

LEGISLATIVE BILL 922

Approved by the Governor April 14, 1998

Introduced by Natural Resources Committee: Beutler, 28, Chairperson;
 Bohlke, 33; Bromm, 23; Bruning, 3; Elmer, 44; Preister, 5;
 Schrock, 38; Stuhr, 24; and Hilgert, 7

AN ACT relating to game and parks; to amend sections 2-32.101, 11-201, 28-1007, 37-103, 37-109, 37-202.01, 37-203, 37-204.01, 37-204.02, 37-205, 37-208, 37-209, 37-212, 37-213.01 to 37-213.06, 37-214.01 to 37-214.04, 37-215.02, 37-215.05, 37-216, 37-226 to 37-228, 37-232 to 37-234, 37-301 to 37-304, 37-304.02 to 37-307, 37-309, 37-310, 37-401 to 37-406, 37-407, 37-408, 37-410 to 37-412, 37-415 to 37-417, 37-419 to 37-427, 37-429 to 37-438, 37-501 to 37-502, 37-503.05 to 37-504, 37-506, 37-507, 37-508 to 37-510, 37-512, 37-513, 37-515 to 37-518, 37-520, 37-523 to 37-526, 37-528, 37-529, 37-531, 37-534 to 37-538, 37-601 to 37-608, 37-610 to 37-614, 37-712 to 37-714, 37-716 to 37-718, 37-720 to 37-726, 37-902 to 37-908, 37-910 to 37-914, 37-1001 to 37-1008, 37-1101, 37-1102, 37-1104, 37-1105, 37-1107.01 to 37-1114, 37-1212, 37-1269, 37-1273, 37-1302 to 37-1304, 37-1401 to 37-1408, 37-1501, 37-1502, 37-1504 to 37-1506, 37-1508, 39-312, 60-646, 60-6.353, 72-261, 77-27, 119.01, 81-801 to 81-802, 81-804, 81-805, 81-805.02 to 81-805.04, 81-807 to 81-809, 81-810 to 81-812, 81-814 to 81-815, 81-815.21 to 81-815.33, 81-815.36, 81-815.45, 81-815.50, 81-815.51, 81-815.53, 81-815.55, 81-815.56, 81-815.58 to 81-815.65, and 85-162.03 to 85-162.05, Reissue Revised Statutes of Nebraska, sections 37-104, 37-110, 37-111, 37-201, 37-202.02, 37-202.03, 37-204, 37-206, 37-213, 37-215.01, 37-215.04, 37-215.08, 37-216.02, 37-216.04 to 37-216.09, 37-304.01, 37-311, 37-428, 37-439, 37-507.01, 37-511, 37-511.01, 37-529.01 to 37-530, 37-532, 37-533, 37-609, 37-702, 37-705 to 37-707, 37-711, 37-711.01, 37-719, 37-1211, 37-1217, 37-1227, 37-1291, 37-1503, 37-1507, 37-1510, and 81-2801, Revised Statutes Supplement, 1996, and sections 37-101, 37-102, 37-105, 37-202, 37-204.03, 37-211, 37-211.01, 37-215, 37-215.03, 37-216.01, 37-308, 37-503, 37-505, 37-703, 37-715, 37-901, 37-1103, 37-1214, 39-311, and 81-803.01, Revised Statutes Supplement, 1997; to amend, transfer, and repeal provisions relating to the Game and Parks Commission and Chapter 37; to provide and change provisions relating to enforcement, penalties, and fees; to change provisions relating to controlled shooting areas and registration of boats; to harmonize provisions; to repeal the original sections; and to outright repeal sections 37-207, 37-215.06, 37-215.07, 37-235, 37-406.01, 37-406.02, 37-418, 37-519, 37-527, 37-901.01, 37-909, 37-1301, 37-1509, 81-805.01, and 81-815.52, Reissue Revised Statutes of Nebraska, and sections 37-216.03 and 37-1305, Revised Statutes Supplement, 1996.

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

Section 1. Section 81-801, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-801-~~ (1) The Game and Parks Commission shall consist of seven members, one from each of the seven districts provided for by section ~~81-801-01~~ 2 of this act, and shall be appointed by the Governor with the consent of a majority of all members of the Legislature. Members of the commission shall be legal residents and citizens of Nebraska, and shall be well informed on wildlife conservation and restoration. At least two members of the commission shall be actually engaged in agricultural pursuits and shall reside on a farm or ranch, and not more than four of the members of the commission shall be affiliated with ~~one the same~~ the same political party.

(2) When the term of any member of the commission ~~shall expire~~ expires, the Governor shall appoint a successor for a term of five years from the same district as the member whose term has expired. Each member shall serve until the appointment and qualification of his or her successor. In case of a vacancy occurring prior to the expiration of the term of a member, the appointment shall be made only for the remainder of the term.

(3) All members of the commission shall be citizens and bona fide residents of the district from which they are appointed. When a member ceases to be a bona fide resident of the district, from which he or she was appointed, ~~his~~ the office shall be immediately vacated.

(4) If the Legislature is not in session when members of the

commission are appointed by the Governor, they shall take office and act as recess appointees until the Legislature next thereafter convenes.

(5) Members may be removed by the Governor for inefficiency, neglect of duty, or misconduct in office, but only after delivering to the member a copy of the charges and affording him an opportunity of being publicly heard in person or by counsel in his or her own defense, upon not less than ten days' notice. Such hearing shall be held before the Governor.

(6) If such member shall be is removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such member and his or her findings thereon, together with a complete record of the proceedings. No person who has served a full five-year term shall be eligible for reappointment as a member of the commission until at least five years have elapsed between any previous term which he or she might have served, and the effective date of his or her new appointment.

Sec. 2. Section 81-801.01, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-801.01.~~ For the purpose of sections 81-801; 81-801.01 and 81-804 purposes of section 1 of this act, the state is hereby divided into seven districts. The limits and designations of the seven districts shall be as follows:

(1) District No. 1. The counties of Richardson, Pawnee, Nemaha, Johnson, Otoe, Cass, Lancaster, Saunders, Butler, Gage, Seward, Saline, and Jefferson; -

(2) District No. 2. The counties of Sarpy and Douglas; -

(3) District No. 3. The counties of Washington, Dodge, Colfax, Platte, Merrick, Nance, Boone, Madison, Stanton, Cuming, Burt, Thurston, Wayne, Pierce, Antelope, Knox, Cedar, Dixon, and Dakota; -

(4) District No. 4. The counties of Thayer, Nuckolls, Webster, Adams, Clay, Fillmore, York, Polk, Hamilton, Hall, Buffalo, Kearney, and Franklin; -

(5) District No. 5. The counties of Harlan, Furnas, Red Willow, Hitchcock, Dundy, Chase, Hayes, Frontier, Gosper, Phelps, Dawson, Lincoln, and Perkins; -

(6) District No. 6. The counties of Howard, Greeley, Wheeler, Sherman, Valley, Garfield, Holt, Boyd, Keya Paha, Rock, Brown, Loup, Blaine, Custer, Logan, McPherson, Arthur, Grant, Hooker, Thomas, and Cherry; and -

(7) District No. 7. The counties of Deuel, Garden, Keith, Sheridan, Cheyenne, Morrill, Box Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball.

Sec. 3. Section 81-802, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-802.~~ The members of the Game and Parks Commission shall meet in January of each year and shall elect a chairman chairperson of the commission from ~~their~~ the membership.

Sec. 4. Section 81-803.01, Revised Statutes Supplement, 1997, is amended to read:

~~81-803.01.~~ Regular meetings of the Game and Parks Commission shall be held quarterly. Special meetings may be held upon call of the chairperson or pursuant to a call signed by three other members, of which the chairperson shall have three days' written notice. No official action shall be taken except at a public meeting at the headquarters of the commission or at a public meeting at a location within the state as determined by a majority of members of the commission. Four members of the commission shall constitute a quorum for the transaction of business.

All regular meetings held in Lincoln, Nebraska, shall be held in suitable offices to be provided under the authority of Chapter 72, article 14. The Game and Parks Commission is authorized to enter into an agreement with the city of Lincoln providing for the supplying by the city of Lincoln to the State of Nebraska for the commission of a headquarters office building and related buildings and facilities therefor, including the parking of motor vehicles, to be located on real estate which is north of Holdrege Street and east of 33rd Street.

Sec. 5. Section 81-804, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-804.~~ The members of the Game and Parks Commission, other than the secretary, shall be reimbursed for all actual and necessary traveling and other expenses incurred in the discharge of their official duties as provided in sections 81-1174 to 81-1177 and shall be allowed a receive no salary but shall be allowed their necessary traveling and hotel expenses and per diem of thirty-five dollars for days actually away from home on business of the commission, not exceeding forty-five days in any one year. A request for payment or reimbursement of mileage or other traveling expenses shall be allowed as provided in sections 81-1174 to 81-1177 for state employees.

Sec. 6. Section 81-807, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-807.~~ The Game and Parks Commission shall appoint a secretary, who will act as its director and chief conservation officer and be in charge of its activities. He or she shall be a person with knowledge of and experience in the requirements of the protection, propagation, conservation, and restoration of the wildlife resources of the state. The secretary shall serve for a term of six years. The secretary shall not hold any other public office and shall devote his or her entire time to the service of the state in the discharge of his or her official duties. The secretary shall receive such compensation as the commission may determine, and shall be reimbursed for all actual and necessary traveling and other expenses incurred by him or her in the discharge of his or her official duties as provided in sections 81-1174 to 81-1177. ~~for state employees.~~ Before entering upon the duties of his or her office, the secretary shall take and subscribe to the constitutional oath of office, and shall, in addition thereto, swear or affirm that he or she holds no other public office, nor any position under any political committee or party. Such oath or affirmation shall be filed in the office of the Secretary of State. Under the direction of the commission, the secretary shall have general supervision and control of all activities and functions of the commission, and shall enforce all the provisions of the law of the state relating to wild animals, birds, fish, parks, and recreational areas, and shall exercise all necessary powers incident thereto not specifically conferred on the commission. The secretary may be removed by the commission for inefficiency, neglect of duty, or misconduct in office, but only by a majority vote of the commissioners after delivering to said the secretary a copy of the charges and affording him or her an opportunity of being publicly heard in person or by counsel in his or her own defense. If the secretary is removed, the commission shall place in its minutes a complete statement of all charges made against the secretary and its findings thereon, together with a complete record of the proceedings and the recorded vote thereon.

Sec. 7. Section 81-808, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-808.~~ It shall be the duty of the secretary to keep an exact and detailed account and record of the ~~doings~~ activities of the Game and Parks Commission, and on September 15 of each year, he ~~or she~~ shall submit to the Governor a report of all expenditures made during the preceding fiscal year, vouchers for which shall be kept on file in the office of the secretary, and open to the inspection of the Governor, Auditor of Public Accounts, and members of the Legislature. All money received by the commission from the administration of fish and game shall be ~~forthwith paid over by the secretary~~ remitted to the State Treasurer, and be deposited by the State Treasurer in for credit to the State Game Fund, except as otherwise provided in the Game Law. ~~sections 81-801 to 81-814.~~

Sec. 8. Section 81-809, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-809.~~ The secretary, under the direction of the Game and Parks Commission acting in official session, is authorized to appoint such ~~deputy~~ conservation officers, agents, office employees, and such other employees as may be required efficiently to enforce the laws for the protection of wildlife and for the administration of hatcheries, game preserves, recreational areas, and parks. All appointments of conservation officers shall be under civil service rules adopted and promulgated by the commission. Such examination shall embrace an investigation of the character, habits and qualifications of each applicant, as well as his knowledge of the state game and fish laws, and the duties and responsibilities appertaining to the position of deputy conservation officer. In addition to the necessary deputy conservation officers, the commission shall specify and require the appointment of such other agents and employees as may be required to execute its plans and projects and to administer its affairs, and ~~the~~ the commission shall prescribe their duties. The commission shall fix the compensation of deputy conservation officers and other agents and employees. ~~Deputy conservation~~ Conservation officers and other agents and employees may be removed by the commission, but only after a hearing. While retaining the right to vote as he ~~or she~~ may please, and to express privately his ~~or her~~ opinion on all political subjects, no employee or officer of the commission shall use his ~~or her~~ official authority or influence for the purpose of interfering with an election or affecting the results thereof.

Sec. 9. Section 81-810, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-810.~~ Each commissioner and every conservation officer and each administrative officer under the Game and Parks Commission, before entering

upon the duties of his or her office, shall subscribe and take the constitutional oath of office, which shall be filed in the office of the Secretary of State.

Sec. 10. Section 81-811, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-811-~~ Each member of the Game and Parks Commission, all conservation officers, managers and custodians of parks, hatcheries, and game farms, all other agents, and all employees thereof, shall be bonded under the blanket surety bond required by section 11-201.

Sec. 11. Section 37-102, Revised Statutes Supplement, 1997, is amended to read:

~~37-102-~~ Sections 37-101 to 37-726 and 37-1401 to 37-1408 ~~11 to 361 of this act~~ shall be known and may be cited as the Game Law.

Sec. 12. Section 37-101, Revised Statutes Supplement, 1997, is amended to read:

~~37-101-~~ For purposes of the Game Law, unless the context otherwise requires, the definitions found in sections 13 to 57 of this act are used. +

~~(1) Aquaculture has the definition found in section 2-3804-01.
(2) Aquaculture facility means any facility, structure, lake, pond, tank, or tanker truck used for the purpose of propagating, selling, brokering, trading, or transporting live fish or viable gametes;~~

~~(3) Aquaculturist means any individual, partnership, limited liability company, or corporation, other than an employee of a state or federal hatchery, involved in producing, transporting, or marketing cultured aquatic stock or products thereof;~~

~~(4) Aquatic disease means any departure from a normal state of health of aquatic organisms caused by disease agents;~~

~~(5) Aquatic organism means an individual member of any species of fish, mollusk, crustacean, aquatic reptile, aquatic amphibian, aquatic insect, or other aquatic invertebrate. Aquatic organism includes the viable gametes, eggs or sperm, of an aquatic organism;~~

~~(6) Captive propagation means to hold live raptors in a controlled environment that is intensively manipulated by humans for the purpose of producing raptors of selected species and that has boundaries designed to prevent raptors, eggs, or gametes of the selected species from entering or leaving the controlled environment;~~

~~(7) Commercial aquaculturist means an aquaculturist engaged in the business of growing, selling, brokering, or processing live or viable aquatic organisms for commercial purposes;~~

~~(8) Commercial exploitation means buying, selling, or bartering for economic or financial gain by any person, partnership, limited liability company, association, or corporation;~~

~~(9) Commission means the Game and Parks Commission;~~

~~(10) Cultured aquatic stock means aquatic organisms raised from privately owned stocks and aquatic organisms lawfully acquired and held in private ownership until they become intermingled with wild aquatic organisms;~~

~~(11) Disabled person means any person certified by a physician to have a permanent physical impairment which limits personal mobility and results in an inability to travel unassisted more than two hundred feet without the use of a wheelchair, crutch, walker, prosthetic, orthotic, or other assistance device as allowed by rules and regulations adopted and promulgated by the commission;~~

~~(12) Ecologic harm means significant loss, disadvantage, or injury to the relationships between organisms and their environment;~~

~~(13) Economic harm means significant loss, disadvantage, or injury to personal or material resources;~~

~~(14) Falconry means the sport of taking quarry by means of a trained raptor;~~

~~(15) Fur harvesting means taking or attempting to take any fur-bearing animal by any means as prescribed by rules and regulations of the commission;~~

~~(16) Fur-bearing animals means all beaver, martens, muskrats, raccoons, opossums, otters, bobcats, gray foxes, red foxes except mutation foxes, badgers, long-tailed weasels, Canada lynx, skunks, and minks except mutation minks;~~

~~(17) Game means all game fish, bullfrogs, snapping turtles, tiger salamanders, muscels, crows, game animals, fur-bearing animals, game birds, and all other birds and creatures protected by the Game Law;~~

~~(18) Game animals means all antelope, cottontail rabbits, deer, elk, mountain sheep, squirrels, mountain lions, moose, and bears;~~

~~(19) Game birds means coots, cranes, curlew, doves, ducks, geese, grouse, partridges, pheasants, plovers, prairie chickens, quail, rails,~~

snipes, swans, woodcocks, wild turkeys, and all migratory waterfowl;

(20) Game fish means all fish except buffalo, carp, gar, quillback, sucker, and gizzard shad;

(21) Hunt means to take, pursue, shoot, kill, capture, collect, or attempt to take, pursue, shoot, capture, collect, or kill;

(22) Migratory game birds means all doves, ducks, geese, rails, snipes, cranes, woodcocks, coots, and swans;

(23) Officer means every person authorized to enforce the Game law;

(24) Person, owner, proprietor, grantee, lessee, and licensee means and includes individuals, partnerships, limited liability companies, associations, corporations, and municipalities;

(25) Raptor means any bird of the Falconiformes or Strigiformes, except the golden and bald eagles;

(26) Raw fur means the green pelts of any fur-bearing animal except commercially reared mutations;

(27) Trapping means to take or attempt to take any fur-bearing animal by any snare, steel-jawed spring trap, or box trap; and

(28) Upland game birds means all species and subspecies of quail, partridges, pheasants, wild turkeys, and grouse, including prairie chickens, on which an open season is in effect.

Sec. 13. Aquaculture has the meaning found in section 2-3804.01.

Sec. 14. Aquaculture facility means any facility, structure, lake, pond, tank, or tanker truck used for the purpose of propagating, selling, brokering, trading, or transporting cultured aquatic stock.

Sec. 15. Aquaculturist means any individual, partnership, limited liability company, or corporation, other than an employee of a state or federal hatchery, involved in producing, transporting, or marketing cultured aquatic stock or products thereof.

Sec. 16. Aquatic disease means any departure from a normal state of health of aquatic organisms caused by disease agents.

Sec. 17. Aquatic organism means an individual member of any species of fish, mollusk, crustacean, aquatic reptile, aquatic amphibian, aquatic insect, or other aquatic invertebrate. Aquatic organism includes the viable gametes, eggs or sperm, of an aquatic organism.

Sec. 18. Bait means anything used in luring fish or other animals to a hook, snare, enclosure, or net for the purpose of taking them.

Sec. 19. Baitfish means those species of fish, as listed in rules and regulations of the commission, that are collected from the wild or bought from legal sources and sold to anglers for use as bait.

Sec. 20. Captive propagation means to hold live raptors in a controlled environment that is intensively manipulated by humans for the purpose of producing raptors of selected species and that has boundaries designed to prevent raptors, eggs, or gametes of the selected species from entering or leaving the controlled environment.

Sec. 21. Commercial aquaculturist means an aquaculturist engaged in the business of growing, selling, brokering, or processing live or viable aquatic organisms for commercial purposes.

Sec. 22. Commercial exploitation means buying, selling, or bartering for economic or financial gain by any person, partnership, limited liability company, association, or corporation.

Sec. 23. Commercial fish means those species of fish, other than baitfish, as listed in rules and regulations of the commission, allowed to be harvested from the wild or bought, sold, or bartered for economic gain.

Sec. 24. Commission means the Game and Parks Commission.

Sec. 25. Conservation means the use of all methods and procedures for the purpose of increasing the number of individuals within species and populations of wildlife up to the optimum carrying capacity of their habitat and maintaining such levels. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, transplantation, regulated taking, and the periodic or total protection of species or populations.

Sec. 26. Cultured aquatic stock means aquatic organisms raised from privately owned stocks and aquatic organisms lawfully acquired and held in private ownership until they become intermingled with wild aquatic organisms.

