents and not less than one hundred dollars and not more than one hundred thirty dollars for nonresidents for each permit issued under this subsection. The provisions for the distribution of deer permits and the authority of the commission to determine eligibility of applicants for

permits as described in subsection (1) of this section shall also apply to the distribution of antelope permits.

(3) ~~The Game and Parks Commission may also~~ commission may issue permits for the hunting and killing of elk and may establish separate and, when necessary, different regulations therefor within the limitations prescribed in subsection (1) of this section for the taking of deer. Permits to hunt and kill elk issued pursuant to this subsection ~~or section 37-215.03~~ shall not be issued to nonresidents. The commission shall, pursuant to section 1 of this act, establish and charge a five-dollar nonrefundable application fee of not less than five dollars and not more than seven dollars and a fee ~~in the sum of not less than one hundred dollars and not more than one hundred thirty dollars~~ for each elk permit issued. A person may obtain only one elk permit in his or her lifetime, except that an applicant for a limited permit to hunt elk pursuant to section 37-215.03 may obtain such limited permit once every five years. The provisions for the distribution of deer permits and the authority of the commission to determine eligibility of applicants for permits as described in subsection (1) of this section shall also apply to elk permits.

(4)(a) Subject to rules and regulations adopted and promulgated by the commission, the secretary of the ~~Game and Parks Commission~~ 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.

(b) 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 1 of this act, 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 twenty dollars and, of this amount, ten dollars shall be paid by the ~~Game and Parks Commission~~ 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. 14. That section 37-215.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-215.03. (1) Except as provided in subsection (7) of this section, (a) a bona fide farmer or rancher who owns or leases farm or ranch land and actually resides on such land; or is the owner-operator of

such land; or (b) a member of the immediate family of such farmer or ~~rancher's immediate family~~ rancher also residing on such land or in the same household as the owner-operator may make application for a limited permit to kill deer, antelope, elk, or wild ~~turkeys~~ turkey during the predetermined period established by the commission pursuant to section 37-215 or 37-227. Upon receipt of an application in proper form as prescribed by the ~~Game and Parks Commission~~ commission, the commission may issue a limited permit which shall be restricted to the killing of deer, antelope, elk, or wild ~~turkeys~~ turkey only on the farm or ranch lands included in the application and shall not apply to the land of other persons. For ~~the~~ purposes of this section, ~~the term~~ immediate family shall mean and be limited to husband and wife and their children, and all the conditions applicable to permits issued pursuant to section 37-215 or 37-227, whichever is appropriate, shall apply to limited permits issued pursuant to this section. Only one such permit for each species shall be issued annually for each farm or ranch.

(2) Except as provided in subsection (3) of this section, receipt of a limited permit or a permit issued pursuant to section 37-215 or 37-227 for any one-year or open season shall not bar receipt of a limited permit in any subsequent year or for any subsequent open season.

(3) A limited permit to kill elk issued pursuant to this section shall not be issued to any applicant more than once every five years.

(4) For purposes of this section, bona fide farmer or rancher shall mean any person who materially participates in the business of farming or ranching. ~~For purposes of this section,~~ and farming or ranching shall mean the cultivation of the soil or the harvesting of any agricultural or horticultural commodity, including, but not limited to, raising, shearing, feeding, or caring for livestock animals, for the production of income. In the case of an owner or tenant of land who makes an arrangement with another person or persons with respect to the farming or ranching of land which is owned or leased by the owner or tenant, material participation shall mean that the owner or tenant (a) furnishes a substantial portion of the machinery, implements, and livestock used in the production of the commodities or (b) assumes financial responsibility for a substantial part of the expense involved in the production of the commodities.

(5) The fee for ~~the~~ a limited permit to hunt elk shall be not less than fifty dollars and not more than sixty-five dollars, for a limited permit to hunt deer or antelope shall be not less than ten dollars and not more than fifteen dollars, and for a limited permit to hunt wild turkey ~~wild turkeys~~ shall be not less than seven dollars and fifty cents and not more than ten dollars, as established by the commission pursuant to section 1 of this act.

(6) The ~~Game and Parks Commission~~ commission may by rule and regulation prescribe forms to be filled out by the applicant for a limited ~~license~~ permit as prescribed in this section to determine whether the applicant is a bona fide farmer or rancher. The applicant

shall be a bona fide farmer or rancher with respect to each tract or parcel of land upon which the applicant proposes to harvest deer, antelope, elk, or wild turkeys ~~turkey~~.

(7) No limited permit shall be issued under this section to a nonresident.

Sec. 15. That section 37-216.01, Revised Statutes Supplement, 1992, be amended to read as follows:

37-216.01. (1) Except as provided in subsection (2) of this section, no resident of Nebraska sixteen years of age or older and no nonresident of Nebraska regardless of age shall take, hunt, kill, harvest, or possess any game bird, upland game bird, game animal, or fur-bearing animal unless, at the time of such taking, hunting, killing, harvesting, or possessing, such person carries on or about his or her person an unexpired validated habitat stamp. ~~A habitat stamp shall be deemed validated if the person to whom it has been issued has signed it validated by his or her signature~~ in ink across the face of the stamp prior to the time of taking, hunting, killing, harvesting, or possessing such ~~birds or animals~~ bird or animal. Any person to whom a stamp has been issued shall, immediately upon request, exhibit the stamp to any officer. Any person taking, hunting, killing, harvesting, or possessing any game ~~birds~~ bird, upland game ~~birds~~ bird, game ~~animals~~ animal, or fur-bearing ~~animals~~ animal in this state without such a stamp attached to a valid hunting or fur-harvesting permit and not actually on or about his or her person shall be deemed to be without such stamp. Such stamp shall be issued upon the payment of a fee of not less than ten dollars and not more than fifteen dollars, as established by ~~as provided by rules and regulations of~~ the commission pursuant to section 1 of this act.

(2) Subsection (1) of this section shall not apply to limited permits issued pursuant to section 37-215.03.