Sec. 27. Disabled person means any person certified by a physician to have a permanent physical impairment which limits personal mobility and results in an inability to travel unassisted more than two hundred feet without the use of a wheelchair, crutch, walker, prosthetic, orthotic, or other assistance device as allowed by rules and regulations adopted and promulgated by the commission.

Sec. 28. Ecologic harm means significant loss, disadvantage, or

injury to the relationships between organisms and their environment.

Sec. 29. Economic harm means significant loss, disadvantage, or injury to personal or material resources.

Sec. 30. Ecosystem means a system of living organisms and their environment, each influencing the existence of the other and both necessary for the maintenance of life.

Sec. 31. Endangered Species Act means the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.

Sec. 32. Falconry means the sport of taking quarry by means of a trained raptor.

Sec. 33. Fish, when used as a noun, means a cold-blooded, vertebrate animal, typically covered with scales, which breathes by gills, swims by body motion using fins for maneuvering, and is dependent upon water as a medium in which to live.

Sec. 34. Fish, when used as a verb, means to pursue, shoot, catch, capture, collect, harvest, kill, destroy, or attempt to pursue, shoot, catch, capture, collect, harvest, kill, or destroy.

Sec. 35. Fur harvesting means taking or attempting to take any fur-bearing animal by any means as prescribed by rules and regulations of the commission.

Sec. 36. Fur-bearing animals means all beaver, martens, muskrats, raccoons, opossums, otters, bobcats, gray foxes, red foxes except mutation foxes, badgers, long-tailed weasels, Canada lynx, skunks, and minks except mutation minks.

Sec. 37. Game means all game fish, bullfrogs, snapping turtles, tiger salamanders, mussels, crows, game animals, fur-bearing animals, game birds, and all other birds and creatures protected by the Game Law.

Sec. 38. Game animals means all antelope, cottontail rabbits, deer, elk, mountain sheep, squirrels, mountain lions, moose, and bears.

Sec. 39. Game birds means coots, cranes, curlew, doves, ducks, geese, grouse, partridges, pheasants, plovers, prairie chickens, quail, rails, snipes, swans, woodcocks, wild turkeys, and all migratory waterfowl.

Sec. 40. Game fish means all baitfish, commercial fish, and sport fish.

Sec. 41. Habitual offender means a person who has been convicted of violating the Game Law two or more times in any calendar year or who has been convicted of violating the Game Law three or more times in any ten-year period beginning with the date of the first conviction.

Sec. 42. Hunt means to pursue, shoot, catch, capture, collect, harvest, kill, destroy, or attempt to pursue, shoot, catch, capture, collect, harvest, kill, or destroy.

Sec. 43. Migratory game birds means all doves, ducks, geese, rails, snipes, cranes, woodcocks, coots, and swans.

Sec. 44. Nongame fish means any species of fish not classified as game fish, threatened species, or endangered species in the Game Law or rules and regulations of the commission.

Sec. 45. Officer means every person authorized to enforce the Game Law.

Sec. 46. Optimum carrying capacity means that point at which a given habitat can support healthy populations of wildlife species, having regard to the total ecosystem without diminishing the ability of the habitat to continue that function.

Sec. 47. Person, owner, proprietor, grantee, lessee, and licensee means and includes individuals, partnerships, limited liability companies, associations, corporations, and municipalities.

Sec. 48. Raptor means any bird of the Falconiformes or Strigiformes, except the golden and bald eagles.

Sec. 49. Raw fur means the green pelts of any fur-bearing animal except commercially reared mutations.

Sec. 50. Species means a category of biological classification which describes groups of organisms which show distinctive characteristics and which are able to interbreed.

Sec. 51. Sport fish means those species of fish, as listed in rules and regulations of the commission, typically sought for recreation or consumption.

Sec. 52. Take means to harass, wound, hunt, trap, fish, harvest fur, or attempt to harass, wound, hunt, trap, fish, or harvest fur.

Sec. 53. Trap means to take or attempt to take any wildlife by any snare, steel-jawed spring trap, or box trap.

Sec. 54. Upland game birds means all species and subspecies of quail, partridges, pheasants, wild turkeys, and grouse, including prairie chickens.

Sec. 55. Wild birds means the species of birds native to, migrating to or through, or having established free-ranging populations in the State of Nebraska except the English sparrow, the European starling, and the common pigeon.

Sec. 56. Wild mammals means the species of mammals native to, migrating to or through, or having established free-ranging populations in the State of Nebraska except the fallow deer, the house mouse, the Norway rat, the black rat, and the feral domestic cat.

Sec. 57. Wildlife means any member of any nondomesticated species of the animal kingdom, whether reared in captivity or not, including any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate and includes any part, product, egg, or offspring thereof or the dead body or parts thereof.

Sec. 58. Section 37-103, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-103.~~ Any person violating any of the provisions of the Game Law any section of Chapter 37, or any amendments thereof, or any provisions of the rules or regulations, established adopted and promulgated by the Game and Parks Commission pursuant thereto commission, where a penalty is not otherwise fixed, shall be guilty of a Class III misdemeanor.

Sec. 59. Section 81-805, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-805.~~ Except as otherwise provided in this section sections 60 to 71, 73, 75, 88, 135, and 298 of this act, the Game and Parks Commission 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 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 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 situated outside organized municipalities, except as provided in section 90-404, for additional state parks, hatcheries, recreation grounds, recreational trails, 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. For these purposes, the commission may enter into appropriate contracts, leases, or lease-purchase agreements.

The commission, with the consent of the Governor, 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 deposited, used, and expended under the direction of the commission.

The commission 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 may locate and designate any or all of such lands or areas, or parts thereof and take such action as may tend to preserve or conserve them. The commission shall publish such informational material as it deems necessary and may, at its discretion, charge appropriate fees therefor.

The commission 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 shall adopt and promulgate rules and regulations it deems necessary to administer the following activities and facilities:

(1) The commission may adopt and promulgate rules and regulations to designate camping areas and permit camping on appropriate lands under its ownership or control. 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 when appropriate, protection of property, and zoning of activities. Such rules and regulations

shall be posted on appropriate signs at the areas. 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 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 and promulgate rules and regulations permitting any type of fire, including the smoking of tobacco in any form, and providing for the size, location, and 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 and promulgate 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 person who lights any type of fire, uses any fireworks, smokes tobacco in any form, or 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 has given permission, which permission 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 and promulgate rules and regulations permitting pets, domestic animals, and poultry to be brought upon or possessed, grazed, maintained, or run at large on any area or portion of any area under its ownership or control. Any person who brings, 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 has permitted such bringing, 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 may adopt and promulgate 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 may enact special rules and regulations permitting trapping and other forms of fur harvesting on any such area or areas. Any person who, without the permission of the commission, hunts, fishes, traps, harvests fur, or 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 may adopt and promulgate rules and regulations permitting swimming, bathing, boating, wading, waterskiing, 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, waterskiing, wading, 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, waterskiing, boating, bathing, or wading areas, which regulations and conditions shall be posted at such areas. Any person who swims, bathes, boats, wades, waterskis, or uses any floatation device on all or any portion of any area under the ownership or control of the commission, unless the commission 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 adopt and promulgate 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 person who, without the permission of the commission, constructs or installs any privately owned structure or who uses or removes any public real or personal

property, on any area under the ownership or control of the commission, or who 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 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 may adopt and promulgate 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 person who 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) 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 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 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 60-680 and 60-6,190. Any law enforcement official, including any conservation officer or deputy conservation officer, may enforce the provisions of this section and the rules and regulations established under the authority of sections 60-680 and 60-6,190. 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 60-680 and 60-6,190 shall be guilty of a Class V misdemeanor.

The commission 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 may further 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 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. 60. 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 the plans to be executed after ascertaining the cost thereof.

Sec. 61. (1) With the consent of the Governor, the commission 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 situated outside organized municipalities, except as provided in section 90-404, for additional state parks, hatcheries, recreation grounds, recreational trails, wildlife management areas, 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. For these purposes, the commission may enter into appropriate contracts, leases, or lease-purchase agreements.

(2) The commission, with the consent of the Governor, 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 deposited, used, and expended under the direction of the commission.

(3) The commission 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 may locate and designate any or all of such lands or areas or parts thereof and take such action as may tend to preserve or conserve them. The commission shall publish such informational material as it deems necessary and may, at its discretion, charge appropriate fees therefor.

Sec. 62. The commission 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. The commission shall adopt and promulgate rules and regulations it deems necessary to administer the activities and facilities described in sections 63 to 71 of this act.

Sec. 63. The commission may adopt and promulgate rules and regulations to designate camping areas and permit camping on appropriate lands under its ownership or control. 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 when appropriate, protection of property, and zoning of activities. Such rules and regulations shall be posted on appropriate signs at the areas. 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 rules and regulations authorized by this section shall be guilty of a Class V misdemeanor.

Sec. 64. The commission may adopt and promulgate rules and regulations permitting any type of fire, including the smoking of tobacco in any form, and providing for the size, location, and 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 and promulgate 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 person who lights any type of fire, uses any fireworks, smokes tobacco in any form, or 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 has given permission, which permission 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 Class V misdemeanor.

Sec. 65. The commission may adopt and promulgate rules and regulations permitting pets, domestic animals, and poultry to be brought upon or possessed, grazed, maintained, or run at large on any area or portion of any area under its ownership or control. Any person who brings, 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 has permitted such bringing, possession, grazing, maintaining, or running at large, shall be guilty of a Class V misdemeanor.

Sec. 66. The commission may adopt and promulgate 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 may enact special rules and regulations permitting trapping and other forms of fur harvesting on any such area or areas. Any person who, without the permission of the commission, hunts, fishes, traps, harvests fur, or 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 Class V misdemeanor.

Sec. 67. The commission may adopt and promulgate rules and

regulations permitting swimming, bathing, boating, wading, waterskiing, 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, waterskiing, wading, 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, waterskiing, boating, bathing, or wading areas, which regulations and conditions shall be posted at such areas. Any person who swims, bathes, boats, wades, waterskis, or uses any floatation device on all or any portion of any area under the ownership or control of the commission, unless the commission has given permission for such activity in the specific area or portion thereof, shall be guilty of a Class V misdemeanor.

Sec. 68. (1) The commission may adopt and promulgate 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 person who, without the permission of the commission, constructs or installs any privately owned structure or who uses or removes any public real or personal property, on any area under the ownership or control of the commission, or who 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 Class V misdemeanor.

(2) Any person who abandons any motor vehicle, trailer, or other conveyance in any area under the ownership or control of the commission shall be guilty of a Class V misdemeanor.

Sec. 69. The commission may adopt and promulgate 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 person who 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 Class V misdemeanor.

Sec. 70. When the permission of the commission is required as a prerequisite to any activity set out in sections 63 to 71 of this act, such permission shall be established by resolution of the commission. The 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 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.

Sec. 71. The commission, with regard to roads on any area under its ownership or control, may adopt and promulgate such rules and regulations deemed necessary as authorized by sections 60-680 and 60-6,190. Any person guilty of a violation of the rules and regulations established under the authority of sections 60-680 and 60-6,190 shall be guilty of a Class V misdemeanor.

Sec. 72. Section 37-301, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-301-~~ (1) The commission may, in accordance with the Game Law, other provisions of law, and lawful rules and regulations, fix, prescribe, and publish rules and regulations as to open seasons and closed seasons, either permanent or temporary, as to bag limits or the methods or type, kind, and specifications of hunting, fur-harvesting, or fishing gear used in the taking, ~~killing, hunting, harvesting, or pursuing~~ of any game, game fish, nongame fish, game animals, fur-bearing animals, or game birds, as to the age, sex, species, or area of the state in which any game, game fish, nongame fish, game animals, fur-bearing animals, or game ~~bird~~ birds may be taken, ~~hunted, killed, harvested, or pursued,~~ or as to the taking, ~~killing, hunting, harvesting, or pursuing~~ of any particular kinds, species, or sizes of game, game fish, nongame fish, game animals, fur-bearing animals, and game birds in any designated waters or areas of this state after due investigation and having due regard to the distribution, abundance, economic value, breeding habits, migratory habits, and causes of depletion or extermination of the same in such designated waters or areas and having due regard to the volume of the hunting, fur harvesting, and fishing practiced therein and the climatic, seasonal, and other conditions affecting the protection, preservation, and propagation of

the same in such waters or areas. Such rules and regulations may be amended, modified, or repealed from time to time, subject to such limitations and standards, and such rules and regulations and all amendments, modifications, and repeals thereof shall be based upon investigation and available but reliable data relative to such limitations and standards.

(2) A copy of each such rule, regulation, amendment, modification, and repeal may be published by the commission in a legal newspaper or newspapers of general circulation in the area affected thereby and shall also be included and printed in each official compilation of the Nebraska game and fish laws.

(3) Each such rule, regulation, amendment, modification, and repeal shall specify the date when it shall become effective and while it remains in effect shall have the force and effect of law.

(3) (4) Regardless of the provisions of this section or of other sections of the Game Law which empower the commission to set seasons on game birds or animals or provide the means and method by which such seasons are set or promulgated and regardless of the provisions of the Administrative Procedure Act, the commission may close or reopen any open season previously set on game birds or animals in all or any specific portion of the state. The commission shall only close or reopen such seasons by majority vote at a valid special meeting called under section 81-803-01 4 of this act and other provisions of statutes regarding the holding of public meetings. Any closing or reopening of an open season previously set by the commission shall not be effective for at least twenty-four hours after such action by the commission. The commission shall make every effort to make available to all forms of the news media the information on any opening or closing of any open season on game birds or animals previously set. The commission may only use this special provision allowing the commission to open or close game bird or animal seasons previously set in emergency situations in which the continuation of the open season would result in grave danger to human life or property.

Sec. 73. The commission may enter into agreements with other states bordering on the Missouri River providing for reciprocal recognition of licenses, permits, and laws of the agreeing states.

Sec. 74. Section 37-111, Revised Statutes Supplement, 1996, is amended to read:

~~37-111-~~ The commission shall adopt and promulgate rules and regulations which include (1) provisions for scientific or educational purposes as provided in section 37-209 128 of this act, (2) provisions for commercial seining vendors fishing as provided in ~~section 37-502~~ sections 214 and 263 of this act, (3) provisions for bait dealers as provided in section 37-503 215 of this act, and (4) provisions for aquaculturists as provided in section 37-702 178 of this act.

Sec. 75. 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.

Sec. 76. Section 37-311, Revised Statutes Supplement, 1996, is amended to read:

~~37-311-~~ (1) To promote an interest in fishing and to create an awareness of Nebraska's lakes, rivers, streams, ponds, and parks, a day between March 15 and October 15, to be determined by the ~~Game and Parks Commission~~ commission, shall be recognized as free fishing day. On this day, Nebraska residents and nonresidents may enjoy the privilege of fishing without the purchase of a fishing permit, except that any fishing done under the authority of a special daily fishing permit under section 37-204-02 132 of this act still requires the purchase of such permit.

(2) No motor vehicle entry permit or fee will be required for entry into a permit area as defined in section 37-1102 145 of this act on free fishing day.

(3) Nothing in this section shall affect the applicability of statutes and regulations other than the permit requirements referred to in this section.

(4) The ~~Game and Parks Commission~~ commission may adopt and promulgate rules and regulations necessary to carry out this section.

Sec. 77. Section 37-405, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-405-~~ Should the ~~Game and Parks Commission~~ commission desire if the commission desires to close to ~~net fishing or fishing by hook and line or both, or to the spearing of fish or taking of fish by bow and arrow or by other the taking of fish by any means,~~ any lake, pond, or stream or designated portion thereof frequented by game fish, or any lake, pond, or stream or designated portion thereof which it has stocked with game fish, it shall cause notice thereof to be posted in at least two places on such stream, lake, or

pond, or stream. Such notice shall designate as nearly as practicable the lake, pond, or stream or stream or designated portion to be closed, and shall state that on and after a date therein stated in the notice it shall be unlawful to take fish therein in such lake, pond, or stream.

Sec. 78. Section 37-509, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-509-~~ Nothing in sections 37-501 to 37-519 shall prevent the commission from taking or authorizing. The commission may take or authorize the taking of, at any time and in any manner, any fish or spawn belonging to the state for the purpose of propagation or stocking other waters or exchanging with the fish commissioner of other states or of the United States. Nothing in such sections shall prohibit and may engage in the purchase, sale, and use of fish or fish eggs for stocking waters in this state. The proceeds of all sales of such fish, spawn, or eggs shall be paid into the State Game Fund.

Sec. 79. Section 37-503.06, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-503.06-~~ The Game and Parks Commission commission may, by regulation, authorize the taking of fish by any means and in any number whenever the secretary of the commission determines, pursuant to standards imposed by such regulations, that such action is necessary for proper fish management as a result of an emergency created by the drying up of any waters inhabited by fish. Such determination shall specify the waters in which such emergency action is desirable, and the authorization so granted shall extend to such waters and to no others. The taking of any fish in violation of such regulations shall be a misdemeanor in violation of this section and any person convicted of such violation shall be guilty of a Class V misdemeanor.

Sec. 80. Section 37-504, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-504-~~ In water where nongame fish abound, the commission may remove or cause to be removed by written agreement such nongame fish for fish management purposes and may sell such nongame fish. The proceeds from such sales shall be paid into the State Game Fund. Game fish protected by the Game Law, taken by such methods, shall be immediately returned alive and with as little injury as possible to the waters from which they were taken.

Sec. 81. Section 37-206, Revised Statutes Supplement, 1996, is amended to read:

~~37-206-~~ The secretary of the commission shall deposit daily with the State Treasurer all tax money and other funds by him or her received and shall take the receipt of the treasurer therefor. The State Treasurer shall credit such funds to the State Game Fund, which fund is hereby except as otherwise provided in the Game Law.

The State Game Fund is created. Any money in the State Game Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

County clerks and the secretary of the commission shall be liable upon their official bonds for failure to pay over any of such funds coming into their hands. Any other person, firm, or corporation which receives permit fees under the Game Law or the rules and regulations of the commission and which fails to pay over the same to the commission in accordance with its rules and regulations and after demand is made for the same shall be liable to suit by the commission in double the amount of the funds wrongfully withheld and shall further be liable criminally for theft.

Sec. 82. Section 37-212, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-212-~~ (1) The funds derived from the sale of permits and publications as provided in the Game Law, any unexpended balance now on hand from the sale of hunting, fur-harvesting, and fishing permits, and all money required by the Game Law to be paid into the State Game Fund are hereby appropriated to the use of the commission ~~(1)~~ (a) for the propagation, importation, protection, preservation, and distribution of game and fish and necessary equipment therefor and all things pertaining thereto, ~~(2)~~ (b) for the creation of cash funds under section ~~81-814-01~~ 84 of this act, ~~(3)~~ (c) for the administration and enforcement of the State Boat Act, ~~(4)~~ (d) for the construction and maintenance of boating and docking facilities, navigation aids, and access to boating areas and such other uses which will promote the safety and convenience of the boating public in Nebraska, and ~~(5)~~ (e) for publishing costs for publications relating to topics listed in subdivisions ~~(1) through (4)~~ (a) through (d) of this ~~section~~ subsection and other topics of general interest to the state as approved by the commission. An amount equal to two dollars from each annual resident fishing permit and two dollars from each combination hunting and fishing permit sold in this state shall be used

by the commission for the administration, construction, operation, and maintenance of fish hatcheries and for the distribution of fish.

(2) Expenditures for publications on topics of general interest to the state shall not exceed the income derived from single-copy and subscription sales of commission publications and advertising revenue from such publications.

Sec. 83. Section 81-814, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-814.~~ All funds expended by the ~~Game and Parks Commission~~ commission shall be paid by the State Treasurer upon warrants drawn by the Director of Administrative Services on vouchers signed by the secretary. No such vouchers shall be issued except upon accounts authorized by the commission in open meeting, except that vouchers for mileage or other traveling expense shall be allowed as provided in sections 81-1174 to 81-1177. ~~for state employees.~~ The commission shall at the first regular meeting audit all expenditures made since its last regular meeting.

Sec. 84. Section 81-814.01, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-814.01.~~ (1) The ~~Game and Parks Commission~~ commission may establish change cash funds for use at any of the following locations:

- (a) Staffed state parks;
- (b) Staffed state recreation areas;
- (c) Staffed state historical parks;
- (d) Staffed state wildlife management areas; and
- (e) Administrative offices of the commission.

(2) Money for the change cash funds shall be taken from the State Game Fund or the State Park Cash Revolving Fund.

(3) The amount of each change cash fund shall be determined by the commission based upon need at each location. At no location shall the sum of money to be used as a change cash fund exceed ten thousand dollars.

(4) Personnel at each location where a change cash fund has been established shall make a monthly accounting of such fund to the commission. The commission shall make a monthly accounting of all change cash funds to the State Treasurer.

Sec. 85. Section 81-814.02, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-814.02.~~ (1) The ~~Game and Parks Commission~~ commission shall establish fees for licenses, permits, stamps, bands, registrations, and certificates issued under the Game Law, and the State Boat Act, and ~~sections 37-901 to 37-914~~ and shall establish the fee required by section ~~37-394.02~~ 282 of this act as provided in such law, act, and ~~sections~~ section. 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~~ section. The commission shall, as provided in such law, act, and ~~sections~~ section, establish collection fees to be retained by authorized vendors of such licenses, permits, stamps, bands, registrations, and certificates under such law, act, and ~~sections~~ section. The commission shall establish such fees by the adoption and promulgation of rules and regulations.

(2) 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:

(a) ~~(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;

(b) ~~(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

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

Sec. 86. Section 81-805.03, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-805.03.~~ The ~~Game and Parks Commission~~ commission, with the consent of the Governor, may, out of funds appropriated for that purpose, acquire a site in Lincoln and erect thereon one or more buildings to serve the commission as a state headquarters.

Sec. 87. Section 81-815.26, Reissue Revised Statutes of Nebraska,

is amended to read:

~~81-815-26-~~ With the consent of the Legislature, the commission is authorized and empowered to acquire, in the name of the State of Nebraska, real estate in this state of scenic, historic, recreational, or fish and wildlife management value or unique natural areas, or access thereto, by the use of eminent domain, as provided by sections 76-704 to 76-724. ~~Consent of the legislature is hereby given for the acquisition by eminent domain, as provided in sections 76-704 to 76-724, of the following described tracts of land, for such purposes, until August 10, 1976:~~

~~For Reek Creek State Fish Hatchery: Beginning at the northwest corner of the northeast quarter of the northeast quarter, section 25, township 2 north, range 40 west of the 6th principal meridian, running thence east on said section line a distance of six hundred eighty-three feet, thence south a distance of one hundred forty-eight and five-tenths feet, thence west parallel to the north section line of said section 25 a distance of one thousand three hundred forty-three feet, thence north a distance of one hundred forty-eight and five-tenths feet to point on north line of said section 25, thence east on north line of said section 25 a distance of six hundred sixty feet to place of beginning, in Gundy County, Nebraska; and~~

~~Beginning at the southeast corner of the southwest quarter of the southeast quarter of section 24, township 2 north, range 40 west of the 6th principal meridian, running thence north on east line of the southwest quarter of the southeast quarter of said section 24 a distance of eight hundred sixty feet, thence west to point on east property line of State of Nebraska, Game and Parks Commission property, a distance of one hundred eighty-three and six-tenths feet, thence south along said property line a distance of eight hundred sixty feet, thence east along south line of said section 24 a distance of one hundred eighty-three and six-tenths feet to place of beginning, in Gundy County, Nebraska.~~

Sec. 88. The commission 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. 89. Section 81-805.02, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-805-02-~~ The Game and Parks Commission commission is hereby authorized and empowered to exchange land owned by the commission for other lands when the acquisition of the other lands involved in said ~~the~~ exchange would, in the opinion of the commission, provide greater utility or value to the commission and materially aid in the promulgation of the basic duties and purposes of the commission. Any such exchange shall be made on the basis of ~~dollar for dollar~~ dollar-for-dollar appraised valuation.

~~The commission is expressly authorized to exchange the tract now owned by it, comprising approximately thirty and six-tenths acres, located in sections 31 and 36, township 13 north, ranges 13 and 14 east, Sarpy County, Nebraska, for approximately thirty-three acres, being described as government lots one and three south of the Platte River, located in section 36, township 13 north, range 13 east, Cass County, Nebraska, upon determination by the commission that such exchange would satisfy all requirements of this section.~~

Sec. 90. Section 37-424, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-424-~~ The Game and Parks Commission commission is authorized and empowered to acquire by gift, devise, or purchase real estate bordering on the shore of any lake or artificial reservoir constructed for the storage of water, for the purpose of developing public recreation areas and promoting the conservation of natural resources.

Sec. 91. Section 37-411, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-411-~~ Meandered lakes, the shore lines of which were meandered by government survey, and the beds thereof, are declared to be the property of the state for the benefit of the public, and the revenue therefrom and resources therein shall be subject to the ~~statutes governing game and fish~~ Game Law and the rules and regulations of the commission relative thereto. The commission shall have authority to improve meandered lakes and to ~~make~~ adopt and promulgate such rules and regulations as may be necessary to make proper use of the same. Nothing in this section shall be construed as claiming title in the State of Nebraska to any lake or stream or that portion of a lake or stream, located upon lands, ~~patents~~ to which ~~patents~~ have been issued by the United States to private individuals or persons.

Sec. 92. Section 37-109, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-109-~~ The Game and Parks Commission commission may participate

with the natural resources districts and other public agencies, pursuant to the Interlocal Cooperation Act, for the acquisition on a willing-seller willing-buyer basis only, leasing, taking of easements, development, management, and enhancement of wildlife habitats. The Game and Parks Commission commission may expend, transfer, or reimburse participants with money received from the sale of hunting and fishing permits and habitat stamps for such purposes under policies established by the Game and Parks Commission commission. The commission may use money received pursuant to this section for the matching of federal funds under section ~~37-422~~ 362 of this act.

Sec. 93. Section 37-110, Revised Statutes Supplement, 1996, is amended to read:

~~37-110~~ Commencing January 1, 1977, whenever the Game and Parks Commission commission acquires title to private lands for wildlife management purposes, the commission shall annually make payments in lieu of taxes to the county treasurer of the county in which the land is located. Commencing January 1, 1997, the payments shall be the same as the real property taxes which would have been paid on the land if it were owned by a private owner. The value of the land shall be determined by the county assessor pursuant to sections 77-201 and 77-1301 to 77-1371 as if it were being used for the use it had immediately before acquisition by the commission excluding any improvements on the land either before or after its acquisition. The commission may protest the valuation of such land to the county board of equalization pursuant to section 77-1502 if the commission believes the land is not properly valued. The county board of equalization shall treat such protest in the same manner as any other protest pursuant to sections 77-1502 to 77-1509. The action of the county board of equalization on such protest may be appealed as provided in sections 77-1510 to 77-1513. The county treasurer shall allocate such payments to each taxing unit levying taxes on such property in the county in which the land has tax situs in the same proportion that the levy on the property of such taxing unit bears to the total levy on such real property of all the taxing units in which the property is taxed.

Sec. 94. Section 81-815.32, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815.32-~~ (1) State wildlife management areas shall be administered by the commission but not as a part of the state park system nor with park funds.

(2) The commission may establish and collect reasonable fees for the use of operated facilities of a personal-service nature in state wildlife management areas, and may in its sole discretion grant concessions in such areas for the provision of appropriate services to the public, may grant permits for certain land or other resource utilization commensurate with the purposes of ~~sections 81-815-21 to 81-815-32~~ this section, and may prescribe and collect appropriate fees or rentals therefor. The proceeds of all such fees, rentals, and other revenue from operated facilities, concessions, or permits shall be deposited in the State Game Fund.

(3) Any person violating this section or the regulations governing the public use or administration of a state wildlife management area shall be guilty of a Class III misdemeanor.

(4) For purposes of this section, state wildlife management areas means 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 (1), (2), or (3) of section 96 of this act, when so designated by the commission to be maintained from fish and game funds.

Sec. 95. Section 81-815.21, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-21-~~ The intent and purpose of sections ~~81-815-21 to 81-815-33~~ 95 to 106 of this act is to provide for the development and administration of a balanced state park system and to provide nonurban park areas for the inspiration, recreation, and enjoyment primarily of resident populations.

Sec. 96. Section 81-815.22, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-22-~~ As used in For purposes of sections 81-815-21 to 81-815-33 95 to 106 of this act, unless the context otherwise requires:

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

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

~~(3)~~ (2) State recreation areas shall mean means (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)~~ (3) State historical parks shall mean means 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;

~~(5)~~ State wildlife management areas shall be these 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)~~ (4) State recreational trails shall mean means 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. 97. Section 81-815.23, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-23-~~ (1) The state park system hereby established shall consist of existing and acquired areas determined and designated by the commission as properly falling in one of the following classes: State parks, state recreation areas, and state historical parks. State wildlife management areas shall also be administered by the commission, but not as a part of the state park system nor with park funds-

(2) The commission shall be charged with the responsibility for the establishment and conduct of the state park system and all things pertaining thereto. The state park system shall be administered through a Division of State Parks hereby established within the commission to be headed by a division chief who has been selected for this purpose and who has an appropriate background in this field. The division chief shall be appointed by the commission and shall receive such salary as the commission shall determine.

Sec. 98. Section 81-815.24, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-24-~~ The commission shall periodically evaluate and assess the state park system by classifications and may redesignate specific areas from one class to another.

Sec. 99. Section 81-815.25, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-25-~~ All areas of the state park system shall be appropriately named and adequately designated by signs which shall be uniform in color and design, and of a type commensurate with the specific area. When applicable, state park names shall be indicative of the geography, history, or other natural features of the general area in which the park is located.

Sec. 100. Section 81-815.27, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-27-~~ The commission may enter into long-term leases, lease-purchase agreements, or other agreements with private or governmental agencies for the control and use of real estate for state park system purposes. Except as authorized in section ~~81-815-53~~ 368 of this act, the commission shall not provide a local governmental subdivision or agency thereof with an indication of intent to incorporate into the state park system any land or facilities owned or developed by such subdivision or agency unless the indication of intent is first approved by the Legislature. When seeking such approval, the commission shall provide the Legislature with the estimated fiscal impact of the incorporation, including the extent to which the costs of the incorporation can reasonably be expected to be paid from cash funds and the extent to which the costs will likely be required to be paid from General Fund appropriations.

Sec. 101. Section 81-815.28, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-28-~~ All funds made available by law, including funds already collected for state park purposes, shall be used only in the development and administration of the state park system.

Sec. 102. Section 81-815.29, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-29-~~ The commission may permit the use of all or a part of the areas within the state park system by the public and is authorized to

adopt, promulgate, and enforce rules and regulations pertaining to the use, care, and administration of the units of such a system.

Sec. 103. Section 81-815.30, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815.30-~~ (1) The commission may establish and collect reasonable fees for the use of state park-operated facilities of a personal-service nature, such as cabins, camps, swimming facilities, boats, and other equipment or services of a similar nature. The commission, in its sole discretion, may grant concessions in state park areas for the provisions of certain appropriate services to the public, may grant permits for certain land or other resource utilization commensurate with the purposes of sections ~~81-815.21 to 81-815.33~~ 95 to 106 of this act, and may prescribe and collect appropriate fees or rentals therefor.

(2) The proceeds of all such fees, rentals, or other revenue from operated facilities, concessions, or permits shall be credited to the State Park Cash Revolving Fund, which fund is hereby created in the state treasury, and shall be used by the commission solely for the improvement, maintenance, and operation of the state parks. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 104. Section 81-812, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-812-~~ In its discretion, the Game and Parks Commission ~~commission~~ may permit the use of state parks and recreation grounds, or any of them, by the public under such regulations as may be prescribed. It may, in like manner, grant concessions therein upon such rentals or fees and for such terms not exceeding twenty years, as it may deem advisable.

Sec. 105. Section 81-815.31, Reissue Revised Statutes of Nebraska, is amended to read:

~~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 recreational trails.

Sec. 106. Section 81-815.33, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815.33-~~ Any person violating the provisions of sections 81-815.21 to 81-815.33 sections 95 to 106 of this act or the rules and regulations governing the public use or administration of a state park shall be guilty of a Class III misdemeanor.

Sec. 107. Section 81-815, Reissue Revised Statutes of Nebraska, is amended to read:

~~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 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 ~~commission~~. Any person, firm, or corporation which violates this section shall be guilty of a Class V misdemeanor.

Sec. 108. Section 37-1302, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1302-~~ Whereas the areas of the state park system are among the most precious resources of this state and the development and utilization of these resources are important to the health and welfare of each person and the public in general, the public policy of this state is hereby declared to be:

(1) To recognize the immeasurable worth of Nebraska's recreational opportunities and provide for the development, operation, and maintenance of areas of the state park system;

(2) To provide quality recreational opportunities because such opportunities are an integral part of the good life desired by all residents of Nebraska; and

(3) To promote a more aggressive program for the proper improvement and utilization of our state park system.

Sec. 109. Section 37-1303, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1303-~~ There is hereby created a fund to be known as the Nebraska

Outdoor Recreation Development Cash Fund. The fund shall contain the money received pursuant to section 77-2602 and any funds donated as gifts, bequests, or other contributions to such fund from public or private entities. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 110. Section 37-1304, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1304.~~ (1) No appropriation shall be made from the Nebraska Outdoor Recreation Development Cash Fund until the Game and Parks Commission has presented a multiyear recreational development plan to the Legislature for its review, modification, and final approval. An updated version of such plan shall also be submitted to the Legislature annually for its modification and approval. The money in such fund shall be administered according to the provisions of this section by the Game and Parks Commission for the development, operation, and maintenance of areas of the state park system. The money in such fund except that expenditures may be authorized by the legislature from the Nebraska Outdoor Recreation Development Cash Fund for the purpose of constructing a Nebraska Heritage Center in compliance with a program statement adopted by the Nebraska State Historical Society and the acquisition of properties near the Capitol and the erection of a parking structure thereon to replace state-owned parking facilities lost by the construction of such Nebraska Heritage Center. Such funds may be used in whole or in part for the matching of federal funds. All disbursements from the fund shall be made upon warrants drawn by the Director of Administrative Services.

(2) When a recreational plan is prepared for any state park system area or part of a state park system area cooperatively managed by the Game and Parks Commission and the Nebraska State Historical Society, such plan shall insure that adequate funds are appropriated to develop and maintain historical aspects.

Sec. 111. Section 37-201, Revised Statutes Supplement, 1996, is amended to read:

~~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~~ takes fish and every person sixteen years of age or older who engages in fur harvesting shall first pay a fee established by the commission pursuant to section ~~81-814-02~~ 85 of this act and obtain a permit except ~~persons exempt from this requirement pursuant to section 112 of this act.~~ Any person violating this section shall be guilty of a Class II misdemeanor and shall be fined at least forty dollars. (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 person who owns or operates farm or ranch land and 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 waterfowl, shore birds, elk, deer, antelope, and wild turkey without 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 purposes of this exemption, immediate family shall mean and be limited to husband and wife and their children 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 operated by such person and shall not apply when hunting on the land of other persons. The commission may by rule and regulation require a person hunting without a permit claiming to come under this exemption to sign a statement presented by a conservation officer which states facts which verify that the person comes within this exemption.

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 preying on livestock or poultry or causing other agricultural depredation on land owned or controlled by him or her without a permit issued by the commission. This section shall not be

construed to allow such farmer or rancher to destroy or have destroyed species which are protected by the provisions of Chapter 37, article 3, the Nongame and Endangered Species Conservation Act, the federal Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 to 1544, the federal Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 to 667d, the federal Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668 to 668d, the federal Migratory Bird Treaty Act, as amended, 16 U.S.C. 703 to 710j, or rules and regulations adopted and promulgated pursuant to such article and acts-

Sec. 112. The following persons are exempt from the requirements of section 111 of this act:

(1) The owner or his or her invitee who takes 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 takes 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.

Sec. 113. Any person who owns or operates farm or ranch land and 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 and possess, within duly established season bag and possession limits, upland game birds and all game except migratory waterfowl, shore birds, elk, deer, antelope, wild turkey, and mountain sheep without paying a fee and without obtaining a hunting permit as required in sections 111 and 121 of this act or a habitat stamp as required in sections 136 to 143 of this act. For purposes of this exemption, immediate family means and is limited to husband and wife and their children and upland game means and is limited to cottontail rabbits, squirrels, grouse, partridges, pheasants, prairie chickens, and quail. Such exemption shall only apply to hunting done on land owned or operated by such person and shall not apply when hunting on the land of other persons. The commission may by rule and regulation require a person hunting without a permit claiming to come under this exemption to sign a statement presented by a conservation officer which states facts which verify that the person comes within this exemption.

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

Sec. 114. (1) Any resident of the United States who has resided in this state continuously for a period of thirty 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 and may be issued a resident permit under the Game Law.

(2) The issuance of a hunting permit to anyone known to be physically or mentally unfit to carry or use firearms is prohibited.

(3) 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.

Sec. 115. Section 37-202, Revised Statutes Supplement, 1997, is amended to read:

37-202. Permits (1) The commission shall provide for the issuance of permits to hunt, fish, or harvest fur. The shall be issued on a form prepared and supplied by the commission. Such permit shall bear the date of issuance, a description of the person to whom issued, setting forth age his or her date of birth, color of eyes and hair, height, and weight, and the date of its issuance address of such person. All applications for permits to harvest fur shall include the applicant's social security number. All permits shall bear the signature of the secretary of the commission or a facsimile of such signature. All legally issued permits shall authorize the person named in the permit to hunt, fish, or harvest fur-bearing animals as provided by the Game Law therein to hunt for, kill, or take game and fish or to harvest furbearers, in lawful season and manner, during the period for which the permit is issued.

(2) If the holder of a hunting permit is a hunter of migratory game birds, he or she shall be required to declare himself or herself as such and provide information regarding his or her migratory game bird hunting activity to the commission. Documentation of such a declaration shall be made on the hunting permit or a separate document which shall become a part of the permit. Costs to the commission of implementing such declaration and documentation and for participation in a federal program designed to obtain survey information on migratory bird hunting activity shall be funded from the State Game Fund. All legally issued permits, except for those permits

(3) Permits for veterans provided by section 37-214-03 130 of this

act and for persons at least seventy years old provided by section 131 of this act 37-214-04 which shall be permanent permits. All other permits shall expire at midnight on December 31 of the year in which issued.

(4) To be valid a permit shall be countersigned by the holder. The permit shall be on or about the person of the holder at all times while he or she is hunting, fur harvesting, or fishing and shall be shown immediately upon demand to any officer or person whose duty it is to enforce the Game Law. Any person hunting, fishing, or fur harvesting in this state without such permit actually on or about his or her person shall be deemed to be without such permit.