Sec. 16. That section 37-217.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-217.01. (1) Except as provided in subsection (2) of this section, no resident or nonresident ~~individual~~ sixteen years of age or older shall kill or possess any trout taken in this state unless, at the time of such killing or possessing, such individual carries on his or her person an unexpired trout stamp; validated by his or her signature in ink across the face of the stamp prior to the time of killing or possessing such trout. Such stamp shall be issued upon the payment of a fee of not less than five dollars as provided by the rules and regulations of the Game and Parks Commission and not more than seven dollars, as established by the commission pursuant to section 1 of this act.

(2) The requirements of subsection (1) of this section shall not apply (a) to any special public-use areas operated by the ~~Game and Parks Commission~~ commission for put-and-take trout fishing for which a fee is charged; or (b) ~~in those cases in which~~ when a fishing permit is not required.

Sec. 17. That section 37-227, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-227. ~~The Game and Parks Commission is authorized to~~ commission may issue permits for the killing of wild turkeys ~~and to turkey and~~ prescribe and establish regulations and limitations for the hunting, killing, transportation, and possession of wild turkeys turkey. The number of such permits may be limited; as provided by the regulations of the commission, but the permits shall be disposed of in an impartial manner. Such permits may be issued to allow killing of wild turkeys turkey in the Nebraska National Forest and other game reserves and such other areas as the commission may designate whenever the commission ~~shall deem~~ deems that permitting such killing would not be detrimental to the proper preservation of wildlife in such forest, reserves, or areas.

The commission shall, pursuant to section 1 of this act, establish and charge a fee ~~for each permit so issued in the sum of not less than~~ fifteen dollars and not more than twenty dollars for residents and ~~not less than fifty~~ thirty-five dollars and not more than sixty-five dollars for nonresidents for each permit issued under this section.

The commission may issue nonresident permits only after a reasonable time has first been provided solely for issuance of resident permits. ~~Should~~ If the commission ~~issue~~ issues nonresident permits, the issuance of resident permits shall continue until permit quotas have been filled or a reasonable cutoff date reached.

The provisions of section 37-215 for the distribution of deer permits also shall apply to the distribution of wild turkey permits. No permit to hunt wild turkeys turkey shall be issued without payment of the fee ~~therefor~~ required by this section.

Sec. 18. That section 37-233, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-233. The ~~Game and Parks Commission~~ commission shall, to aid in the protection of livestock and other domesticated animals, issue a special permit authorizing the holder ~~thereof~~ 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)~~ (1) the coyote population is so large in an area as to present a substantial threat to livestock and other domesticated animals; and ~~(b)~~ (2) property owners will not be detrimentally affected by such issuance.

The annual fee for the permit shall be not less than five dollars and not more than seven dollars, as established by the commission pursuant to section 1 of this act, and the permit shall expire on December 31 following the date of issuance. The form of such permit and of the application ~~therefor~~ for the permit shall be prescribed by the commission.

The ~~Game and Parks Commission~~ 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 ~~Game and Parks Commission~~ commission, ~~its~~ officers and agents of the commission,

and any law enforcement or peace officer of this state shall have the authority to enforce ~~the provisions of sections 37-232, 37-233, this section and sections 37-232 and 37-235.~~

Sec. 19. That section 37-304.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-304.02. (1) It shall be lawful for any officer or employee of any public power, irrigation, or drainage district; organized under the laws of this state; to kill or destroy; or to have trapped ~~by a trapper or trappers;~~ any beaver or muskrat which may be found to be destroying or damaging any dams, ditches, or other works needed and useful in the operation of such ~~public power, irrigation, or drainage~~ district. ~~Such district may cause such trapping to occur if, within thirty days whenever,~~ after notice in writing ~~that is given to the secretary of the commission~~ of such destruction or damage ~~is being done by such beaver or muskrat~~ and the location thereof, ~~has been given to the secretary of the Game and Parks Commission;~~ the commission shall fail, neglect, or refuse, ~~within thirty days after the receipt of such notice;~~ ~~fails, neglects, or refuses~~ to cause the beaver or muskrat doing such destruction or damage to be removed from the place where such destruction or damage is occurring or to take such other steps as may be effective to prevent further damage to the works of such ~~public power, irrigation, or drainage~~ district; ~~PROVIDED, that before any public power, irrigation, or drainage district shall have~~ ~~district.~~ ~~Before any such district has~~ such beaver or muskrat trapped, it shall submit to the secretary of the ~~Game and Parks Commission~~ commission the names and addresses of the ~~trapper or trappers~~ to do the trapping. ~~If ; and if~~ no written objections are ~~objection is~~ received, stating the reasons for such objection, from the secretary of the ~~Game and Parks Commission~~ within five days ~~from~~ ~~after~~ the receipt of the ~~name or names,~~ of such ~~trapper or trappers,~~ they shall be deemed to be approved. No trapper ~~shall be used to trap any beaver or muskrat by such public power, irrigation, or drainage district who has been objected to in writing by the Game and Parks Commission;~~ ~~AND PROVIDED FURTHER;~~ that the ~~public power, irrigation, or drainage~~ commission shall trap under this section. The district shall report to the ~~Game and Parks Commission~~ commission every thirty days the number of beaver or muskrat killed or destroyed and shall forward with such report a fee ~~in the sum of~~ not less than two dollars and not more than three dollars, as established by the commission pursuant to section I of this act, for each beaver so killed or destroyed. Under such circumstances, no permit shall be required to so kill or destroy such beaver or muskrat, but fees shall be paid for beaver killed; as ~~hereinafter~~ provided in this section.

(2) Whenever beaver are destroying trees or otherwise damaging property, except as ~~is~~ provided in subsection (1) of this section, the person whose trees or property is being damaged by beaver may notify the commission by registered or certified mail of such damage. If the commission does not elect to remove the beaver within thirty days ~~thereafter~~ after such notice, it shall immediately issue a permit valid for

ninety days authorizing the person whose trees or property is being damaged to destroy the beaver or their dens on said such property in any manner ~~he or she shall elect~~ the person elects.

(3) All pelts of beaver held in the possession of any person which were taken from a public power, irrigation, or drainage district; as provided in subsection (1) of this section; shall be stamped by the commission with a stamp containing the words killed by permission of the Game and Parks Commission; before the ~~same~~ pelts are sold, shipped, or otherwise transported outside of the State of Nebraska. Beaver pelts taken under the authority of a permit issued under ~~provisions of~~ subsection (2) of this section shall not be sold or used unless the permittee also possesses a current and valid fur-harvesting permit.