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

Sec. 116. Section 37-203, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-203-~~ Permits shall be issued by the commission and may be procured from the secretary of the commission and from such other persons and corporations as may be designated by the commission to issue permits and collect the prescribed fees. Any person, firm, or corporation, other than the secretary of the commission or an employee of the commission, authorized by the commission to sell permits shall be entitled to collect and retain an additional fee of not less than fifty cents and not more than one dollar, as established by the commission pursuant to section ~~81-814-02~~ 85 of this act, for each resident and nonresident permit issued as reimbursement for the clerical work of issuing the permit and collecting and remitting the permit fee.

Sec. 117. Section 37-204, Revised Statutes Supplement, 1996, is amended to read:

~~37-204-~~ (1) The commission shall establish fees pursuant to section ~~81-814-02~~ 85 of this act to be paid to the state for resident and nonresident hunting permits, annual fishing permits, three-day fishing permits, combined fishing and hunting permits, and fur-harvesting permits, as follows:

(a) (1) Resident fees shall be (i) (a) not less than eight dollars and fifty cents and not more than eleven dollars for hunting, (ii) (b) not less than eleven dollars and fifty cents and not more than fifteen dollars for fishing, (iii) (c) not less than seven dollars and fifty cents and not more than ten dollars for a three-day fishing permit, (iv) (d) not less than nineteen dollars and fifty cents and not more than twenty-five dollars for both fishing and hunting, and (v) (e) not less than fifteen dollars and not more than twenty dollars for fur harvesting; and

(b) (2) Nonresident fees shall be (i) (a) 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) (b) not less than fifty-five dollars and not more than seventy-two dollars for hunting, (iii) (c) not less than ten dollars and seventy-five cents and not more than fourteen dollars for a three-day fishing permit, and (iv) (d) not less than thirty-five dollars and not more than forty-five dollars for an annual fishing permit.

(2) Any resident of the United States who has resided in this state continuously for a period of thirty 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 and may be issued a resident permit 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 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 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. 118. Section 37-205, Reissue Revised Statutes of Nebraska, is

amended to read:

~~37-205-~~ All money received by county clerks for permits under the Game Law shall be remitted monthly to the secretary of the commission. All other persons and corporations selling permits for the commission shall remit to it as it may by rule and regulation require. All remittances shall be upon a form to be supplied by the commission, and a duplicate copy shall be retained by the county clerk and by such persons and corporations as may be authorized by the commission to sell permits for it.

Sec. 119. Section 37-204.01, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-204-01-~~ The 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 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 ~~81-814-02~~ 85 of this act, shall be charged for the issuance of such duplicate permit.

Sec. 120. Section 37-208, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-208-~~ It shall be unlawful (1) for any person holding a permit under the Game Law to lend or transfer his or her permit to another or for any person to borrow or use the permit of another, (2) for any person to procure a permit under an assumed name or to falsely state the place of his or her legal residence or make any other false statement in securing a permit, (3) for any person to knowingly issue or aid in securing a permit under the Game Law for any person not legally entitled thereto, (4) for any person disqualified for a permit to hunt, fish, or harvest fur with or without a permit during any period when such right has been forfeited or for which his or her permit has been revoked by the commission, or (5) for any nonresident under the age of sixteen years to receive a permit to harvest fur from any fur-bearing animal under the Game Law without presenting a written request therefor signed by his or her father, mother, or guardian. All children who are residents of the State of Nebraska and are under sixteen years of age shall not be required to have a permit to hunt, harvest fur, or fish. Any violation of this section shall constitute a Class V misdemeanor, and any permits purchased or used in violation of this section shall be confiscated by the court.

Sec. 121. Section 37-213, Revised Statutes Supplement, 1996, is amended to read:

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

(a) For any resident of Nebraska who is sixteen years of age or older or any nonresident of 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. Nonresident fur-harvesting permits may be issued only to residents of states which sell similar permits to residents of Nebraska;

(b) For any resident of Nebraska who is sixteen years of age or older or any nonresident of Nebraska to hunt ~~for~~, ~~kill~~, ~~shoot at~~, ~~poison~~, ~~take~~, or possess any kind of game birds, game animals, or crows;

(c) For any person who is sixteen years of age or older to hunt or ~~possess~~ ~~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. Migratory waterfowl ~~shall mean~~ means any ducks, geese, coots, or brant upon which an open season has been established by the commission; or

(d) 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, or mussel or minnow from the waters of this state or possess the same, except as provided in section 112 of this act. All nonresident anglers under sixteen years of age shall be accompanied by a person possessing a valid fishing permit, that (i) the owner or invitee of the owner of any body of water which is located entirely upon privately owned land, which is entirely privately stocked, which does not connect by inflow or outflow with other water outside such land, and which is not operated on a commercial basis for profit and (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

~~where-~~

(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 fishery shall be not less than fifty dollars and not more than sixty-five dollars per year, as established by the commission pursuant to section 81-814-02, 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 or 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 to~~ take any kind of fish, mussel, turtle, or amphibian, or to harvest fur or attempt to harvest fur while in the possession of a resident permit illegally obtained.

(4) (3) It shall be unlawful for anyone to do or attempt to do any other thing for which a permit is 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 limited deer permit under section 37-215-03.

(6) (4) Any nonresident who hunts or has in his or her possession any wild mammal or wild bird shall first obtain and have in his or her possession a nonresident hunting permit.

(5) Any nonresident who takes or has in his or her possession any wild turtle, mussel, or amphibian shall first obtain and have in his or her possession a nonresident fishing permit.

(6) Except as provided in this section and sections 37-204 and 37-209 117 and 128 of this act, 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 person violating this section shall be guilty of a Class II misdemeanor and 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 permit to the court.

Sec. 122. 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 section, scheduled dog trials means 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. 123. Section 37-104, Revised Statutes Supplement, 1996, is amended to read:

~~37-104-~~ For the purpose of establishing and administering a mandatory firearm hunter education program for persons born on or after January 1, 1977, who hunt, take, or attempt to take ~~by with~~ a firearm any species of game, game birds, or game animals, the Game and Parks Commission shall provide a program of firearm hunter education training leading to obtaining a certificate of successful completion in the safe handling of firearms and shall locate and train volunteer firearm hunter education instructors. The program shall provide a training course having a minimum of ten hours of instruction in the areas of safe firearms use, shooting and sighting techniques, hunter ethics, game identification, and conservation management. The commission shall issue a firearm hunter education certificate of successful completion to persons having satisfactorily completed a firearm hunter education course accredited by the commission and shall print, purchase, or otherwise acquire materials as necessary for effective program operation.

It shall be unlawful for any person born on or after January 1, 1977, to hunt, take, or attempt to take ~~by with~~ a firearm any species of game, game birds, or game animals except:

(1) A person under the age of twelve years who is accompanied by a

person nineteen years of age or older having a valid hunting permit; and

(2) A person born on or after January 1, 1977, who has on his or her person a hunter education certificate of successful completion issued by the person's state or province of residence or a firearm hunter education certificate issued by an accredited program recognized by the commission.

Sec. 124. Section 37-105, Revised Statutes Supplement, 1997, is amended to read:

~~37-105-~~ (1) The Game and Parks Commission commission shall establish and administer a bow hunter education program consisting of a minimum of ten hours of instruction in the safe use of bow hunting equipment, the fundamentals of bow hunting, shooting and hunting techniques, and hunter ethics. When establishing such a program, the commission shall train volunteers as bow hunter education training instructors. The commission shall issue a certificate of successful completion to any person who satisfactorily completes a bow hunter education program established by the commission and shall print, purchase, or otherwise acquire materials necessary for effective program operation. The commission shall adopt and promulgate rules and regulations for carrying out and administering such program.

(2) A person born on or after January 1, 1977, who is hunting antelope, deer, elk, mountain sheep, or wild turkey with a bow and arrow pursuant to ~~section 37-215, 37-215-02, or 37-227~~ any provision of sections 157 to 163 and 167 of this act shall have on his or her person a bow hunter education certificate of successful completion issued by his or her state or province of residence or a bow hunter education certificate issued by an accredited program recognized by the commission.

Sec. 125. Section 37-202.01, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-202-01-~~ (1) The commission may issue to any Nebraska resident a lifetime fishing, hunting, or combination hunting and fishing license permit upon application and payment of the appropriate fee. Applications shall be made to the headquarters office of the commission. The fee for a lifetime hunting license permit shall be not less than two hundred dollars and not more than two hundred sixty dollars, the fee for a lifetime fishing license permit shall be not less than two hundred thirty dollars and not more than three hundred dollars, and the fee for a lifetime combination hunting and fishing license permit shall be not less than four hundred dollars and not more than five hundred twenty dollars, as such fees are established by the commission pursuant to section ~~81-814-02~~ 85 of this act. Payment of the license fee shall be made in a lump sum at the time of application.

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

(3) A duplicate lifetime license permit 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 ~~81-814-02~~ 85 of this act.

(4) The commission shall adopt and promulgate rules and regulations to carry out this section and sections ~~37-202-02 and 37-202-03~~ 126 and 127 of this act.

Sec. 126. Section 37-202.02, Revised Statutes Supplement, 1996, is amended to read:

~~37-202-02-~~ Lifetime hunting, fishing, or combination hunting and fishing licenses permits shall not allow fur harvesting or the hunting of deer, antelope, turkey, or other hunting or fishing done under authority of any special permit. The holder of a lifetime license permit is required to purchase habitat stamps pursuant to section ~~37-216-01~~ 136 of this act but is not required to purchase aquatic habitat stamps pursuant to such section.

Sec. 127. Section 37-202.03, Revised Statutes Supplement, 1996, is amended to read:

~~37-202-03-~~ Fees received for lifetime licenses permits shall be credited to the State Game Fund and shall not be expended but may be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Income from such investments may be expended by the Game and Parks Commission commission.

Sec. 128. Section 37-209, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-209-~~ Permits may be granted by the commission to any properly accredited person to take and collect for strictly scientific or educational purposes any of the fauna hereby protected and their nests, eggs, and spawn.

Sec. 129. Section 37-214.01, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-214-01-~~ (1) Any person in the military service of the United States, regardless of residence, who has been ordered to active duty at any

facility of the Department of Defense or its component services located in the State of Nebraska, may hunt, fish, or harvest fur on the appropriate resident permit upon satisfactory proof that such person has been actually present for duty at such facility for a period of thirty days or more.

(2) Any person enrolled and in actual attendance as a full-time student in any university, college, junior college, or vocational-technical college in this state, regardless of residence, or any high school foreign exchange student in this state, may hunt or fish on the appropriate resident permit upon satisfactory proof that such person has been actually in attendance at any such institution for a period of thirty days or more or is a high school foreign exchange student.

~~(3) Any person duly enrolled in the Civilian Conservation Centers or any similar governmental work or training facility in this state may hunt or fish on the appropriate resident permit upon proof that such person has been in attendance at such facility thirty days or more.~~

Sec. 130. Section 37-214.03, Reissue Revised Statutes of Nebraska, is amended to read:

~~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 ~~81-814-02~~ 85 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 commission may issue special permits without cost to those persons to hunt and fish from a vehicle, but such 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 as provided in this section. The commission may adopt and promulgate rules and regulations necessary to carry out this section.

Sec. 131. Section 37-214.04, Reissue Revised Statutes of Nebraska, is amended to read:

~~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 ~~81-814-02~~ 85 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. 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 commission may issue special permits without cost to those persons to hunt and fish from a vehicle, but such permits shall not authorize any person to shoot from any public highway. The commission may adopt and promulgate rules and regulations necessary to carry out this section.

Sec. 132. Section 37-204.02, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-204-02-~~ The Game and Parks Commission commission may require special daily fishing permits on areas designated by it and subject to intensive fishery management. Such permits may be vended by mechanical methods. The commission may establish the fee, form, and requirements of such special daily fishing permit, and establish rules and regulations governing seasons, limits, methods of taking, open or closed waters, and such other regulations as it deems necessary on such designated areas. Such special daily fishing permit shall be required of any and all persons fishing on the designated area and shall be the only fishing permit required thereon. The commission may only issue the permits authorized by this section on manned staffed areas or on portions of manned staffed areas under its ownership or control which are intensively managed or stocked for a high level of fish production.

Sec. 133. Section 37-214.02, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-214-02-~~ Any person who is a recipient of old age assistance as provided by Chapter 68, article ~~2~~ 10, and who is a resident of the State of Nebraska, shall be exempt from the payment of any fees provided by the laws of the State of Nebraska for the privilege of fishing in Nebraska; ~~PROVIDED, if he or she obtains a certificate from the county clerk of the county in which such person resides certifying that he or she is a recipient of old age assistance.~~

Sec. 134. Section 37-204.03, Revised Statutes Supplement, 1997, is amended to read:

~~37-204-03-~~ (1) The commission may issue, regardless of any other requirements or qualifications of the Game Law, special fishing permits to those residents of the State of Nebraska who are severely physically disabled or developmentally disabled and who require assistance ~~and~~ fishing. The special permit shall entitle the disabled person and one person assisting the disabled person to take, ~~hunt, fish, catch, kill, harvest,~~ or possess any aquatic organism in compliance with the Game Law. The special permit shall be valid without an aquatic habitat stamp issued under the provisions of sections ~~37-216-01 to 37-216-09 136 to 143 of this act.~~ The disabled person shall be considered the holder of the permit. The annual fee for such permit shall be five dollars, regardless of the age of the applicant.

(2) For purposes of this section, severely physically disabled person means a person certified by a physician to have a permanent physical impairment which results in an inability to use fishing equipment unassisted.

(3) For purposes of this section, developmentally disabled person means a person who has a developmental disability as defined in section 83-1205 and whose disability is certified by a physician as resulting in an inability to use fishing equipment unassisted.

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

Sec. 135. ~~The commission 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.~~

Sec. 136. Section 37-216.01, Revised Statutes Supplement, 1997, is amended to read:

~~37-216-01-~~ (1) Except as provided in subsection (2) of this section:

(a) 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 habitat stamp 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 bird or animal; and

(b) No resident or nonresident of Nebraska eighteen years of age or older shall take, ~~hunt, fish, catch, kill, harvest,~~ or possess any aquatic organism requiring a Nebraska fishing permit, including any fish, bullfrog, snapping turtle, tiger salamander, or mussel unless, at the time of such ~~taking, hunting, fishing, catching, killing, harvesting,~~ or possessing, such person carries on or about his or her person an unexpired aquatic habitat stamp validated by his or her signature in ink across the face of the stamp prior to the time of ~~taking, hunting, fishing, catching, killing, harvesting,~~ or possessing a fish, bullfrog, snapping turtle, tiger salamander, or mussel.

(2) Habitat stamps are not required for holders of limited permits issued under section ~~37-215-03 165 of this act.~~ Aquatic habitat stamps are not required (a) when a fishing permit is not required, (b) for holders of permits pursuant to section ~~37-204-03 134 of this act,~~ or (c) for holders of lifetime fishing ~~license permits~~ or lifetime combination hunting and fishing ~~license permits.~~

(3) Any person to whom a stamp has been issued shall, immediately upon request, exhibit the stamp to any officer. Any person ~~taking, hunting, fishing, catching, killing,~~ harvesting, or possessing any game bird, upland game bird, game animal, or fur-bearing animal or any aquatic organism requiring a fishing permit in this state without the appropriate stamp attached to a valid hunting or fur-harvesting permit or fishing permit and not actually on or about his or her person shall be deemed to be without such stamp. A habitat stamp shall be issued upon the payment of a fee of not less than ten dollars and not more than fifteen dollars per stamp. An aquatic

habitat stamp shall be issued upon the payment of a fee of not less than five and not more than six dollars and fifty cents per stamp. The commission shall establish the fees pursuant to section ~~31-214.02~~ 85 of this act.

Sec. 137. Section 37-216.02, Revised Statutes Supplement, 1996, is amended to read:

~~37-216.02-~~ The habitat stamp or aquatic habitat stamp required by section ~~37-216.01~~ 136 of this act is not transferable and expires at midnight on December 31 of the year in which issued.

Sec. 138. Section 37-216.04, Revised Statutes Supplement, 1996, is amended to read:

~~37-216.04-~~ It shall be unlawful: (1) For any person, holding a stamp under sections ~~37-216.01 to 37-216.09~~ 136 to 143 of this act, to lend or transfer the stamp to another person or for any person to borrow or use the stamp of another; (2) for any person to (a) procure a stamp under an assumed name, (b) falsely state the place of his or her legal residence in procuring the stamp, or (c) make any other false statement in procuring the stamp; (3) for any person to knowingly issue or aid in securing a stamp under the provisions of sections ~~37-216.01 to 37-216.09~~ 136 to 143 of this act for any person not legally entitled thereto; (4) for any person disqualified for a stamp to take, ~~hunt, fish, catch, kill, harvest,~~ or possess a fish, bullfrog, snapping turtle, tiger salamander, or mussel, ~~or~~ to hunt game birds, upland game birds, or game animals, or to harvest fur-bearing animals with or without a stamp during any period when such right has been forfeited or for which his or her stamp has been revoked by the ~~Game and Parks Commission~~ commission; or (5) for anyone to take, ~~hunt, fish, catch, kill, harvest,~~ or possess a fish, bullfrog, snapping turtle, tiger salamander, or mussel, ~~to~~ ~~or~~ hunt game birds, upland game birds, or game animals, or to harvest fur-bearing animals without a permit as required by section ~~37-201~~ 111 of this act and the appropriate stamp attached thereto. Any person violating any of the provisions of sections ~~37-216.01 to 37-216.09~~ 136 to 143 of this act shall be guilty of a Class V misdemeanor and the court shall require the offender to purchase the required stamp, and any stamp obtained or used in violation of sections ~~37-216.01 to 37-216.09~~ 136 to 143 of this act shall be confiscated by the court.

It shall be an affirmative defense to prosecution for any violation of sections ~~37-216.01 to 37-216.09~~ 136 to 143 of this act for which possession is an element of the offense that such possession was not the result of effort or determination or that the actor was unaware of his or her physical possession or control for a sufficient period to have been able to terminate such possession or control.

Sec. 139. Section 37-216.05, Revised Statutes Supplement, 1996, is amended to read:

~~37-216.05-~~ Habitat stamps and aquatic habitat stamps shall be issued by the ~~Game and Parks Commission~~ commission. They may be procured from the secretary thereof or from such other persons, firms, and corporations as may be designated by the commission to sell the stamps and to collect the fees therefor.

Sec. 140. Section 37-216.06, Revised Statutes Supplement, 1996, is amended to read:

~~37-216.06-~~ Any person, firm, or corporation authorized to sell the stamps under sections ~~37-216.01 to 37-216.09~~ 136 to 143 of this act and collect the fees therefor shall remit the fees for the stamps monthly to the secretary of the ~~Game and Parks Commission~~ commission. All remittances shall be upon a form to be supplied by the commission and a duplicate copy shall be retained by the persons, firms, or corporations authorized by the commission to sell the stamps.

Sec. 141. Section 37-216.07, Revised Statutes Supplement, 1996, is amended to read:

~~37-216.07-~~ (1) The secretary of the ~~Game and Parks Commission~~ commission shall remit all money received by him or her from the sale of habitat stamps, or from others authorized to sell habitat stamps, to the State Treasurer for credit to the Nebraska Habitat Fund. The Nebraska Habitat Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. No expenditure shall be made from the Nebraska Habitat Fund until the commission has presented a habitat plan to the Committee on Appropriations of the Legislature for its approval.

(2) The secretary of the commission shall remit all money received by him or her from the sale of aquatic habitat stamps, or from others authorized to sell aquatic habitat stamps, to the State Treasurer for credit to the Nebraska Aquatic Habitat Fund. The Nebraska Aquatic Habitat Fund is created. Any money in the fund available for investment shall be invested by

the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. No expenditure shall be made from the Nebraska Aquatic Habitat Fund until the commission has presented a habitat plan to the Committee on Appropriations and the Committee on Natural Resources of the Legislature for their approval.

(3) The secretary of the commission and any county clerk or public official designated to sell habitat stamps or aquatic habitat stamps shall be liable upon their official bonds for failure to remit the money from the sale of the stamps, as required by sections ~~37-216.01 to 37-216.09~~ 136 to 143 of this act, coming into their hands. Any other person, firm, or corporation who receives stamp fees and who fails to remit the same fees to the commission within a reasonable time after demand by the commission shall be liable to the commission in damages for double the amount of the funds wrongfully withheld. Any person who purposefully fails to remit such fees with the intention of converting them is guilty of theft. The penalty for such violation shall be determined by the amount converted as specified in section 28-518, in accordance with its rules and such sections after demand is made for the same shall be liable to suit by the commission in double the amount of the funds wrongfully withheld and shall further be liable criminally for embezzlement.

Sec. 142. Section 37-216.08, Revised Statutes Supplement, 1996, is amended to read:

~~37-216.08-~~ (1) All money received from the sale of habitat stamps, as provided by sections ~~37-216.01 to 37-216.09~~ 136 to 143 of this act, shall be administered by the Game and Parks Commission commission for the acquisition on a willing-seller willing-buyer basis only, leasing, taking of easements, development, management, and enhancement of wildlife lands and habitat areas. Such funds may be used in whole or in part for the matching of federal funds.

(2) All money received from the sale of aquatic habitat stamps, as provided by sections ~~37-216.01 to 37-216.09~~ 136 to 143 of this act, shall be administered by the commission and shall be used first for the maintenance and restoration of existing aquatic habitat, if maintenance and restoration is practicable, and second for the enhancement of existing aquatic habitat. Such funds may be used in whole or in part for the matching of federal funds.

Sec. 143. Section 37-216.09, Revised Statutes Supplement, 1996, is amended to read:

~~37-216.09-~~ Any Unless otherwise provided in sections 136 to 143 of this act, any person who violates any provision of sections ~~37-216.01 to 37-216.09~~ 136 to 143 of this act or who violates or fails to comply with any regulation thereunder shall be guilty of a Class V misdemeanor.

It shall be an affirmative defense to prosecution for any violation of sections ~~37-216.01 to 37-216.09~~ 136 to 143 of this act for which possession is an element of the offense that such possession was not the result of effort or determination or that the actor was unaware of his or her physical possession or control for a sufficient period to have been able to terminate such possession or control.

Sec. 144. Section 37-1101, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1101-~~ For the purpose of supplying additional revenue to better accommodate the increasing public use of the Nebraska state park system by providing improved operation and maintenance, the Game and Parks Commission commission shall require an entry permit to be affixed to motor vehicles which enter areas of the Nebraska state park system which are designated as permit areas by the commission as provided by sections ~~37-1101 to 37-1114~~ 144 to 156 of this act.

Sec. 145. Section 37-1102, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1102-~~ As used in sections ~~37-1101 to 37-1114~~ 144 to 156 of this act, unless the context otherwise requires:

(1) Commission shall mean the Game and Parks Commission;
(2) Motor vehicle shall mean means any self-propelled vehicle of a type required to be registered and licensed for operation on the highways of the state;

(3) (2) Permit areas shall mean means those areas, or portions of areas, of the Nebraska state park system which are defined in subdivisions (2), (3), (4), and (5) of section ~~81-815-22 (1), (2), and (3) of section 96 of this act~~, and which are designated as provided in sections ~~81-815-22 and 81-815-24~~ 97 and 98 of this act, for which entry permits shall be required by the commission as provided in sections ~~37-1101 to 37-1114~~ 144 to 156 of this act; and

(4) (3) Permit shall mean means motor vehicle entry permit.

Sec. 146. Section 37-1103, Revised Statutes Supplement, 1997, is

amended to read:

~~37-1103-~~ Permits shall be furnished for sale in such form and manner as prescribed in sections ~~37-1101 to 37-1114~~ 144 to 156 of this act and shall be required to be permanently affixed to all motor vehicles entering designated permit areas except:

- (1) Motor vehicles bearing state licenses;
- (2) Motor vehicles in use for law enforcement or emergency purposes;
- (3) Motor vehicles engaged in the servicing, enforcement, administration, repair, maintenance, or construction of facilities or property and motor vehicles engaged in the delivery of commodities or materials to the permit areas;
- (4) Motor vehicles being operated on a federal, state, or county highway which crosses a permit area, entering at one point and exiting at another;
- (5) Motor vehicles which are traveling directly between the permit boundary and the site within the area where permits are vended;
- (6) Motor vehicles being operated by the holders of easements across permit areas or their agents, employees, or contractors; and
- (7) Motor vehicles bearing dealer number plates which shall not be required to have a permit permanently affixed but which shall display such permit.

Sec. 147. Section 37-1104, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1104-~~ A permit shall entitle the vehicle for which it is issued access to any permit area and no other right or privilege shall be conveyed. A permit shall not entitle the holder, or any occupant of the vehicle, to any service, facility, or activity for which a separate fee is imposed.

Sec. 148. Section 37-1105, Reissue Revised Statutes of Nebraska, is amended to read:

~~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 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. 149. Section 37-1107.01, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1107.01-~~ (1) In addition to the permits authorized in section ~~37-1105~~ 148 of this act, the 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 one duplicate annual permit for 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 offices of the commission and designated ~~commission-staffed~~ staffed areas, either by mail or in person, upon proof of purchase of an annual permit, in compliance with 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~~ 156 of this act.

Sec. 150. Section 37-1108, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1108-~~ The location and method of display of permits on motor vehicles shall be 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 ~~41-814.02~~ 85 of this act, for each permit as reimbursement for the clerical work of issuing the permits and remitting

therefor.

Sec. 151. Section 37-1109, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1109-~~ The commission shall evaluate the areas of the Nebraska state park system and designate those areas, or portions of areas, for which a permit shall be required. The commission shall periodically reevaluate the Nebraska state park system and designate additional permit areas or reclassify permit areas as nonpermit areas as conditions and public use warrant.

Sec. 152. Section 37-1110, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1110-~~ The commission shall post signs at all entrances to permit areas and the text of such signs shall clearly convey the fact that motor vehicles using the area are required to display a permit. The commission may issue free permits for the private motor vehicles of its employees who are required to reside on a permit area by the terms of their employment.

Sec. 153. Section 37-1111, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1111-~~ Except as provided in section 37-1103 ~~146 of this act~~, it shall be unlawful for any motor vehicle to enter a permit area unless a valid permit is permanently affixed to the vehicle in the manner prescribed by the commission. Such a permit shall be required for entry at any time of the year. Any person who operates a motor vehicle in violation of this section shall be guilty of a Class V misdemeanor. If the identity of the operator of a motor vehicle in violation of this section cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation and shall be guilty of a Class V misdemeanor.

Sec. 154. Section 37-1112, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1112-~~ (1) The commission may adopt or enact such rules and regulations as are necessary to administer the entry permit program and to carry out the purposes and intents of sections 37-1101 to 37-1114 ~~144 to 156 of this act~~.

(2) The commission, its agents and officers, and any other peace officer of this state shall be empowered to enforce the provisions of sections 37-1101 to 37-1114 ~~144 to 156 of this act~~.

Sec. 155. Section 37-1113, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1113-~~ All money received by county clerks or other persons or corporations entitled to sell permits as provided by sections 37-1101 to 37-1114 ~~144 to 156 of this act~~ shall be remitted monthly to the secretary of the commission. All remittances shall be upon a form to be furnished by the commission and a duplicate copy shall be retained by the county clerk and such persons and corporations as may be authorized by the commission to sell permits for it. Any permit vendor who receives permit fees under sections 144 to 156 of this act and who fails to remit the fees to the commission within a reasonable time after demand by the commission shall be liable to the commission in damages for double the amount of the funds wrongfully withheld. A permit vendor who purposefully fails to remit such fees with the intention of converting them is guilty of theft. The penalty for such violation shall be determined by the amount converted as specified in section 28-518. ~~person or corporation who shall receive permit fees under sections 37-1101 to 37-1114, and who shall fail to pay over such fees to the commission in accordance with sections 37-1101 to 37-1114 and upon demand, shall be liable to the commission in damages for double the amount of the funds wrongfully withheld and shall be liable criminally for embezzlement.~~

Sec. 156. Section 37-1114, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1114-~~ Such permit fees shall be deposited in the State Park Cash Revolving Fund, and shall be disbursed for the administration, improvement, operation, and maintenance of those areas, or portion of areas, of the state park system which are designated as fee-use areas.

Sec. 157. Section 37-215, Revised Statutes Supplement, 1997, is amended to read:

~~37-215-~~ (1)(a) The commission may issue permits for the hunting and killing of deer and 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, 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 hunting harvest regulations for the different management units pertaining to sex, species, and age of the deer harvested hunted.

(b) (2) The number of such permits may be limited, as provided by the rules and regulations of the commission, and except as provided in section ~~37-215-04~~ 164 of this act, the permits shall be disposed of in an impartial manner. Whenever the commission 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) (3) Such permits may be issued to allow ~~killing of~~ deer hunting 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 deems that permitting such ~~killing~~ hunting will not be detrimental to the proper preservation of wildlife in Nebraska in such forest, reserves, or areas.

(d) (4) The commission shall, pursuant to section ~~81-814-02~~ 85 of this act, establish and charge a fee of not less than twenty dollars and not more than twenty-five dollars for residents and not less than one hundred fifty dollars and not more than two hundred dollars for nonresidents for each permit issued under this subsection section.

(e) (5) The commission may issue nonresident permits only after a reasonable period has first been provided solely for issuance of resident permits. ~~If~~ and if the commission 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 commission.

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

(2) The 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 ~~81-814-02~~, establish and charge a fee 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 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 shall not be issued to nonresidents. The commission shall, pursuant to section ~~81-814-02~~, establish and charge a nonrefundable application fee of not less than five dollars and not more than seven dollars and a fee 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 for a limited permit to hunt elk pursuant to section ~~37-215-03~~. 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) The commission may issue permits for the hunting and killing of mountain sheep and may establish separate and, when necessary, different regulations therefor within the limitations prescribed in subdivisions (1)(a) and (f) of this section for the taking of deer. Such regulations shall include provisions allowing persons who find dead mountain sheep, or any part of a mountain sheep, to turn over to the commission such mountain sheep or part of a mountain sheep. The commission may dispose of such mountain sheep or part of a mountain sheep as it deems reasonable and prudent. Except as

otherwise provided in this subsection, the permits shall be issued to residents of Nebraska. The commission shall, pursuant to section 81-814-02, establish and charge a nonrefundable application fee of not less than twenty dollars and not more than twenty-five dollars for permits issued only to residents. Any number of resident-only permits, as authorized by the commission, shall be awarded by random drawing to eligible applicants. No permit fee shall be charged in addition to the nonrefundable application fee. No more than one additional permit may be authorized and issued pursuant to an auction open to residents and nonresidents. The auction shall be conducted according to rules and regulations prescribed by the commission. Any money derived from the sale of permits by auction shall be used only for perpetuation and management of mountain sheep, elk, and deer. If the commission determines to limit the number of permits issued for any or all management units, the commission shall by rule and regulation determine eligibility requirements for the permits. A person may obtain only one mountain sheep permit in his or her lifetime.

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

(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 81-814-02, establish and charge a fee of not less than twenty dollars and not more than twenty-five dollars for a special depredation season permit. Fifty percent of the fee shall be paid by the commission to a landowner or operator within the designated area upon satisfactory proof a deer was killed upon his or her farm or ranch during the special depredation season. Receipt of a depredation season permit shall not in any way affect a person's eligibility for a regular season permit.

Sec. 158. (1) Subject to rules and regulations adopted and promulgated by the commission, the secretary of the commission may designate special deer depredation seasons by executive order. The secretary may designate a depredation season whenever he or she determines that deer are causing excessive property damage. The secretary shall specify the number of permits to be issued, shooting hours, the length of the depredation season, and the geographic area in which hunting will be permitted. Each such permit shall give the holder the right to take one deer. Hunting during a special depredation season shall be limited to residents and shall be restricted to firearms which are permissible for use during the regular deer season.

(2) The depredation season may commence not less than five days after the first public announcement that the depredation season has been established. Permits shall be issued beginning not less than three days after the first public announcement of the depredation season and shall be issued in an impartial manner at a location determined by the secretary. The commission shall, pursuant to section 85 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 paid by the commission to a landowner or operator within the designated area upon satisfactory proof a deer was killed upon his or her farm or ranch during the special depredation season. Receipt of a depredation season permit shall not in any way affect a person's eligibility for a regular season permit.

Sec. 159. The commission may issue permits for hunting antelope and may establish separate and, when necessary, different regulations therefor within the limitations prescribed in sections 157 and 162 of this act for hunting deer. The commission shall, pursuant to section 85 of this act, establish and charge a fee 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 section. The provisions for the distribution of deer permits and the authority of the commission to determine eligibility of applicants for permits as described in sections 157 and 162 of this act shall also apply to the distribution of antelope permits.

Sec. 160. The commission may issue permits for hunting elk and may

establish separate and, when necessary, different regulations therefor within the limitations prescribed in sections 157 and 162 of this act for hunting deer. Permits to hunt elk issued pursuant to this section shall not be issued to nonresidents. The commission shall, pursuant to section 85 of this act, establish and charge a nonrefundable application fee of not less than five dollars and not more than seven dollars and a fee 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 for a limited permit to hunt elk pursuant to section 165 of this act. The provisions for the distribution of deer permits and the authority of the commission to determine eligibility of applicants for permits as described in sections 157 and 162 of this act shall also apply to the distribution of elk permits.

Sec. 161. The commission may issue permits for hunting mountain sheep and may establish separate and, when necessary, different regulations therefor within the limitations prescribed in subsection (1) of section 157 of this act and section 162 of this act for hunting deer. Such regulations shall include provisions allowing persons who find dead mountain sheep, or any part of a mountain sheep, to turn over to the commission such mountain sheep or part of a mountain sheep. The commission may dispose of such mountain sheep or part of a mountain sheep as it deems reasonable and prudent. Except as otherwise provided in this section, the permits shall be issued to residents of Nebraska. The commission shall, pursuant to section 85 of this act, establish and charge a nonrefundable application fee of not less than twenty dollars and not more than twenty-five dollars for permits issued only to residents. Any number of resident-only permits, as authorized by the commission, shall be awarded by random drawing to eligible applicants. No permit fee shall be charged in addition to the nonrefundable application fee. No more than one additional permit may be authorized and issued pursuant to an auction open to residents and nonresidents. The auction shall be conducted according to rules and regulations prescribed by the commission. Any money derived from the sale of permits by auction shall be used only for perpetuation and management of mountain sheep, elk, and deer. If the commission determines to limit the number of permits issued for any or all management units, the commission shall by rule and regulation determine eligibility requirements for the permits. A person may obtain only one mountain sheep permit in his or her lifetime.

Sec. 162. No person shall be issued a permit to hunt deer, antelope, elk, or mountain sheep unless such person is at least twelve years of age, except that any person who is twelve through fifteen years of age shall only hunt deer, antelope, elk, or mountain sheep when accompanied by a person twenty-one years of age or over.

Sec. 163. Section 37-215.02, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-215.02.~~ Applications for the special permits provided for in ~~subsection (1), (2), or (3) of section 37-215 section 157, 159, or 160 of this act~~ shall be made individually or on a unit basis. If such application is made on a unit basis, not more than two applicants may apply for such permit in one application. If such application is granted, ~~as provided in section 37-215,~~ such special permits shall be issued to the persons so applying. If any one of the persons so applying shall be ineligible to receive such special permit, the entire group so applying shall be disqualified. No person applying for such special permit on a unit basis shall also apply individually.

Sec. 164. Section 37-215.04, Revised Statutes Supplement, 1996, is amended to read:

~~37-215.04.~~ A permit issued to a disabled person to hunt and kill deer, antelope, or elk shall not have a limitation regarding the sex of such animal unless, for management purposes, the commission determines that all permits issued, in the management unit in which the application for a permit is made, shall have a limitation regarding the sex of the animal.

Sec. 165. Section 37-215.03, Revised Statutes Supplement, 1997, is amended to read:

~~37-215.03.~~ (1) A Nebraska resident who owns or leases eighty acres or more of farm or ranch land for agricultural purposes or a member of such person's immediate family residing in the same household may apply for a limited deer, antelope, wild turkey, or elk permit. The limited permit is valid during the predetermined period established by the commission pursuant to ~~section 37-215 or 37-227 any provision of sections 157 to 162 and 167 of this act.~~ To qualify for a limited elk permit the farm or ranch land of the applicant must be within an area designated as an elk zone by the commission in its regulations. Only one limited permit for each species shall be issued

annually for the farm or ranch land described in the application, except that both a spring and a fall turkey permit may be issued. Upon receipt of an application in proper form as prescribed by the commission, the commission may issue a limited permit which shall restrict (a) the limited deer, antelope, or wild turkey permit to hunting only on the farm or ranch land included in the application and shall not apply to the land of other persons and (b) the limited elk permit to hunting on the entire elk management unit of which the farm or ranch land included in the application is a part. For purposes of this section, immediate family shall mean ~~mean~~ and be is limited to husband and wife and their children. The conditions applicable to permits issued pursuant to section ~~37-215 or 37-227~~ 157, 158, 159, 160, 162, or 167 of this act, whichever is appropriate, shall apply to limited permits issued pursuant to this section, except that the commission may adopt regulations for species harvest allocation pertaining to the sex and age of the species harvested which are different for this permit than for other hunting permits.

(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~~ 157, 158, 159, 160, 162, or 167 of this act 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 elk permit issued pursuant to this section shall not be issued to any applicant more than once every three years.

(4) The fee for a limited permit to hunt elk shall be one-fifth the fee for the regular permit to hunt elk. The fee for a limited permit to hunt deer, antelope, or wild turkey shall be one-half the fee for the regular permit for these species.

(5) The commission may by rule and regulation prescribe forms to be filled out by the applicant for a limited permit as prescribed in this section to determine whether the applicant is a Nebraska resident and is the owner or lessee of the described property or is a member of the family or household of such person.

Sec. 166. Section 37-215.08, Revised Statutes Supplement, 1996, is amended to read:

~~37-215-08.~~ The issuance of limited antelope permits pursuant to section ~~37-215-03~~ 165 of this act in any management unit shall not exceed twenty percent of the regular permits authorized for such antelope management unit. The issuance of limited elk permits pursuant to section ~~37-215-03~~ 165 of this act in any management unit shall not exceed fifty percent of the regular permits authorized for such elk management unit.

Sec. 167. Section 37-227, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-227.~~ (1) The commission may issue permits for hunting the ~~killing of~~ wild turkey and prescribe and establish regulations and limitations for the hunting, ~~killing,~~ transportation, and possession of wild 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 turkey hunting in the Nebraska National Forest and other game reserves and such other areas as the commission may designate whenever the commission deems that permitting such ~~killing~~ hunting would not be detrimental to the proper preservation of wildlife in such forest, reserves, or areas.