Sec. 20. That section 37-420, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-420. It shall be unlawful within the boundaries of the state game refuges designated in sections 37-412 and 37-418 for any person ~~or persons at any time~~ (1) to hunt, kill, capture, or chase with dogs; any game birds, game animals, or other birds or animals of any kind or description whatever, ~~or~~ (2) to carry firearms of any kind, ~~or~~ (3) from October 15 through January 15 each year to operate a motorboat as defined in section 37-1204. This section within the limits of said game refuges; as designated in section 37-418; PROVIDED, this shall not prevent anyone carrying highway or railroad transport of firearms or dogs across the preserve at any point on said refuge, nor shall it prevent any person refuge, retrieval of game birds lawfully killed from such refuge, or the taking of fur-bearing animals by the use of traps during lawful open seasons on the refuge. This section shall not same, nor shall it prevent the Game and Parks Commission from issuing such permits as may be deemed necessary for the killing of animal or bird predators that may endanger game birds or game animals or the domestic property of adjacent landowners or from issuing permits as provided in section 37-215 for the taking of deer from such refuges whenever the number of deer on such refuges is deemed to be detrimental to habitat conditions on the refuges or to adjacent privately owned real or personal property. This section shall not prevent the owners of land or dwellings or their relatives or invitees from operating any motorboat within the boundaries of the refuge for purposes of access by the most direct route to and from such land or dwellings.

Sec. 21. That section 37-421, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-421. Any person who ~~shall violate~~ violates any of the provisions of ~~sections 37-418 to~~ section 37-420; shall be guilty of a Class III misdemeanor.

Sec. 22. That section 37-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-502. (1) It ~~is hereby declared~~ shall be unlawful for any person to take, catch, kill, destroy, or attempt to take or catch any fish, except as ~~hereinafter~~ provided in this section, by means other than

angling with hook and line. It shall be unlawful for any person to use, while fishing in this state in any lake, pond, or reservoir or in their inlets, outlets, and canals within one-half mile of such lake, pond, or reservoir, more than two lines with two hooks on each line, ~~except that~~ ; ~~PROVIDED~~, this provision shall not apply to ice fishing. It shall be unlawful for any person to attempt to take or catch any fish by snagging fish externally by hook and line, except in the Missouri River, as provided by rules and regulations of the ~~Game and Parks Commission~~ commission. It shall be unlawful for any person to use, while fishing in any waters in this state, a line having more than five hooks thereon; or lines having more than fifteen hooks in the aggregate. One hook shall mean a single, double, or treble pointed hook, and all hooks attached as a part of an artificial bait or lure shall be counted as one hook. Nongame fish may be taken by spearing or by bow and arrow as provided by rules and regulations of the ~~Game and Parks Commission~~ commission. Game fish may be taken by bow and arrow as provided by rules and regulations of the ~~Game and Parks Commission~~ commission.

(2) The commission may by ~~the enactment of~~ rules and regulations; allow, control, regulate, or prohibit the use of seines, nets, and other devices and methods in the taking of fish from the Missouri River. The commission ~~shall have authority to enact~~ may adopt rules and regulations as to the method of taking, bag limits, size limits, possession, transporting, or selling of all species of fish in the Missouri River. Individuals shall apply to the commission on forms prescribed by the commission for an annual commercial seining vendor permit; and shall ~~receive such permit before taking or selling~~ not take or sell fish as prescribed in this section before receiving such permit.

(3) The commission shall, pursuant to section 1 of this act, ~~establish and collect the following~~ fees from residents and nonresidents for all permits issued under ~~the provisions of~~ subsection (2) of this section as follows:

(a) ~~For~~ Not less than sixty-five dollars and not more than eighty-five dollars for residents and not less than one hundred thirty dollars and not more than one hundred seventy dollars for nonresidents for each commercial seining vendor 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 providing the helper is in the same boat as the person holding the permit; ~~resident, sixty-five dollars, and nonresident, one hundred thirty dollars;~~

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

(c) Not less than two dollars and not more than three dollars for residents and not less than four dollars and not more than six 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 seining vendor permit, ~~resident, two dollars, and nonresident, four dollars.~~

All commercial seining vendor permits shall expire at midnight on December 31 following their issuance. All money received by the commission shall be disposed of as provided in section 37-206. The commission shall furnish to any permittee 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 ~~the same thereto~~ it to such net, seine, or device.

(4) The commission may, ~~by enactment of~~ by rules and regulations; open specified waters to underwater powered spear fishing and may by rules and regulations limit or control such powered spear fishing.

Sec. 23. That section 37-503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-503. It shall be unlawful (1) to catch or take; or attempt to catch or take; minnows, except for bait, † (2) to catch or take; or attempt to catch or take; minnows by the use of minnow seines of more than twenty feet in length; or four feet in depth, † (3) to catch or take; or attempt to catch or take; minnows with minnow seines or traps, the meshes of which are other than ~~one quarter of an~~ one-fourth inch square, † (4) for any person; except a licensed fish breeder or bait vendor; to buy, sell, ~~or~~ barter, ~~or~~ offer to buy, sell, or barter, † or have in his or her possession minnows for any purpose whatsoever except for use as bait, and † (5) to keep or retain any game fish taken while netting or taking; or attempting to net or take; minnows for bait, and ~~all~~ game fish so taken, of whatever size, ~~netted or taken,~~ shall be immediately returned to the water from which taken and no minnows shall be taken from reservoirs, lakes, or bayous.

Individuals, either resident or nonresident, over sixteen years of age selling minnows or salamanders as bait for profit shall be required to purchase from the commission a bait vendor's permit, ~~which will be provided by and can be obtained from the commission~~ for a fee of, ~~resident, not less than~~ not less than twenty-five dollars; and not more than thirty-two dollars for residents and ~~nonresident, not less than~~ not less than one hundred fifty dollars and not more than two hundred dollars for nonresidents, as established by the commission pursuant to section 1 of this act. Individuals; over sixteen years of age and residents of this state; selling crayfish or leopard or striped frogs; shall ~~be required to~~ purchase from the commission a resident bait vendor ~~vendor's~~ permit for a fee of not less than twenty-five dollars and not more than thirty-two dollars, as established by the commission pursuant to such section, except † ~~PROVIDED,~~ that if such individual holds a permit for minnows or salamanders as provided in this section, such permit shall include crayfish and leopard or striped frogs.