(2) The commission shall, pursuant to section ~~81-814-02~~ 85 of this act, establish and charge a fee of not less than fifteen dollars and not more than twenty dollars for residents and not less than fifty dollars and not more than sixty-five dollars for nonresidents for each permit issued under this section.

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

(4) The provisions of section ~~37-215~~ sections 157 and 162 of this act for the distribution of deer permits also shall apply to the distribution of wild turkey permits. No permit to hunt wild turkey shall be issued without payment of the fee required by this section.

Sec. 168. Section 37-233, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-233.~~ (1) The commission shall, to aid in the protection of livestock and other domesticated animals, issue a special permit authorizing the holder to use aircraft for the purpose of shooting or attempting to shoot coyotes. Such permit shall be issued only after it is shown that ~~the~~ (a) the coyote population is so large in an area as to present a substantial threat to

livestock and other domesticated animals and (2) (b) property owners will not be detrimentally affected by such issuance.

(2) 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 ~~81-214-02~~ 85 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 for the permit shall be prescribed by the commission.

(3) The commission shall adopt and promulgate necessary rules and regulations to carry out this section and may designate areas in which the coyote population may present a threat or cause substantial damage to livestock and restrict the issuance of permits only to such areas. The commission, officers and agents of the commission, and any law enforcement or peace officer of this state shall have the authority to enforce this section and ~~sections 37-232 and 37-235~~ section 229 of this act.

Sec. 169. Section 37-234, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-234.~~ The holder of a permit issued under the provisions of ~~section 37-233~~ section 168 of this act shall report to the Game and Parks Commission commission, not later than fifteen days after the end of each calendar quarter, the number of coyotes taken during such quarter. The commission shall file with the Secretary of the Interior the annual report required by Public Law 92-159, 92nd Congress, 1971.

Sec. 170. Whenever beaver are destroying trees or otherwise damaging property, except as provided in section 282 of this act, 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 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 such property in any manner not otherwise prohibited by law. Beaver pelts taken under the authority of a permit issued under this section shall not be sold or used unless the permit holder also possesses a current and valid fur-harvesting permit.

Sec. 171. If any dam, canal, drainage ditch, irrigation ditch, private fish pond, aquaculture facility, artificial waterway, railroad embankment, or other property is being damaged or destroyed by muskrats, the commission may issue a permit to the owner or owners of such dam, canal, ditch, pond, facility, waterway, embankment, or other property to take or destroy such muskrats, and the commission may make and enforce rules in connection with the issuance of such permits as are necessary to prevent the illegal destruction of muskrats by any holder of such a permit. Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 172. Section 37-211.01, Revised Statutes Supplement, 1997, is amended to read:

~~37-211-01.~~ (1) It shall be unlawful for any person to perform taxidermy services on any game for any person other than himself or herself without first obtaining a taxidermist permit from the commission. The permit shall be conspicuously posted at the location where taxidermy services are performed. The application for the permit shall include the applicant's social security number. The annual fee for such permit shall be not less than five dollars and not more than seven dollars, as established by the commission pursuant to section ~~81-214-02~~ 85 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 commission upon such form and containing such information as may be prescribed by the commission. The application shall include the address of the premises where taxidermist services will be provided and a statement of the applicant's qualifications and experience as a taxidermist. Requests for renewals of existing permits shall be made by letter to the commission not later than thirty days preceding the expiration date of the permit.

(3) A permit shall authorize a taxidermist to (a) receive, transport, hold in custody or possession, mount, or otherwise prepare game fish, game animals, fur-bearing animals, raptors, and all other birds and creatures protected by ~~Chapter 37~~ the Game Law and return them to the legal owner or his or her agent from whom received and (b) sell ~~captive-reared cultured~~ 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~~ Permitholders shall keep accurate records of operations, on a calendar-year basis, showing the names and addresses of

persons from and to whom specimens of game fish, game animals, ~~furbearers~~ fur-bearing animals, game birds, raptors, or other birds or creatures protected by Chapter 37 The Game Law or their nests or eggs were received or delivered, the number and species, and the dates of receipt and delivery. In addition to other records required by this subsection, the permittee permitholder shall maintain proper invoices or other documents confirming his or her lawful acquisition of ~~captive-reared~~ cultured 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 Permitholders shall retain such records not less than one year following the end of the calendar year covered by the records. Such records shall be available for inspection by duly authorized employees or agents of the commission during normal business hours.

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

Sec. 173. Section 37-211, Revised Statutes Supplement, 1997, is amended to read:

~~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 commission a fur buyer's permit. If the applicant is an individual, the application shall include the applicant's social security number. The annual fee for this permit shall be not less than one hundred dollars and not more than one hundred thirty dollars for residents, as established by the commission pursuant to section ~~81-814-02~~ 85 of this act. Any resident who has resided in this state continuously for a period of six months before making an application for a permit under this section shall be deemed to be a resident and may be issued a resident permit under this section. The fees for nonresidents of this state shall be equal to the fees charged for similar permits by the states of their respective residences but not less than five hundred dollars per annum for such nonresidents. Before a fur buyer's permit is issued to a nonresident of this state, the applicant shall execute and deliver to the secretary of the commission a corporate surety bond, running to the State of Nebraska, in the penal sum of one thousand dollars to be approved by the commission, conditioned that the permittee permitholder shall faithfully comply with all the laws of this state. Dealers sending buyers into the field away from their place of business shall provide each such buyer with a separate fur buyer's permit. Every nonresident buyer entering the state or who has buyers in this state shall carry a nonresident fur buyer's permit.

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

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

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

Sec. 174. Section 37-306, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-306-~~ Except as otherwise provided in the Game Law, it shall be unlawful for any person, other than a person holding a fur farmer permit, a fur buyer's permit, or a permit issued pursuant to ~~subsection (2) of section 37-304-02~~ 170 of this act, with regard to pelts of beaver taken pursuant to such permits, and officers and employees of the commission, to possess the raw fur or pelt of any fur-bearing animal protected by the Game Law at any time other than during the open season for such fur-bearing animal and ten days immediately thereafter. Any person who by trapping or other lawful means has become the owner of the raw furs or pelts of such fur-bearing animals during the open season thereon and who during the ten days immediately after the close of such open season has been unable to obtain a satisfactory price for such furs or otherwise has been prevented from lawfully disposing of the same may, during such ten-day period, obtain from the commission a permit to retain possession of such furs for such further period of time as the commission may by rule and regulation designate. All applications for such permits shall be verified under oath, state the number and kind of green pelts on hand which it is desired to carry over, be filed with the commission before the expiration

of such ten-day period, and be accompanied by the certificate of an employee of the commission or the county sheriff that the applicant, to the personal knowledge of such employee or sheriff, then has on hand the number and kinds of furs for which the permit is applied for. Any person knowingly making or assisting in making a false certificate in connection with such an application shall be guilty of a Class V misdemeanor.

Sec. 175. Section 37-703, Revised Statutes Supplement, 1997, is amended to read:

~~37-703-~~ Permits for game farming, fur farming, and aquaculture facilities may be issued by the commission upon written application by any qualified person. Such application shall state (1) the name, social security number if the applicant is an individual, residence, and place of business of the applicant, (2) the exact description of the land upon which such game farm, fur farm, or aquaculture facility is to be located, together with the nature of the applicant's title 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 aquatic organisms authorized to be kept or reared on such farm or in such facility. The annual fee for an aquaculture facility permit shall be not less than fifty dollars and not more than sixty-five dollars, as established by the commission pursuant to section ~~81-814-02~~ 85 of this act. Such permits shall expire on December 31. Permits under this section shall not be required for possession or production of domesticated cervine animals as defined in section 54-701.03 which are registered with the Domesticated Cervine Animal Registry pursuant to section 54-2301.

Sec. 176. Section 37-705, Revised Statutes Supplement, 1996, is amended to read:

~~37-705-~~ Upon payment of the permit fees required by the Game Law, game animals, not to include domesticated cervine animals as defined in section 54-701.03, and game birds, fur-bearing animals, and aquatic organisms, lawfully held in possession in any other state or country, may be imported into this state by any legal holder of a ~~breeder's~~ permit described in section ~~37-703 175 of this act~~ except as provided in sections ~~37-535 to 37-538 and 37-719 244 and 267 to 270 of this act~~. Such permit shall not confer upon the holder the right (1) to take wild game animals, fur-bearing animals, game birds, or aquatic organisms from the natural resources of Nebraska or (2) to purchase such animals, birds, or aquatic organisms from anyone in Nebraska except the commission or persons holding legal permits for the propagation and disposal of the same.

Sec. 177. Game lawfully acquired from the holder of a permit under section 175 of this act may be sold in this state. The burden of proof is upon the buyer, seller, or possessor to show by competent and satisfactory evidence that game in his or her possession or sold by him or her was lawfully acquired from such a permit holder.

Sec. 178. Section 37-702, Revised Statutes Supplement, 1996, is amended to read:

~~37-702-~~ Any resident or nonresident who qualifies as an aquaculturist, after securing a permit as provided in section ~~37-703 175 of~~ this act, may establish and maintain upon private lands, ponds for the culture and propagation of aquatic organisms, subject to the restrictions imposed by the Game Law.

Sec. 179. Section 37-707, Revised Statutes Supplement, 1996, is amended to read:

~~37-707-~~ All holders of ~~breeder's~~ permits under sections ~~37-702 to 37-712~~ section 175 of this act, except holders of permits for aquaculture facilities, shall make reports on the first day of July and January to the ~~Game and Parks Commission~~ commission on blanks to be furnished by it. Such reports shall give a correct statement of the total number and kinds of animals or birds sold or transported during the preceding six months, the names of the persons to whom the same were sold or transported, together with the names of the persons by whom the same were tagged and sealed, a statement of the increase or decrease of all kinds of animals then possessed by such permit holder and such other data as the commission may deem necessary for the protection of game. Every such report shall be verified by the affidavit of the permit holder.

Sec. 180. Section 37-711.01, Revised Statutes Supplement, 1996, is amended to read:

~~37-711-01-~~ (1) An aquaculturist who knows that aquatic organisms owned or controlled by him or her are affected with prohibited pathogens shall at once report such fact to the commission, stating all facts known to him or her with reference to the prohibited pathogens.

(2) If an aquaculture facility has aquatic organisms affected with

prohibited pathogens, the commission may quarantine the aquaculture facility and may order the destruction of the affected aquatic organisms upon a determination that a situation of imminent danger to existing aquatic organisms or human health and safety exists and that no more reasonable means exist to control the situation. A notice shall be posted at the quarantined aquaculture facility and a written notice shall be sent to the owner or operator of the aquaculture facility.

(3) The commission may revoke the aquaculture facility ~~license~~ permit of an aquaculture facility if the owner or operator does not comply with this section or a quarantine issued pursuant to this section.

Sec. 181. Game and aquatic organisms propagated or raised under a permit issued under section 175 of this act may be sold or offered for sale and transported at any time, subject to rules and regulations adopted and promulgated by the commission.

Sec. 182. Section 37-706, Revised Statutes Supplement, 1996, is amended to read:

~~37-706. Game and aquatic organisms propagated or raised under a permit issued under sections 37-702 to 37-712 may be sold or offered for sale and transported at any time, subject to rules and regulations adopted and promulgated by the commission.~~

(1)(a) Except as provided in subdivision (b) of this ~~subdivision~~ subsection, before any game raised or produced under authority of any ~~propagating~~ permit issued under section 175 of this act is shipped or removed from any premises, the permit holder shall apply to the commission for a tag, which shall be supplied at cost. The tag shall be composed of two parts, and, when detached, one part thereof, containing the name and address of both shipper and purchaser and the kind, number, and weight of the game shipped or removed, shall be attached to the bird or animal. The other part of the tag, containing the same information and such additional information as the commission may require, shall immediately be returned to the commission. The tag attached to a bird or animal shall so remain until the carcass of any bird is sold or the carcass of any animal is cut up for retail consumption, at which time the tag shall be removed by the person receiving or finally disposing of the bird or animal and shall at once be forwarded to the commission.

(b) Any permit holder who raises and processes game birds or animals for domestic trade only shall not be required to obtain a tag as prescribed in subdivision (a) of this ~~subdivision~~ subsection. The permit holder shall identify any dressed and packaged game bird or animal with a label identifying the contents of the package, the name of the permit holder, and his or her permit number.

(2) It shall be unlawful for any permit holder or his or her agent or employee to neglect to return to the commission any tag with the information thereon required or to kill, sell, give away, remove, or ship any game bred or raised under the authority of any ~~propagating~~ permit issued under section 175 of this act except in compliance with this section.

(3) It shall be unlawful for any person to willfully or wantonly remove, mutilate, or destroy any tag attached to any bird or animal, according to this section, except as provided in this section.

(4) It shall be unlawful for any person to willfully use any tag of the kind provided for in this section for carrying, removing, or shipping game taken or killed outside of the premises used for propagating the same, under authority of a permit, or for the purpose of a second shipment of game from any such premises.

~~(5) The sale, purchase, or barter of any game bird or carcass thereof bearing shot marks or external wounds of any kind shall be prohibited, except that game birds obtained from the holder of a game farm permit which are shot in a hunting dog trial approved as a worthy training program by the commission and which were transported and tagged according to commission rules and regulations may be sold if permission for such sale is first obtained from the commission.~~

~~Each sale of aquatic organisms raised under a permit issued under sections 37-702 to 37-712 shall be recorded on duplicate invoices, one copy to be given to the purchaser, the other to be retained by the seller for at least two years.~~

(5) Any person violating this section shall be guilty of a Class IV misdemeanor.

Sec. 183. The sale, purchase, or barter of any game bird or carcass thereof bearing shot marks or external wounds of any kind shall be prohibited, except that game birds obtained from the holder of a game farm permit which are shot in a hunting dog trial approved as a worthy training program by the commission and which were transported and tagged according to commission rules

and regulations may be sold if permission for such sale is first obtained from the commission. Any person violating this section shall be guilty of a Class IV misdemeanor.

Sec. 184. Each sale of aquatic organisms raised under a permit issued under section 175 of this act shall be recorded on duplicate invoices, one copy to be given to the purchaser, the other to be retained by the seller for at least two years. Any person violating this section shall be guilty of a Class IV misdemeanor.

Sec. 185. Section 37-711, Revised Statutes Supplement, 1996, is amended to read:

~~37-711-~~ Any officer authorized to enforce the Game Law may, at any time, enter upon any game or fur farm or aquaculture facility for the purpose of inspecting the same or for the purpose of enforcing the Game Law.

Sec. 186. Section 37-712, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-712-~~ Any Except as otherwise specifically provided, any person willfully violating any of the provisions of sections 37-702 to 37-712 175 to 185 of this act shall be guilty of a Class V misdemeanor.

Sec. 187. Section 37-713, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-713-~~ (1) No person shall keep in captivity in this state any wild birds or animals without first having obtained a permit to do so as provided by section ~~37-714 or 37-715 188 or 189 of this act.~~

(2) For purposes of this section and section ~~37-714 188 of this act,~~ wild birds or animals shall mean means (a) any crows, and any fur-bearing animals, game animals, ~~fur-bearing animals,~~ game birds, and upland game birds, as defined in ~~section 37-101 sections 36, 38, 39, and 54 of this act,~~ (b) any nongame wildlife in need of conservation as determined by the Game and Parks Commission commission under section ~~37-433 355 of this act,~~ and (c) any wildlife determined to be an endangered or threatened species under the Endangered Species Act ~~of 1973, 87 Stat. 884, or section 37-434 356 of this act.~~

(3) Except as provided in subsection (4) of this section, no person shall keep in captivity in this state any wolf, skunk, or any member of the families Felidae and Ursidae. This subsection shall not apply to (a) the species *Felis domesticus*, (b) any municipal, state, or federal zoo, park, refuge, or wildlife area, (c) any bona fide circus or animal exhibit, or (d) any person who holds a commercial game or fur farmer permit issued pursuant to section ~~37-715 189 of this act~~ and who raises *Lynx canadensis* or *Lynx rufus* solely for the purpose of producing furs for sale to individuals or businesses or for the purpose of producing breeding stock for sale to persons engaged in fur farming.

(4) Any person legally holding in captivity, on March 1, 1986, any animal subject to the prohibition contained in subsection (3) of this section shall be allowed to keep the animal for the duration of its life. Such animal shall not be traded, sold, or otherwise disposed of without written permission from the Game and Parks Commission commission.

(5) The Game and Parks Commission commission shall adopt and promulgate rules and regulations governing the keeping of wild birds or animals in captivity under this section.

Sec. 188. Section 37-714, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-714-~~ 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 acquired without violation of any law or any rule or regulation duly adopted and promulgated by the commission. The annual fee for such permit shall be not less than seven dollars and fifty cents and not more than ten dollars, as established by the commission pursuant to section ~~81-814-02 85 of this act.~~

Sec. 189. Section 37-715, Revised Statutes Supplement, 1997, is amended to read:

~~37-715-~~ 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-bearing animals ~~fur beavers~~ acquired without violation of any law or any rule or regulation duly adopted and promulgated by the commission. The application for the permit shall include the applicant's social security number. The annual fee for such permit shall be not less than twenty-five dollars and not more than thirty dollars, as established by the commission pursuant to section ~~81-814-02 85 of this act.~~ The holder of any such permit shall comply with all provisions of ~~Chapter 37, article 7 sections 175 to 179, 181 to 183, 185, and 187 to 192 of this act.~~

Sec. 190. Section 37-716, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-716-~~ The permits required by sections ~~37-713 to 37-718~~ 187 to 191 of this act may be issued by the ~~Game and Parks Commission~~ commission upon written application therefor by any person qualified to receive the same. Such application shall be in such form as the commission may prescribe.

Sec. 191. Section 37-717, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-717-~~ Sections ~~37-713 to 37-718~~ 187 to 191 of this act shall not be construed to require the obtaining of a permit by (1) any municipal, state, or federal zoo, park, refuge, or wildlife area or (2) any bona fide circus or animal exhibit for the purpose of keeping in captivity wild birds or animals or for the purpose of selling, trading, or otherwise disposing of any wild birds or animals.

Sec. 192. Section 37-718, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-718-~~ Any person violating the provisions of sections ~~37-713 to 37-718~~ 187 to 191 of this act shall be guilty of a Class IV misdemeanor.

Sec. 193. Section 37-501.01, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-501.01-~~ The construction, operation, and maintenance of a facility commonly known as a recall pen, also known as a recapture pen, which is used for the recapture of banded game birds originating from licensed game farms in conjunction with dog training or dog trial activities shall be legal when the person owning or controlling such recall pen shall, prior to the operation thereof, have paid an annual fee of ten dollars to the ~~Game and Parks Commission~~ commission for each recall pen under his or her ownership or control. The ~~Game and Parks Commission~~ commission is hereby authorized to adopt and promulgate rules and regulations for the possession, use, and licensing of recall pens. Nothing in this section shall authorize the use of recall pens for the trapping of wild ~~game~~ birds.

Sec. 194. Section 37-901, Revised Statutes Supplement, 1997, is amended to read:

~~37-901-~~ Any person or persons owning, holding, or controlling by lease or otherwise, which possession must be for a term of five or more years, any contiguous tract or tracts of land having an area of not less than one hundred twenty acres and not more than one thousand two hundred eighty acres who desires to establish a game breeding and controlled shooting area to propagate, preserve, and shoot ~~exotic~~ game birds under the regulations as provided in sections ~~37-901 to 37-914~~ 194 to 206 of this act shall make application to the ~~Game and Parks Commission~~ commission for a license as provided by such sections. Such application shall be made under oath of the applicant or one of its principal officers if the applicant is an association, club, or corporation and shall be accompanied by a license fee of not less than one hundred dollars and not more than one hundred thirty dollars, as established by the commission pursuant to section ~~81-814-02~~ 85 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. If the applicant is an individual, the application shall include the applicant's social security number.

Sec. 195. Section 37-902, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-902-~~ Upon receipt of the application, the ~~Game and Parks Commission~~ commission shall inspect the area proposed to be licensed described in such application and its premises and facilities. The commission shall also inspect the area where game birds are to be propagated, reared, and liberated and the cover for game birds on such area. The commission shall also ascertain the ability of the applicant to operate a property of this character. If the commission finds (1) that the area is of the size specified in section ~~37-901~~ 194 of this act, (2) that the area is contiguous, (3) that the area has the proper requirements for the operation of such a property, (4) that the game birds propagated or released thereon are not likely to be diseased and a menace to other game, (5) that the operation of such property will not work a fraud upon persons who may be permitted to hunt thereon, and (6) that the issuing of the license will otherwise be in the public interest, the commission shall approve such application and issue a game breeding and controlled shooting area license for the operation of such a property on the tract described in such application with the rights and subject to the limitations prescribed in sections ~~37-901 to 37-914~~ 194 to 206 of this act.

Sec. 196. Section 37-903, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-903-~~ All game breeding and controlled shooting area licenses

shall expire on June 30 of each year at midnight. Any controlled shooting area license issued prior to February 18, 1987, and due to expire on December 31, 1987, is hereby extended and shall remain valid until June 30, 1988, at midnight.

Sec. 197. Section 37-904, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-904.~~ Upon receipt of the license, the licensee shall promptly post such licensed areas at intervals of not more than five hundred feet with signs to be prescribed by the Game and Parks Commission commission. The boundaries of such licensed game breeding and controlled shooting areas shall also be clearly defined by natural boundaries, artificial boundaries, or by signs.

Sec. 198. Section 37-905, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-905.~~ (1) The licensee of any licensed game breeding and controlled shooting area may take or authorize to be taken, within the season fixed and designated and in such numbers as provided in sections ~~37-901 to 37-914~~ 194 to 206 of this act, ~~hand-reared game birds, including pheasants, snowwhite quail, coturnix quail, chukar partridge, Hungarian partridge, mallard ducks, and wild turkey, game birds as specified in rules and regulations of the commission and released on licensed areas during the shooting season as provided in such sections.~~

(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 shooting area shall be marked by banding, toe clipping, or some other method approved by the Game and Parks Commission commission prior to release. Any game bird killed by a hunter on a controlled hunting shooting area which does not have a band shall be banded prior to being transported from such area. The licensee shall pay to the commission the sum of not less than ten cents and not more than fifteen cents, as established by the commission pursuant to section ~~81-814.02~~ 85 of this act, for each band used to mark game birds.

(4) The licensee shall furnish a receipt to each hunter taking game birds on the controlled hunting shooting 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 shooting area.

Sec. 199. Section 37-906, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-906.~~ For the purpose of sections ~~37-901 to 37-914~~ 194 to 206 of this act, at least five hundred game birds shall be released upon such licensed game breeding and controlled shooting areas in a manner satisfactory to the Game and Parks Commission commission. The licensee shall keep a register which shall clearly show the number and kind of game birds released and propagated each year, the date of release, the number and kind of game birds taken, the date when taken, and the disposition made of such game birds. ~~He~~ The licensee shall also make such reports under oath as to game birds released, propagated, and taken, at such times and in such manner as may be required by the commission. The commission shall keep an adequate record of the number of game birds released and propagated on each licensed game breeding and controlled shooting area in each year and of the game birds taken.

Sec. 200. Section 37-907, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-907.~~ No person shall take hunt any upland game birds and hand-reared mallard ducks upon such breeding and controlled shooting area by shooting in any manner, except between September 1 and April 1 of each year.

Sec. 201. Section 37-908, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-908.~~ Every individual taking hunting game birds upon a licensed game breeding and controlled shooting area shall secure a hunting licensee permit and a habitat stamp in accordance with the laws of the State of Nebraska, except 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 ~~81-814.02~~ 85 of this act.

Sec. 202. Section 37-910, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-910.~~ The Game and Parks Commission is authorized to make commission may adopt and promulgate rules and regulations for carrying out, administering, and enforcing the provisions of sections ~~37-901 to 37-914~~ PROVIDED, that the 194 to 206 of this act. The commission shall limit the number of areas proposed for licensing so that the total acreage licensed for

game breeding and controlled shooting areas in any one county ~~does~~ shall not exceed one percent of the total acreage of the county in which the areas are sought to be licensed. The commission shall not require distances between boundaries of game breeding and controlled shooting areas to be greater than two miles. No license shall be issued for any game breeding and commercial controlled shooting area established on and after the effective date of this act whose boundary lies within one mile of a game refuge or wildlife management area. No license shall be issued for any area whose boundary lies within five miles of the boundary of any other area so licensed under the provisions of sections 37-901 to 37-914. No license shall be issued for any area whereon hand-reared mallard ducks are shot or to be shot if the area lies within three miles of any river or within three miles of any lake with an area exceeding three acres, except ~~+~~ PROVIDED, that a license may be issued for such area for the shooting of upland game birds only, and the rearing or shooting of hand-reared mallard ducks thereon shall be and is prohibited.

Sec. 203. Section 37-911, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-911.~~ The Game and Parks Commission commission may either refuse to issue or refuse to renew or may suspend or may revoke any game breeding and controlled shooting area license if the commission finds that such licensed area or the operator thereof is not complying or does not comply with the provisions of sections 37-901 to 37-914 194 to 206 of this act, or that such property or area is operated in violation of other provisions of sections 37-901 to 37-914 194 to 206 of this act, or in an unlawful or illegal manner. The ~~+~~ PROVIDED, the commission shall not refuse to issue, refuse to renew, nor suspend or revoke any license for any of these causes, unless the licensee affected has been given at least fifteen days' notice in writing of the reasons for the action of the commission and an opportunity to appear before the commission or a representative thereof in opposition to the action of the commission. Upon the hearing of any such proceeding, the secretary of the commission, or any representative of the commission designated by him or her, may administer oaths and the commission may procure by its subpoena the attendance of witnesses and the production of relevant books and papers. Any district court or any judge of a district court, upon application of either the licensee affected or of the commission, may on order duly entered require the attendance of witnesses and the production of relevant books and papers before the commission or its representative in any such hearing. Upon refusal or neglect to obey the order of the court or judge, the court or judge may compel obedience of ~~its~~ or ~~his~~ the order by proceedings for contempt of court.

Sec. 204. Section 37-912, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-912.~~ Whenever a license or permit is issued to any person and the holder thereof shall violate or shall be violates or is found guilty of a violation of any of the provisions of sections 37-901 to 37-914, 194 to 206 of this act or of any misrepresentation in obtaining such license, or permit, the license or permit so issued to such a person may be revoked by the Game and Parks Commission commission, and the secretary of the commission may, in his or her discretion, refuse to issue any permit or license to such person for the period of one year thereafter.

Sec. 205. Section 37-913, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-913.~~ It shall be the duty of every person holding any license or permit issued under sections 37-901 to 37-914 194 to 206 of this act to have the same in his or her possession for immediate presentation for inspection to the conservation officers and employees of the Game and Parks Commission commission, any sheriff, deputy sheriff, or other police officer making demand for same.

Sec. 206. Section 37-914, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-914.~~ Licenses and permits authorized to be issued under the provisions of sections 37-901 to 37-914 194 to 206 of this act shall be prepared by the Game and Parks Commission commission. They shall (1) be in such form as may be prescribed by the commission, (2) bear the signature of the secretary of the commission, (3) be signed by the licensee, (4) be countersigned by the person issuing the same when issued, and (5) be supplied by the commission, subject to such rules and regulations as the commission may prescribe.

Sec. 207. Section 37-720, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) The commission may issue falconry licenses to permit the taking

and possession of raptors for the purpose of practicing falconry. No such license may be issued to an applicant unless he or she is a resident of the state, has paid the fees required in this subsection, and has passed a written and oral examination concerning raptors given by the commission or an authorized representative of the commission. The commission shall charge a fee for each license of not less than 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 ~~§1-814-02~~ 85 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 fee for each license shall be not less than one hundred fifty dollars and not more than two hundred dollars, as established by the commission pursuant to section ~~§1-814-02~~ 85 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 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. 208. Section 37-721, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-721-~~ (1) It shall be unlawful for any person to take or attempt to take or maintain in captivity any raptor, except as otherwise provided by law or by rule or regulation of the commission, unless he or she shall first secure a falconry or captive propagation license as required by section ~~37-720~~ 207 of this act.

(2) No person shall sell, barter, purchase, or offer to sell, barter, or purchase any raptor, raptor egg, or raptor semen, except as permitted under a falconry or captive propagation license issued under section ~~37-720~~ 207 of this act or the rules and regulations adopted and promulgated by the commission. Nothing in this section shall be construed to permit any sale, barter, purchase, or offer to sell, barter, or purchase any raptor, raptor egg, or raptor semen taken from the wild.

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

Sec. 209. Section 37-722, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-722-~~ Any person who has secured a falconry license, as required by section ~~37-720~~ 207 of this act, may possess no more than two raptors at any one time, except that persons between the ages of fourteen and seventeen years may possess no more than one raptor at any one time.

Any person who has secured a captive propagation license may possess as many raptors as authorized under his or her license.

Sec. 210. Section 37-723, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-723-~~ (1) Upon issuance of a falconry license permitting the possession of raptors, an authorized agent of the commission shall inspect the licensee's facilities for keeping raptors and shall make a report as required by the commission.

(2) The commission may establish regulations governing the conditions under which ~~captive birds~~ raptors may be kept. Upon issuance of a falconry license permitting possession of raptors, an authorized agent of the commission shall make an inspection at least every six months to determine the

care of raptors and conditions under which they are kept. After each inspection a report shall indicate any mistreatment of any raptor, and if such mistreatment remains uncorrected for a period of forty-eight hours, the commission may revoke the license of the owner of the raptors.

Sec. 211. Section 37-724, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-724.~~ (1) Any holder of a falconry license who acquires, receives, transfers, barbers, releases, or otherwise disposes of any raptor shall submit a written report as required by the commission.

(2) The commission shall furnish forms for the reports required under this section and shall adopt and promulgate rules and regulations governing the submission of such reports. Nothing in this section shall be construed to permit the possession of more raptors than permitted by section ~~37-722~~ 209 of this act.

Sec. 212. Section 37-725, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-725.~~ (1) The commission may establish regulations governing the time, location, and method of capture and may establish any other regulations necessary for conservation of raptor populations.

(2) Persons possessing a falconry license required for possession of raptors may take or trap young-of-the-year raptors, not to exceed two raptors in any one year, but when nestlings are taken a minimum of two nestlings shall be left in the nest. Nothing in this subsection shall be construed to permit the taking of more raptors than is permitted by section ~~37-722~~ 209 of this act and authorized under the rules and regulations adopted and promulgated under section ~~37-720~~ 207 of this act.

(3) Prior to capturing or attempting to capture any raptors, a person shall obtain from the commission a falconry license permitting the possession of raptors.

Sec. 213. Section 37-726, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-726.~~ Any person violating any provision of sections ~~37-723 and 37-720 to 37-726~~ 207 to 212 of this act shall be guilty of a Class IV misdemeanor, and, in addition, the court shall require that any raptor or raptors in the possession of the offender be confiscated and the license of the offender be revoked.

Sec. 214. (1) Individuals shall apply to the commission on forms prescribed by the commission for an annual commercial fishing permit and shall not take or sell fish as prescribed in this section and section 263 of this act before receiving such permit.

(2) The commission shall, pursuant to section 85 of this act, establish and collect fees from residents and nonresidents for all commercial fishing permits as follows:

(a) 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 fishing permit permitting the legal use of five hundred lineal feet of seine or fraction thereof, and five hundred lineal feet of trammel net or fraction thereof, and ten hoop nets without wings, and permitting the use of one helper if the helper is in the same boat as the person holding the permit;

(b) Not less than twenty 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

(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 fishing permit.

(3) All commercial fishing permits shall expire at midnight on December 31 following their issuance. All money received by the commission shall be deposited as provided in section 81 of this act. The commission shall furnish to any permitholder without cost a tag numbered and stamped so as to show the year of issuance and for what issued for each net, seine, or device, and it shall be unlawful to use such net, seine, or device without first having procured such tag and fastened it to such net, seine, or device.

Sec. 215. (1) Individuals, either resident or nonresident, over sixteen years of age selling baitfish or salamanders as bait for profit shall be required to purchase from the commission a bait dealer's permit for a fee of not less than twenty-five dollars and not more than thirty-two dollars for residents and not less than one hundred fifty dollars and not more than two hundred dollars for nonresidents, as established by the commission pursuant to

section 85 of this act.

(2) Individuals over sixteen years of age and residents of this state selling crayfish or leopard or striped frogs shall purchase from the commission a resident bait dealer'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 section 85 of this act, except that if such individual holds a permit for baitfish or salamanders as provided in this section, such permit shall include crayfish and leopard or striped frogs.

(3) The applications for such permits shall include the social security numbers of the applicants.

Sec. 216. Nonresidents holding a valid nonresident fish dealer's permit may possess, buy, sell, transport, and ship live baitfish, live fish, all frogs, and crayfish legally obtained from outside this state or from a licensed aquaculture facility in accordance with rules and regulations adopted and promulgated by the commission. The application for the permit shall include the applicant's social security number. The fee for a nonresident fish dealer's permit shall be not less than fifty dollars and not more than sixty-five dollars, as established by the commission pursuant to section 85 of this act.

Sec. 217. Section 37-226, Reissue Revised Statutes of Nebraska, is amended to read:

37-226. Bullfrogs may be taken, possessed, transported, and used under regulations setting forth seasons, bag limits, open areas, and manner of taking established by the Game and Parks Commission, by the holder of a fishing permit. In taking bullfrogs, an artificial light may be used.

Sec. 218. (1) No fishing permit shall be required for fishing in any duly licensed commercial put-and-take fishery operating under rules and regulations adopted and promulgated by the commission. The annual fee for licensing such commercial put-and-take fishery shall be not less than fifty dollars and not more than sixty-five dollars per year, as established by the commission pursuant to section 85 of this act, payable in advance, and no person shall operate such an establishment without first obtaining such license from the commission. Before issuing such license the commission shall investigate each such establishment annually and be satisfied that the same is a bona fide commercial put-and-take fishery operating within all applicable state and federal laws.

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

Sec. 219. Section 37-425, Reissue Revised Statutes of Nebraska, is amended to read:

37-425. The Game and Parks Commission is hereby authorized to commission may: (1) Establish, by regulation, special public-use areas for put-and-take trout fishing, on state-owned land, (2) stock such special public-use areas with trout, and (3) impose fees for trout fishing on such areas which fees shall be based on the actual cost to the state of providing and stocking such areas, except that no such fees may be imposed within ten miles of any privately owned and stocked trout fishing area which is open to the general public and for which a charge is made for fishing when such privately owned area was established before the establishment of such area by the commission.

Sec. 220. Section 37-426, Reissue Revised Statutes of Nebraska, is amended to read:

37-426. All fees received pursuant to section 37-425 219 of this act shall be transmitted remitted by the commission to the State Treasurer for credit to and by him deposited in the state treasury, to the credit of the State Game Fund, except that fees received from state park rentals or other state park activities shall be credited to the fund of the park from which such fees were derived.

Sec. 221. Section 37-303, Reissue Revised Statutes of Nebraska, is amended to read:

37-303. It Except as otherwise provided by the Game Law or rules and regulations of the commission, it shall be unlawful for any person in any one day to kill, catch, take, or except as otherwise provided in the Game Law, have in his or her possession at any time a greater number of game birds, game animals, or game fish of any one kind than as fixed by the commission established pursuant to section 72 of this act.

Sec. 222. Section 37-304, Reissue Revised Statutes of Nebraska, is amended to read:

37-304. It shall be unlawful, except Except as otherwise provided by the Game Law, it shall be unlawful to shoot, harvest, hunt, take, or pursue any species of game birds, game animals, or fur-bearing animals or to angle for or catch any game fish take any species of wildlife protected by the Game

Law except during the open seasons established pursuant to section 72 of this act, if any, that may be authorized by the commission in accordance with the Game Law.

Sec. 223. Section 37-304.01, Revised Statutes Supplement, 1996, is amended to read:

~~37-304.01.~~ It shall also be unlawful for anyone, except a holder of a game farm or aquaculture facility permit, to have in his or her possession, except during the open season thereon, any unmounted game, game bird, or game fish, except as provided in sections 37-304 to ~~37-304.02~~ 170, 188, and 282 of this act or the game rules and regulations of the commission made pursuant to such sections.

Sec. 224. Section 37-308, Revised Statutes Supplement, 1997, is amended to read:

~~37-308.~~ (1) Any person who shall at any time, except during an open season ordered by the commission as authorized in the Game Law, unlawfully take, kill, trap, destroy, attempt to take, kill, trap, or destroy, or have hunts, traps, or has in his or her possession any buffalo, elk, deer, antelope, swan, ~~whooping crane,~~ or wild turkey shall be guilty of a Class III misdemeanor.

(2) Any person who shall at any time, except during an open season ordered by the commission as authorized in the Game Law, unlawfully take, kill, trap, destroy, attempt to take, kill, trap, or destroy, or have hunts, traps, or has in his or her possession any mountain sheep shall be guilty of a Class II misdemeanor.

(3) Any person who shall at any time, except during an open season ordered by the commission as authorized in the Game Law, unlawfully take, kill, trap, destroy, attempt to take, kill, trap, or destroy, or have hunts, traps, or has in his or her possession any quail, pheasant, partridge, Hungarian partridge, wood duck, eider duck, curlew, grouse, mourning dove, or sandhill crane shall be guilty of a Class III misdemeanor.

(4) Any person who shall unlawfully takes any game take, kill, catch, trap, harvest, destroy, or attempt to take, kill, catch, trap, harvest, or destroy any other game bird, game or fur-bearing animal, or game fish or unlawfully has in his or her possession any such game, fish, or raw fur shall be guilty of a Class V misdemeanor.

(5) Any person who, shall, in violation of the Game Law, take, kill, trap, destroy, attempt to take, kill, trap, or destroy, or shoot at hunts any mourning dove that is not flying, or have shall be guilty of a Class V misdemeanor.

(6) Any person who, in violation of the Game Law, has in his or her possession any nongame, song, or insectivorous bird, or destroys or takes destroy or take the eggs or nest of any such bird, shall be guilty of a Class V misdemeanor.

~~(7)~~ (7) The provisions of subsection (1) of this section shall not render it unlawful for anyone operating a game, or fur, farm or fish farm aquaculture facility, pursuant to the laws of this state, to at any time kill game or fish actually raised thereon or lawfully placed thereon by such person. Persons holding special permits, pursuant to the laws of this state,

(8) A person holding a special permit pursuant to the Game Law for the taking or killing of any game or other any birds not included in the definition of game or game animals shall not be liable under subsection (1) of this section while acting under the authority of such permits permit.

Sec. 225. Section 37-505, Revised Statutes Supplement, 1997, is amended to read:

~~37-505.~~ (1) It shall be unlawful to buy, sell, or barter the meat or flesh of game animals or game birds whether such animals or birds were killed or taken within or outside this state. Except as otherwise provided in this section, it shall be unlawful to buy, sell, or barter other parts of game animals or game birds.