Sec. 24. That section 37-505, Revised Statutes Supplement,

1992, be amended to read as follows:

37-505. It shall be unlawful to buy, sell, or barter (1) any game bird or part thereof, except the feathers or skins from legally taken upland game birds, (2) any antelope, cottontail rabbit, deer, elk, squirrel, or bullfrog, except that deer, antelope, or elk hides from legally taken animals may be sold, or (3) any game fish protected by the Game Law at any time except as provided in section 37-503.05, whether such bird, animal, or fish was killed or taken within or outside this state, except that game fish lawfully shipped in from outside this state by residents of this state or game or fish lawfully acquired from a licensed game farm, from a person having a fish culture permit, or, in the case of bullheads, pursuant to section 37-503.05 may be sold in this state, and the burden of proof shall be upon any such buyer, seller, or possessor to show by competent and satisfactory evidence that any game or game fish in his or her possession or sold by him or her was lawfully shipped in from outside this state or was lawfully acquired from one of such sources. Nonresidents holding a valid nonresident fish dealer's permit may possess, buy, sell, transport, and ship live bait minnows, live fish, all frogs, and crayfish legally obtained from outside this state or from a licensed fish hatchery in accordance with rules and regulations adopted and promulgated by the commission. The fee for a nonresident fish dealer's permit shall be not less than fifty four hundred dollars and not more than sixty-five dollars, as established by the commission pursuant to section 1 of this act.

Sec. 25. That section 37-703, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-703. Permits for game farming, fur farming, and private fish culture may be issued by the ~~Game and Parks Commission~~ commission upon written application ~~therefor~~ therefor by any qualified person, person qualified to receive the same. Such application shall state (1) the name, residence, and place of business of the applicant, (2) the exact description of the land upon which such game farm, fur farm, or private fish hatchery is to be located, together with the nature of the applicant's title ~~thereto~~ to the land, whether in fee or under lease, and (3) the kind and approximate number of game animals, game birds, fur-bearing animals, except mutation foxes or minks, or fish proposed to be kept or reared ~~thereon~~ on such farm or in such hatchery. The annual fee for a private fish hatchery or minnow hatchery permit shall be not less than fifty twenty dollars per year and not more than sixty-five dollars, as established by the commission pursuant to section 1 of this act.

Sec. 26. That section 37-714, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-714. A ~~permit, to be known as a~~ game fancier or pet permit; may be issued to any citizen of this state authorizing the keeping of not more than fifty wild birds and animals ~~which have been, or which shall be,~~ acquired without violation of any law or any rule or regulation duly adopted and promulgated by the ~~Game and Parks Commission~~ commission. The annual fee for such permit shall be not less than seven dollars and fifty cents ~~per year~~ and not more than ten dollars, as

established by the commission pursuant to section 1 of this act.

Sec. 27. That section 37-715, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-715. A ~~permit, to be known as a~~ commercial game or fur farmer permit; may be issued to any citizen of this state authorizing the possession and rearing in captivity of game birds, game animals, Lynx canadensis, Lynx rufus, or fur bearers ~~which have been or which shall be~~ acquired without violation of any ~~provision of law or any rule or regulation duly adopted and promulgated by the Game and Parks Commission commission.~~ The annual fee for such permit shall be not less than twenty-five dollars per year and not more than thirty dollars, as established by the commission pursuant to section 1 of this act. The holder of any such permit shall comply with all provisions of Chapter 37, article 7.

Sec. 28. That section 37-720, Revised Statutes Supplement, 1992, be amended to read as follows:

37-720. (1) The commission may take such steps as it deems necessary to provide for the protection and management of raptors, ~~as defined in section 37-101.~~

(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 ~~in the sum of~~ not less than ten dollars and not more than fifteen dollars for persons fourteen to seventeen years of age and not less than thirty dollars and not more than forty dollars for persons eighteen years of age and older, as established by the commission pursuant to section 1 of this act. 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 ~~commission shall charge a~~ fee for each license ~~of~~ shall be not less than one hundred fifty dollars and not more than two hundred dollars, as established by the commission pursuant to section 1 of this act. All such licenses shall be nontransferable, shall expire three years after the date of issuance, and may be renewed under terms and conditions ~~as are~~ 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. 29. That section 37-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-901. Any person owning, holding, or controlling by lease or otherwise, which possession must be for a term of five or more years, any contiguous tract of land having an area of not less than one hundred twenty acres and not more than ~~twelve~~ one thousand two hundred eighty acres who desires to establish a game breeding and controlled shooting area to propagate, preserve, and shoot exotic game birds ~~thereon~~ under the regulations as ~~hereinafter~~ provided in sections 37-901 to 37-914 shall make application to the Game and Parks Commission for a license as provided by ~~such~~ sections, ~~37-901 to 37-914~~. 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. ~~The application and~~ shall be accompanied by a license fee of not less than one hundred dollars and not more than one hundred thirty dollars, as established by the commission pursuant to section 1 of this act. 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.

Sec. 30. That section 37-905, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-905. (1) The licensee of any licensed game breeding and controlled shooting area may take; or authorize to be taken, within the season ~~hereinafter~~ fixed and designated and in such numbers as herein provided in sections 37-901 to 37-914, hand-reared (†) Hand-reared game birds, including pheasants, bobwhite quail, coturnix quail, chukar partridge, Hungarian partridge, mallard ducks, and wild turkey, released on licensed areas during the shooting season as provided in such sections. ~~37-901 to 37-914;~~

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

(3) All game birds released for hunting on a controlled hunting area shall be marked by banding, toe clipping, or some other method approved by the Game and Parks Commission prior to release. Any game bird killed by a hunter on a controlled hunting area which does not have a band shall be banded prior to being transported from such area. The licensee shall pay to the ~~Game and Parks Commission~~

commission the sum of not less than ten cents and not more than fifteen cents, as established by the commission pursuant to section 1 of this act, for each band used to mark game birds, ~~and~~

(4) The licensee shall furnish a receipt to each hunter taking game birds on the controlled hunting area which shall indicate the name of the hunter, the date of the taking, the sex and species of the game birds taken, and the name of the controlled hunting area.

Sec. 31. That section 37-908, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-908. Every individual taking game birds upon such a licensed game breeding and controlled shooting area shall secure a hunting license and a habitat stamp in accordance with the ~~provisions of the laws of the State of Nebraska, except~~ ~~PROVIDED,~~ that nonresidents of the State of Nebraska shall in addition to securing a habitat stamp; pay a license fee of not less than five dollars and not more than seven dollars, as established by the commission pursuant to section 1 of this act.

Sec. 32. That section 37-1105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-1105. The commission shall devise permits in two forms: Annual and temporary.

(1) The annual permit may be purchased by any person and shall be valid through December 31 of the year for which issued. The fee for the annual permit shall be ~~ten~~ fourteen dollars per permit.

(2) 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 shall be two dollars and fifty cents. The commission may issue temporary permits which are either valid for any area or valid for a single area.

Sec. 33. That section 37-1107.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-1107.01. (1) In addition to the permits authorized in section 37-1105, the ~~Game and Parks Commission~~ commission shall design a duplicate annual permit which may be purchased for one-half the fee of an annual permit.

(2) The registered owner of two or more vehicles may purchase a one duplicate annual permit for ~~one of such vehicles per year. The each annual permit purchased. The duplicate annual permit shall be used on the purchaser's vehicles.~~ A duplicate annual permit may be purchased at any time during the year from ~~Game and Parks Commission~~ offices of the commission and designated commission-staffed areas, either by mail or in person, ~~A duplicate annual permit may be obtained at any time during the year~~ upon proof of purchase of an annual permit, in compliance with ~~Game and Parks Commission~~ rules and regulations of the commission. A permit holder who sells his or her vehicle to which a valid annual or duplicate permit has been attached may purchase a duplicate annual permit upon surrendering the original permit or a substantial portion of the permit.

(3) Fees from duplicate annual permits shall be subject to the provisions of section 37-1114.

Sec. 34. That section 37-1108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-1108. The location and method of display of permits on motor vehicles shall be ~~as~~ prescribed by the commission. Permits shall be issued for sale in such type and design of gummed sticker that may be determined by the commission and may be procured at the central and district offices of the commission, at areas of the Nebraska state park system where commission offices are maintained, from self-service vending stations at designated park areas, from designated commission employees, from appropriate offices of county government, and from various private persons, firms, or corporations designated by the commission as permit vendors. Such county offices or private persons, firms, or corporations designated by the commission as permit vendors shall be entitled to collect and retain a fee of not less than twenty-five cents and not more than thirty-five cents, as established by the commission pursuant to section 1 of this act, for each permit as reimbursement for the clerical work of issuing the permits and remitting therefor.

Sec. 35. That section 37-1212, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-1212. A person engaged in the manufacture or sale of vessels of a type otherwise required to be numbered under ~~sections 37-1201 to 37-1274~~ the State Boat Act, upon application to the commission on forms prescribed by it, may obtain certificates of number for use in the testing or demonstrating of such vessels upon payment of a fee of not less than thirty dollars and not more than forty dollars, as established by the commission pursuant to section 1 of this act, for each registration. Certificates of number so issued may be used by the applicant in the testing or demonstrating of vessels by temporary placement of the numbers assigned by such certificate on the vessel so tested or demonstrated. Such temporary placement of numbers shall otherwise be as prescribed by ~~sections 37-1201 to 37-1274~~ the act.

Sec. 36. That section 37-1214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-1214. The owner of each motorboat shall register such vessel every three years. The owner of such vessel shall file an application for number with the county treasurer of the county in which the applicant resides on forms approved and provided by the commission. The application shall be signed by the owner of the vessel, giving the year manufactured, and shall be accompanied by a fee for the three-year period of not less than fifteen dollars and not more than twenty dollars for Class 1 boats, not less than thirty dollars and not more than forty dollars for Class 2 boats, not less than forty-five dollars and not more than sixty dollars for Class 3 boats, and not less than seventy-five dollars and not more than one hundred dollars for Class 4 boats, as established by the commission pursuant to section 1 of this act.

Sec. 37. That section 37-1217, Reissue Revised Statutes of

Nebraska, 1943, be amended to read as follows:

37-1217. When the county treasurer registers a vessel, such official shall be entitled to collect and retain a fee, in addition to the registration fee, of not less than two dollars and not more than three dollars on each registration issued, as established by the commission pursuant to section 1 of this act, as reimbursement for administrative costs incurred in issuing such certificate of registration. Such fee shall be credited to the general fund of the county and shall be included by the county treasurer in his or her report of fees as provided by law.

Sec. 38. That section 37-1227, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-1227. In the event of loss or destruction of the certificate of number, the owner of the vessel shall apply to the county treasurer on appropriate forms, provided by the commission, for replacement of such lost certificate of number. Upon satisfactory proof of loss and the payment to the county treasurer of a fee of not less than one dollar and not more than one dollar and fifty cents, as established by the commission pursuant to section 1 of this act, the county treasurer shall issue a duplicate certificate of number.

Sec. 39. That section 37-1238, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-1238. The commission may adopt and promulgate rules and regulations providing that any vessel may carry and exhibit the lights required by the ~~Federal Regulations for Preventing Collisions at Sea, 1948, Federal Act of October 11, 1951, (33 U.S.C. 143-174D)~~ Inland Navigational Rules Act of 1980, as amended, 33 U.S.C. 2001 et seq., in lieu of the lights required by sections 37-1232 to 37-1237.

Sec. 40. That section 37-1241, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-1241. (1) Every vessel except sailboards shall carry at least one life preserver, ring buoy, or other device of the sort prescribed by the regulations of the commission for each person on board, so placed as to be readily accessible, except that every vessel carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the commission for each person on board. Every vessel except canoes, kayaks, sailboards, and personal watercraft shall carry at least one throwable floatation device; which shall be in addition to the devices required for each person on board.

(2) ~~The provisions of subsection~~ Subsection (1) of this section shall not apply to any racing shell or rowing scull during an authorized race or regatta or an officially supervised training session if at least one approved floatation device is carried aboard an accompanying vessel for each person in such racing shell or rowing scull. Such floatation devices shall be in addition to those required for each person aboard the accompanying vessel.

(3) For purposes of this section:

(a) Personal watercraft shall mean a class of inboard vessel

less than sixteen feet in length which uses an internal combustion engine powering a jet pump as its primary source of motive propulsion and is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than in the conventional manner of boat operation; and

(b) Sailboard shall mean a surfboard-type vessel with no freeboard and using a free-sail system with a swivel-mounted mast not secured to a hull by guys or stays.

Sec. 41. That section 37-1259, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-1259. No motorboat shall have in tow or shall otherwise be assisting a person on water skis, aquaplane, or a similar contrivance from the period of ~~one~~ one-half hour after sunset to ~~one~~ one-half hour prior to sunrise, except that this section shall not apply to motorboats used in duly authorized water ski tournaments, competitions, or exhibitions or trials therefor ~~where~~ when adequate lighting is provided.

Sec. 42. No person other than a rescue squad member actually enroute to, at, or returning from any emergency requiring the services of such member or any law enforcement officer in the performance of his or her official duties shall operate a vessel equipped with a rotating or flashing red or blue light or lights upon the waters of this state.

Sec. 43. The operator of any vessel when signaled to stop either by hand signals or by the display of a rotating or flashing red or blue light or lights shall immediately bring such vessel to a stop or follow the directions given by any officer having the authority to enforce the State Boat Act. Violation of this section shall be a Class IV misdemeanor.

Sec. 44. That section 37-1274, Revised Statutes Supplement, 1992, be amended to read as follows:

37-1274. Sections 37-1201 to 37-1274 and sections 42 and 43 of this act shall be known and may be cited as the State Boat Act.

Sec. 45. That section 53-186, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-186. ~~It~~ (1) Except as provided in subsection (2) of this section, it shall be unlawful for any person to consume alcoholic liquors ~~liquor~~ (a) in the public streets, alleys, parking areas, roads, or highways, ~~or~~ (b) inside vehicles while upon the public streets, alleys, parking areas, roads, or highways, ~~;~~ or (c) upon property owned or controlled by the state or any governmental subdivision thereof; unless authorized by the governing bodies having jurisdiction over such property. properties; ~~PROVIDED, that the~~

(2) The commission may issue licenses for the sale of alcoholic liquor at retail (a) on lands owned by public power districts, public power and irrigation districts, the Bureau of Reclamation, or the Corps of Army Engineers; or (b) for locations within or on structures on land owned by the state, cities, or villages or on lands controlled by airport authorities. The issuance of a license under this subsection shall be subject to the consent of the local governing body having jurisdiction

over the site for which the license is requested as provided in the Nebraska Liquor Control Act, with the consent of the governing body thereof.

Sec. 46. That section 81-805, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-805. Except as ~~herein~~ otherwise provided in this section, the Game and Parks Commission shall have sole charge of state parks, game and fish, recreation grounds, and all things pertaining thereto. All funds rendered available by law, including funds already collected for ~~said~~ such purposes, may be used by the commission in administering and developing such resources.

The commission shall adopt and carry into effect plans to replenish and stock the state with game and, whenever it is in the best interest of the public to do so, to stock the streams, lakes, and ponds, whether public or private, of this state with fish. It may plan such extensions and additions to existing hatcheries and such new plants as may be necessary to supply fully the state with game and fish; and cause ~~said~~ the plans to be executed; after ascertaining the cost thereof.

With the consent of the Governor, it may by purchase, when funds on hand or appropriated therefor are sufficient, or by gift, devise, or otherwise; acquire title in the name of the State of Nebraska to sites ~~therein~~ situated outside organized municipalities, except as provided in section 47 of this act, for additional state parks, hatcheries, recreation grounds, game farms, game refuges, and public shooting grounds; and may enter into appropriate contracts with reference thereto, all within the limits of amounts that may be appropriated, contributed, or available, ~~therefor~~. For these purposes, the commission may enter into appropriate contracts, leases, or lease-purchase agreements.

The commission, with the consent of the Governor, ~~is authorized to~~ may take, receive, and hold, either in the name of the state or in trust for the state, exempt from taxation, any grant or devise of lands and any gift or bequest of money or other personal property made in furtherance of the purposes contemplated by this section; and shall have such funds, or the proceeds of such property, invested. Such invested funds shall be known as the State Park and Game Refuge Fund, and shall be used and expended under the direction of the commission. Any money in the State Park and Game Refuge Fund available for investment shall be invested by the state investment officer pursuant to ~~the provisions of~~ sections 72-1237 to ~~72-1259~~ 72-1276.

The commission ~~is authorized to~~ may make a survey of all lands and areas in the state which are suitable for state parks, game refuges, or other similar purposes contemplated by this section; and ~~to~~ may locate and designate any or all of such lands or areas, or parts thereof; and ~~to~~ take such action as may tend to preserve or conserve ~~the same~~ them. The commission shall publish such informational material as it deems necessary and may, at its discretion, charge appropriate fees therefor.

The commission ~~is authorized and empowered to~~ may adopt and promulgate rules and regulations, under the procedures set

forth in the Administrative Procedure Act, governing the administration and use of all property, real and personal, under its ownership or control, and the commission ~~is charged with the duty and responsibility of adopting such regulations as it shall deem~~ shall adopt and promulgate rules and regulations it deems necessary to administer the following activities and facilities:

(1) The commission may adopt rules and regulations to designate camping areas on appropriate lands under its ownership or control and to permit camping thereon. As a condition to such permission, the commission may prescribe such rules and regulations as are reasonable and proper governing public use of such camping areas including, but not limited to, access to camping areas, area capacity, sanitation, opening and closing hours, public safety, fires, establishment and collection of fees ~~where~~ when appropriate, protection of property, and zoning of activities. ~~Such~~ Such ~~such~~ rules and regulations ~~to~~ shall be posted on appropriate signs at the areas. ~~Any~~ Any ~~;~~ PROVIDED, that any person who camps on lands owned or controlled by the commission not designated as a camping area by the commission, or any person who fails to observe the conditions of occupancy, use, or access, posted as provided in this section, shall not have permission. Any person violating the provisions of the regulations ~~above~~ authorized by this subdivision shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(2) The commission may adopt rules and regulations permitting any type of fire, including the smoking of tobacco in any form, and providing for the size, location, and ~~the~~ conditions under which a fire may be established on any area under its ownership or control. The commission may enact rules and regulations permitting the possession; or use; of any type of fireworks not prohibited by law on any areas under its ownership or control. The commission may adopt rules and regulations authorizing management personnel to temporarily revoke permission by the posting of appropriate signs for all fires of any kind whatsoever, including smoking and the use of fireworks, in any area under its ownership or control, when such posting is in the interest of public health, safety, and welfare; or for the preservation of property. ~~Any~~ Any ~~;~~ PROVIDED, that any person who ~~shall light~~ lights any type of fire, ~~who shall use~~ uses any fireworks, ~~or who shall smoke~~ smokes tobacco in any form, or ~~who shall leave,~~ leaves unattended and unextinguished; any fire of any type in any location, in any area under the ownership or control of the commission, unless the commission ~~shall have~~ has given permission, which permission ~~shall not have~~ has not been revoked, to such type of fire, to such use or possession of fireworks, or to such smoking of tobacco, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(3) The commission may adopt rules and regulations permitting pets, domestic animals, and poultry; to be brought upon, possessed, grazed, maintained, or run at large; on any area, or portion of

any area, under its ownership or control. ~~Any~~ ~~;~~ ~~PROVIDED,~~ ~~that~~ ~~any~~ person who brings upon, possesses, grazes, maintains, or permits to run at large his or her pets, domestic animals, or poultry on any area; or portion of any area; under the ownership or control of the commission, unless the commission ~~shall have~~ has permitted such bringing upon, possession, grazing, maintaining, or running at large, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(4) The commission ~~is authorized to~~ may enact rules and regulations, temporarily or permanently, permitting hunting, fishing, or the public use of firearms, bow and arrow, or any other projectile weapons or devices on any area or any portion of any area under its ownership or control. The commission ~~is authorized to~~ may enact special rules and regulations permitting trapping and other forms of fur harvesting on any such area or areas. ~~Any~~ ~~;~~ ~~PROVIDED,~~ ~~that~~ ~~any~~ person who, ~~shall,~~ without the permission of the commission, ~~hunt, fish, trap, harvest~~ hunts, fishes, traps, harvests fur, or ~~use~~ uses firearms, bow and arrow, or any other projectile weapon or device on any area or any portion of any area under the ownership or control of the commission; shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(5) The commission ~~is authorized to~~ may enact rules and regulations permitting swimming, bathing, boating, wading, water-skiing, and the use of any floatation device on all or any portion of any area under its ownership or control. Such regulations may include permission for swimming, bathing, boating, water-skiing, wading, ~~or~~ the use of floatation devices, and all other water-related recreational activities in all areas, or any portion of any specific area, under the ownership or control of the commission; and may provide for special general conditions for specific swimming, water-skiing, boating, bathing, or wading areas, which shall be posted at such areas. ~~Any~~ ~~;~~ ~~PROVIDED,~~ ~~that~~ ~~any~~ person who ~~shall swim, bathe, boat, wade, water-ski, or use~~ swims, bathes, boats, wades, water-skis, or uses any floatation device on all or any portion of any area under the ownership or control of the commission, unless the commission ~~shall have~~ has given permission for such activity in the specific area or portion thereof, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(6) The commission may enact rules and regulations relating to the protection, use, or removal of; any public real or personal property on any area under its ownership or control; and may regulate or prohibit the construction or installation of any privately owned structure on such area. The commission may close all or any portion of any area under its ownership or control to any form of public use or access with the erection of proper signs, without the enactment of formal written regulations. ~~Any~~ ~~;~~ ~~PROVIDED,~~ ~~that~~ ~~any~~ person who, ~~shall,~~ without the permission of the commission, ~~construct or install~~ constructs or installs any privately owned structure, or who ~~shall use or remove~~

~~uses or removes~~ any public real or personal property, on any area under the ownership or control of the commission, or who ~~shall enter or remain~~ enters or remains upon all or any portion of any area under the ownership or control of the commission, where proper signs or public notices prohibiting the same have been erected or displayed, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(7) Any person who ~~shall abandon~~ abandons any motor vehicle, trailer, or other conveyance; in any area under the ownership or control of the commission; shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(8) The commission ~~is authorized to~~ may enact rules and regulations permitting the sale, trade, or vending of any goods, products, or commodities of any type in any area under its ownership or control, ~~Any ; PROVIDED, that any~~ person who ~~shall sell, trade, or vend~~ sells, trades, or vends any goods, products, or commodities of any type, in any area under the ownership or control of the commission, without having received the prior permission of the commission for such activity, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section; ~~and~~

(9) ~~Where~~ When the permission of the commission is required as a prerequisite to any activity set out in this section, such permission shall be established by resolution of the commission. ~~The ; PROVIDED, that such~~ resolution may set out the circumstances under which the supervisor or managing official in charge of any area under the ownership or control of the commission may give such permission in emergency situations, and such ~~resolutions~~ resolution may further provide for the revocation of such permission by the secretary of the commission; or by the supervisor or managing official of any area under the ownership and control of the commission. The commission, with regard to roads on any area under its ownership or control, may establish such regulations deemed necessary as authorized by sections 39-663 and 39-697. Any law enforcement official, including any conservation officer or deputy conservation officer, ~~is authorized to~~ may enforce the provisions of this section and the rules and regulations established under the authority of sections 39-663 and 39-697. ~~Where~~ When a violation has occurred in or on any area under the ownership or control of the commission, any conservation officer or deputy conservation officer may arrest and detain any person committing such violation; or committing any misdemeanor or felony as provided by the laws of this state until a legal warrant can be obtained. Any person guilty of a violation as set forth in this section or rules and regulations established under the authority of sections 39-663 and 39-697 shall be guilty of a Class V misdemeanor.

The commission ~~is authorized to~~ may issue, regardless of any other requirements or qualifications of law, without cost, special fishing permits to wards of the state, on a group basis, for therapeutic

purposes, when application has been made to the commission by the head of the appropriate state institution involved.

The commission is ~~is~~ may further ~~authorized to~~ enter into agreements with other states bordering on the Missouri River providing for reciprocal recognition of licenses, permits, and laws of the agreeing states. The commission may disseminate information on the state park system and the wildlife resources of the state so as to inform the public of the outdoor recreation opportunities to be found in Nebraska.

The commission ~~is authorized to~~ may grant easements across real estate under its control for purposes that are in the public interest and do not negate the primary purpose for which the real estate is owned or controlled by the commission.

Sec. 47. (1) The Game and Parks Commission may enter into an agreement to accept as a gift from the Nebraska Game and Parks Foundation all of the real estate described as Lot 1 in the northwest quarter of the northwest quarter of section 8, township 8 north, range 14 east, Otoe County, Nebraska, except that part of Lot 1, commencing at the northwest corner of Lot 1, thence east 265 feet, thence south 462 feet, thence west 265 feet to a point on the west line of Lot 1, thence north 462 feet to the place of beginning, also described as the east 678.14 feet of Lot 1, all located in Otoe County, Nebraska, containing 7.1 acres more or less and including all gas, oil, and mineral rights.

(2) In consideration of such conveyance, the commission agrees that the land shall be designated and utilized as an addition to Arbor Lodge State Historical Park.

Sec. 48. That section 81-815, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-815. It shall be unlawful for any person, firm, or corporation; carrying on within this state any business of whatever nature, conducted for profit, to adopt or use, as the name of ~~his~~ the business, the name of any state park owned by the State of Nebraska. It shall further be unlawful for any person, firm, or corporation; selling any commodity or service of any kind or nature whatever within this state; to adopt or use, as a trade name, designation, or trademark of the commodity or service, the name of any state park owned by the State of Nebraska. The provisions of this section shall not prohibit or interfere in any way with the activities or powers of the Game and Parks Commission. Any person, firm, or corporation ~~guilty of the violation of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than one hundred dollars~~ which violates this section shall be guilty of a Class V misdemeanor.

Sec. 49. That section 81-815.22, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-815.22. As used in sections 81-815.21 to ~~81-815.35~~ 81-815.33, unless the context otherwise requires:

(1) Commission shall mean the Game and Parks Commission;

(2) State parks shall mean parks of substantial area with the primary value of significant statewide scenic, scientific, or historic interest; and having a complete development potential and, where when possible, a representative portion which can be retained in a natural or relatively undisturbed state;

(3) State recreation areas shall mean (a) areas with a primary value for day use, but with secondary overnight-use facilities or potential, and which have reasonable expansion capability; and are located in accordance with sound park management principles and (b) state recreational trails;

(4) State historical parks shall mean only sites which, in the opinion of competent, recognized authorities, are of notable historical significance to the State of Nebraska, of a size adequate to develop the full interpretative potential of the site, and which may be equipped with limited day-use facilities when such facilities do not detract from nor interfere with the primary purposes and values thereof; and

(5) State wildlife management areas shall be those areas which are primarily of public hunting, fishing, or other wildlife values, and which cannot logically be classified in one of the categories listed in subdivision (2), (3), or (4) of this section, when so designated by the commission to be maintained from fish and game funds; and

(6) State recreational trails shall mean linear corridors of statewide or regional significance, of value for nonmotorized recreational use, and which may be equipped with amenities and support facilities appropriate to their intended purpose.

Sec. 50. That section 81-815.31, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-815.31. (1) The commission is hereby authorized to enter into cooperative agreements with the Nebraska State Historical Society and other appropriate public agencies for the reconnaissance, development, and administration of state historical parks.

(2) The commission may enter into cooperative agreements with appropriate agencies or subdivisions; or departments; of government for the reconnaissance, development, and administration of state wayside areas recreational trails.

Sec. 51. The State of Nebraska hereby assents to the provisions of section 1302 of the Intermodal Surface Transportation Efficiency Act cited as the Symms National Recreational Trails Act of 1991 and establishing the National Recreational Trails Funding Program, Public Law 102-240, 102nd Congress. The Game and Parks Commission is authorized, empowered, and directed to perform all acts necessary on behalf of the State of Nebraska to the conduct and establishment of recreational trails and trail-related projects in accordance with such act of Congress for and within the State of Nebraska. The commission may adopt and promulgate rules and regulations to assist in carrying out the purposes of this section. No funds accruing to the State of Nebraska pursuant to the act shall be used in violation of the act.

Sec. 52. There is hereby created a fund to be known as the

Recreational Trails Fund. Federal funds advanced to the State of Nebraska through grants-in-aid under the provisions of Public Law 102-240, 102nd Congress, for approved projects shall be remitted to the State Treasurer for credit to the fund. The money in the fund shall be used by the Game and Parks Commission for the purposes of establishing recreational trails and trail-related projects pursuant to such public law.

Sec. 53. Sections 51 and 52 of this act shall terminate on December 1, 1994.

Sec. 54. Sections 1, 3 to 38, 45 to 50, and 56 of this act shall become operative on January 1, 1994. The other sections of this act shall become operative on their effective date.

Sec. 55. That original sections 28-905, 37-1238, 37-1241, and 37-1259, Reissue Revised Statutes of Nebraska, 1943, and section 37-1274, Revised Statutes Supplement, 1992, are repealed.

Sec. 56. That original sections 37-202.01, 37-203, 37-204.01, 37-211.01, 37-214.04, 37-215, 37-215.03, 37-217.01, 37-227, 37-233, 37-304.02, 37-420, 37-421, 37-502, 37-503, 37-703, 37-714, 37-715, 37-901, 37-905, 37-908, 37-1105, 37-1107.01, 37-1108, 37-1212, 37-1214, 37-1217, 37-1227, 53-186, 81-805, 81-815, 81-815.22, and 81-815.31, Reissue Revised Statutes of Nebraska, 1943, and sections 37-201, 37-204, 37-211, 37-213, 37-214.03, 37-216.01, 37-505, and 37-720, Revised Statutes Supplement, 1992, and also section 37-414, Reissue Revised Statutes of Nebraska, 1943, and section 37-413, Revised Statutes Supplement, 1992, are repealed.