(2) It shall be lawful to buy, sell, or barter only the following parts of legally taken antelope, deer, elk, rabbits, squirrels, and upland game birds: The hides, hair, hooves, bones, antlers, and horns of antelope, deer, or elk, the skins, tails, or feet of rabbits and squirrels, and the feathers or skins of upland game birds.

(3) It shall be lawful to pick up, possess, buy, sell, or barter antlers or horns which have been dropped or shed by antelope, deer, or elk. It shall be unlawful to pick up, possess, buy, sell, or barter mountain sheep or any part of a mountain sheep except (a) as permitted by law or rule or regulation of the commission and (b) for possession of mountain sheep or any part of a mountain sheep lawfully obtained in this state or another state or country.

(4) The commission may provide by rules and regulations for

allowing, restricting, or prohibiting the acquisition, possession, purchase, sale, or barter of discarded parts, including, but not limited to, horns and antlers, or parts of dead game animals and upland game birds which have died from natural causes or causes which were not associated with any known illegal acts, which parts are discovered by individuals.

(5) Any domesticated cervine animal as defined in section 54-701.03 or any part of such an animal may be bought, sold, or bartered if the animal or parts are appropriately marked for proof of ownership according to rules and regulations adopted and promulgated by the Department of Agriculture.

(6) Game lawfully acquired from a licensed game farm may be sold in this state. The burden of proof is upon the buyer, seller, or possessor to show by competent and satisfactory evidence that game in his or her possession or sold by him or her was lawfully acquired from a licensed game farm.

(7) It shall be unlawful to buy, sell, or barter any game sport fish protected by the Game Law at any time whether the 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 fish lawfully acquired from a person having an aquaculture permit or, in the case of bullheads, pursuant to section 37-503-05 265 of this act may be sold in this state. The burden of proof shall be upon any such buyer, seller, or possessor to show by competent and satisfactory evidence that any 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.

(7) Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars. 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 aquaculture facility in accordance with rules and regulations adopted and promulgated by the commission. The application for the permit shall include the applicant's social security number. The fee for a nonresident fish dealer's permit shall be not less than fifty dollars and not more than sixty-five dollars, as established by the commission pursuant to section 81-814-02.

Sec. 226. Section 37-507.01, Revised Statutes Supplement, 1996, is amended to read:

37-507-01. Whenever the possession, use, importation, storage, taxidermy for millinery purposes, sale, or offering or exposing for sale of fish, game, or song, insectivorous, or other birds is prohibited or restricted, the prohibition or restriction, when not specifically stated to be otherwise, shall mean any part of such fish, game, or song, insectivorous, or other birds. Any nonresident person who takes, hunts, kills, pursues, or attempts to take, hunt, kill, or pursue or has in his or her possession any wild mammal, bird, turtle, mussel, or amphibian shall first obtain and have in his or her possession a nonresident hunting permit as provided in section 37-204, except that a nonresident bait dealer's permit as provided in section 37-503 shall be the only permit required of nonresidents to take, hunt, kill, pursue, or attempt to take, hunt, kill, or pursue or to have in his or her possession any salamander.

Sec. 227. Section 37-525, Reissue Revised Statutes of Nebraska, is amended to read:

37-525. Any person who at any time intentionally captures, kills, or destroys any fish, or takes any game bird, or game animal, or fish other than baitfish in this state and who at any time after capturing or killing any such fish, or game bird or animal, intentionally leaves or abandons or allows such fish, or game bird, or animal, or fish or an edible portion thereof resulting in wanton or needless waste or otherwise intentionally allows it or an edible portion thereof to be wantonly or needlessly wasted, or who fails to dispose thereof in a reasonable and sanitary manner shall be guilty of a Class III misdemeanor.

Sec. 228. Section 37-305, Reissue Revised Statutes of Nebraska, is amended to read:

37-305. (1) No game or fish, protected by the Game Law, may be placed in cold storage in any licensed cold storage plant, butcher shop, ice cream factory, ice house, or other place used for commercial refrigerating purposes except by the lawful owner of such game or fish in his or her own name, and the same shall be tagged as the commission by rule and regulation may require.

(2) Game and fish legally taken and tagged in states other than Nebraska may be stored within the State of Nebraska as provided for in the game rules and regulations of the commission. (1)

(3)(a) Every cold storage plant owner or operator in whose plant game or fish protected by the Game Law is held after the prescribed storage

season, as established by the rules and regulations of the commission, and following the close of the open season thereon, ~~(2) (b)~~ every person having in cold storage any such game or fish after such time, and ~~(3) (c)~~ every person who fails to tag game or fish in accordance with the rules and regulations of the commission when placing the same in cold storage shall be guilty of a Class III misdemeanor.

(4) It is hereby made the duty of every food inspector, hotel inspector, and sanitary inspector, in the employ of the state, to immediately report to the chief game warden and the commission any violations of this section that come to the attention of such inspector while in the discharge of the duties of such inspector.

Sec. 229. Section 37-232, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-232-~~ (1) It shall be unlawful for any person ~~(1)~~ (a) while airborne in any aircraft to shoot or attempt to shoot for the purpose of killing any bird, fish, or other animal, ~~(2)~~ (b) to use any aircraft to harass any bird, fish, or other animal, ~~(3)~~ (c) to knowingly participate in using any aircraft for such purposes unless he or she is the holder of a currently valid permit issued under the provisions of section 37-233 168 of this act and engages only in activities permitted by such permit, or ~~(4)~~ (d) to shoot or attempt to shoot any coyote from an aircraft under the authority of a permit issued under the provisions of section 37-233 168 of this act unless permission has first been obtained from the landowners or tenants over whose land the aircraft is to be used to shoot or attempt to shoot coyotes.

(2) Any person violating this section shall be guilty of a Class III misdemeanor.

Sec. 230. Section 37-506, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-506-~~ Every express company, bus line, or other common carrier, their officers, agents, and servants, and every shipper by any such transportation agency, who (1) transfers or carries from one point to another within the state, (2) takes out of the state, or (3) receives, for the purpose of transferring from this state, any game enumerated in the Game Law, except as permitted in this section, shall be guilty of a Class III misdemeanor. It shall be lawful for any express company, bus line, railroad, or other common carrier to receive for transportation any game enumerated in the Game Law and to transport them from one point to another by express or baggage during the open season on such game when such game is tagged, as required by the rules and regulations of the commission, and a statement of the shipper is forwarded to the commission that the same is not shipped for sale or profit and was not taken contrary to law. Such statement shall state the number of the shipper's license and describe and give the number of each kind of game. A copy thereof shall be attached to the shipment while in transit from one point to another. Any person who transports game in violation of any of the provisions of this section shall be guilty of a Class III misdemeanor.

Sec. 231. Section 37-507, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-507-~~ Except as otherwise provided in the Game Law, it shall be unlawful for any person, firm, or corporation, acting as common carrier or otherwise, to bring into this state any fish or game from any state during the time that such other state prohibits the transportation of such fish or game from such state to a point without the same. Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 232. Section 37-508, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-508-~~ Every express company and common carrier, their officers, agents, and servants, and every other person who (1) transfers or carries from one point to another within the state, (2) takes out of the state, or (3) receives, for the purpose of transferring from this state, any raw furs protected by the Game Law, except as permitted in this section, shall be guilty of a Class III misdemeanor. It shall be lawful for any express company, railroad, common carrier, or postmaster to receive raw furs protected by the Game Law for transportation from one point to another by express, baggage, or mail during the open season and ten days thereafter, or such further period as may be specifically granted a shipper by the commission, when such raw fur is accompanied by a tag furnished by the commission and placed upon the package giving the name of the consignee, the number of his or her fur-harvesting permit, and a description of the kind and number of each kind of raw fur in the shipment. A duplicate portion of such tag shall be filled out and sent to the secretary of the commission. ~~It shall be lawful for such common carriers to accept and transport to any point within or~~

without the State of Nebraska, at any time, beaver pelts stamped as provided by section 37-204.02-

Sec. 233. Section 37-501, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-501-~~ It shall be unlawful ~~(1)~~ to shoot at any bird or animal protected by the Game Law or at any bird wildlife from any highway or roadway, which shall ~~include~~ includes that area of land from the center of the traveled surface to the right-of-way on either side. Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars. ~~(2)~~ except as provided in section 37-226, to hunt, shoot, or take or attempt to hunt, shoot, or take any bird or animal by projecting or casting the rays of a spotlight, headlight, or other artificial light attached to or used from a vehicle or boat in any field, pasture, woodland, forest, prairie, water area, or other area which may be inhabited by wild animals or birds while having in possession or control, either singly or as one of a group of persons, any firearm or bow and arrow. Nothing in this subdivision shall prohibit the hunting on foot of raccoon with the aid of a handlight or the hunting, shooting, or taking of nonprotected species of wildlife in the protection of property by landowners or operators or their regular employees on land under their control on foot or from a motor vehicle with the aid of artificial light. ~~(3)~~ to hunt, kill, or attempt to hunt or kill any protected species from any boat or watercraft while being propelled by sails or electric, gas, or steam power or from an aeroplane or hydroplane, ~~(4)~~ to use any rifle, pistol, revolver, swivel gun, or shotgun larger than ten gauge in hunting any game birds or to trap, snare, net, or attempt to trap, snare, or net any game bird or birds, except that game birds obtained from the holder of a game farm permit or otherwise legally obtained which have been transported and are tagged in accordance with commission rules and regulations and which are being used for dog training purposes may be reclaimed through the use of recall boxes or recall pens by the holder of a written permit issued by the commission, subject to rules and regulations established by the commission. Such person owning or controlling any device used for reclaiming purposes shall, prior to the operation thereof, pay an annual fee of ten dollars to the commission for each such device under his or her ownership or control. The commission may adopt and promulgate rules and regulations for the possession, use, and licensing of such reclaim devices, ~~(5)~~ to take or needlessly destroy the nests or eggs of any game bird or birds, ~~(6)~~ to hunt, kill, or attempt to hunt or kill any game bird or birds by attracting them to the place where hunted by the distribution of grain or other food, commonly called baiting, ~~(7)~~ except as provided in section 37-214.03, to hunt, kill, take, or attempt to hunt, kill, or take any game bird or birds from a vehicle of any kind, ~~(8)~~ to hunt, kill, take, trap, or attempt to hunt, kill, take, or trap any game birds with nets, traps, or clubs except as specified in subdivision (4) of this section, ~~(9)~~ to hunt, drive, or stir up game birds or game animals with or from any aircraft or boat propelled by sail or power, or ~~(10)~~ to have or carry, except as permitted by law, any shotgun having shells in either the chamber, receiver, or magazine in or on any vehicle on any highway.

Sec. 234. Except as provided in section 217 of this act, it shall be unlawful to hunt any wildlife by projecting or casting the rays of a spotlight, headlight, or other artificial light attached to or used from a vehicle or boat in any field, pasture, woodland, forest, prairie, water area, or other area which may be inhabited by wildlife while having in possession or control, either singly or as one of a group of persons, any firearm or bow and arrow. Nothing in this section shall prohibit the hunting on foot of raccoon with the aid of a handlight or the hunting of species of wildlife not protected by the Game Law in the protection of property by landowners or operators or their regular employees on land under their control on foot or from a motor vehicle with the aid of artificial light. Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 235. It shall be unlawful to hunt, drive, or stir up game birds or game animals with or from any aircraft or boat propelled by sail or power. Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 236. Section 37-528, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-528-~~ It shall be unlawful for any person to use any aircraft, vessel, vehicle, snowmobile, or conveyance of any type to molest, chase, drive, or harass any antelope, deer, game animal, or game bird, or waterfowl, or to cause any such animal or bird to depart from its habitat areas, fields, waters, woodlands, or grasslands.

Sec. 237. Section 37-529, Reissue Revised Statutes of Nebraska, is

amended to read:

~~37-529-~~ It shall be unlawful for any person one day before or during the open season to spot, locate, or place under surveillance any ~~antelepe, deer, game animal, or game bird, or waterfowl~~ with the aid of any aircraft, vessel, vehicle, snowmobile, or conveyance of any type and convey information about such animal's ~~or bird's~~ location to any person or group of persons by radio or other electronic device.

Sec. 238. Section 37-530, Revised Statutes Supplement, 1996, is amended to read:

~~37-530-~~ It shall be unlawful for any person to aid or assist a person who is in violation of section ~~37-528, 37-529, or 37-529-04~~ 236 or 237 of this act.

Sec. 239. Section 37-531, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-531-~~ It shall be unlawful for any person to use any aircraft, vessel, vehicle, snowmobile, or other conveyance, firearm, bow and arrow, projectile, device, radio, an electronic device, or other equipment in the commission of any of the acts prohibited under ~~sections 37-528 to 37-530~~ sections 236 to 238 of this act.

Sec. 240. Section 37-532, Revised Statutes Supplement, 1996, is amended to read:

~~37-532-~~ Nothing in ~~sections 37-528 to 37-534~~ sections 236 to 239 of this act shall prohibit authorized personnel of the ~~Game and Parks Commission~~ Commission or the United States Department of the Interior in the administration and management of wildlife resources.

Sec. 241. Section 37-533, Revised Statutes Supplement, 1996, is amended to read:

~~37-533-~~ Any person violating the ~~provisions of sections 37-528 to 37-531~~ sections 236 to 239 of this act shall be guilty of a Class III misdemeanor. In addition, any person who damages crops, fields, livestock, fences, gates, timber, water, or any other property by the use of any aircraft, vessel, vehicle, snowmobile, or other conveyance shall be liable to the property owner.

Sec. 242. It shall be unlawful to have or carry, except as permitted by law, any shotgun having shells in either the chamber, receiver, or magazine in or on any vehicle on any highway. Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 243. Section 37-526, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-526-~~ (1) It shall be unlawful to hunt, ~~kill, take, or trap, or pursue or to attempt to hunt, kill, take, trap, or pursue~~ any form of wild mammal or wild bird within a two-hundred-yard radius of an inhabited dwelling or livestock feedlot, or to trap within a two-hundred-yard radius of any passage used by livestock to pass under any highway, road, or bridge.

(2) ~~This~~ PROVIDED, that this section shall not prohibit any owner, tenant, or operator or ~~their his or her~~ guests from hunting, ~~killing, taking, or trapping or pursuing~~ any form of wild mammal or wild bird within such radius if the area is under ~~their his or her~~ ownership or control. This section shall not prohibit duly authorized personnel of any county, city, or village health or animal control department from trapping with a humane live box trap or pursuing any form of wild mammal or wild bird, when conducting such activities within the scope of the authorization, within such radius if the area is under the jurisdiction of the county, city, or village.

(3) Any person violating this section shall be guilty of a Class V misdemeanor.

Sec. 244. Section 37-719, Revised Statutes Supplement, 1996, is amended to read:

~~37-719-~~ (1) It shall be unlawful for any person, partnership, limited liability company, association, or corporation to import into the state or possess the animal known as the San Juan rabbit or any other species of wild vertebrate animal, including domesticated cervine animals as defined in section 54-701.03, declared by the commission following public hearing and consultation with the Department of Agriculture to constitute a serious threat to economic or ecologic conditions, except that the commission may authorize by specific written permit the acquisition and possession of such species for educational or scientific purposes. It shall also be unlawful to release to the wild any nonnative bird or nonnative mammal without written authorization from the commission. Any person, partnership, limited liability company, association, or corporation violating the provisions of this subsection shall be guilty of a Class IV misdemeanor.

(2) Following public hearing and consultation with the Department of

Agriculture, the commission may, by rule and regulation, regulate or limit the importation and possession of any wild vertebrate animal, including a domesticated cervine animal as defined in section 54-701.03, which is found to constitute a serious threat to economic or ecologic conditions.

Sec. 245. Section 37-513, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-513.~~ (1) It shall be unlawful for any person to kill or capture game birds or game animals while training or running a dog except as provided in section 256 of this act. ~~Game subdivision (4) of section 37-501, requiring, that game birds obtained from the holder of a game farm permit, which have been transported and are tagged according to commission regulations, and which are being used for training purposes by the holder of a required permit may be pursued and taken at any time on specified land areas designated, approved, and operated according to rules and regulations established by the commission or during a sporting dog trial, which is conducted under written authority of the commission.~~

(2) No dog under the provisions of this section shall be run upon private property at any time without the express permission of the landowner or tenant.

(3) Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 246. Section 37-512, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-512.~~ It shall be unlawful (1) to hunt, kill, take or destroy or attempt to hunt, kill, take or destroy rabbits, squirrels, or any fur-bearing animal with or by the aid of a ferret, (2) to place a ferret in any hole or opening in the ground, or in any stone, wall, log, or hollow tree where rabbits, squirrels, or any fur-bearing animals may be found or thought to be, or (3) to ~~or for any person to have a ferret in his or her one's possession or control in a field or forest, or in any vehicle going to or from hunting territory.~~ Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 247. Section 37-215.05, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-215.05.~~ As used in sections 37-215.05 to 37-215.07 (1) For purposes of this section, hunter orange shall mean means a daylight fluorescent orange color with a dominant wave length between five hundred ninety-five and six hundred five nanometers, an excitation purity of not less than eighty-five percent, and a luminance factor of not less than forty percent.

(2) Any person hunting deer, antelope, elk, or mountain sheep with a firearm in this state shall display on his or her head, chest, and back a total of not less than four hundred square inches of hunter orange material.

(3) Any person who violates this section shall be guilty of a Class V misdemeanor.

Sec. 248. (1) During any season which permits hunting 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 section does not apply to a holder of a valid deer permit or a limited deer permit under section 165 of this act or to 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.

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

Sec. 249. Section 37-216, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-216.~~ The Game and Parks Commission commission shall provide by regulations for the tagging and storage of the carcasses of deer, antelope, or elk after the close of any such limited season in accordance with section ~~37-305~~ 228 of this act.

Sec. 250. Section 37-310, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-310.~~ Any deer or antelope accidentally killed by a motor vehicle on a public highway in this state, unless seized and confiscated pursuant to sections ~~37-606 to 37-608~~ 309 to 311 of this act, shall, when salvageable, be disposed of as determined by the ~~Game and Parks Commission~~ commission or its designee.

Sec. 251. Section 37-523, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-523.~~ It shall be unlawful, except Except as provided in section 37-524, 281 of this act, it shall be unlawful to set or place any explosive

trap or device, operated by the use of poison gas or by the explosion of gunpowder or other explosives, for the purpose of taking, stunning, or destroying wild animals. Any person who sets or places any such trap or device, except as is permitted in such section, ~~37-524~~, shall be guilty of a Class III misdemeanor.

Sec. 252. Section 37-511.01, Revised Statutes Supplement, 1996, is amended to read:

~~37-511-01-~~ It shall be unlawful for any person to set any trap in this state unless the trap is marked in accordance with rules and regulations adopted and promulgated by the commission. Violation of this section shall be a Class III misdemeanor.

Sec. 253. Section 37-511, Revised Statutes Supplement, 1996, is amended to read:

~~37-511-~~ It shall be unlawful (1) to mutilate or destroy the house or den of any fur-bearing ~~animals~~ animal except where such ~~houses or dens obstruct house or den obstructs~~ a public or private ditch or watercourse, (2) ~~to~~ to ~~or~~ or cut down or into any tree containing the den or nest of any fur-bearing animal for the purpose of ~~capturing, taking, or killing~~ harvesting such animal, (3) ~~or~~ or (4) to use spears or any like device in hunting or ~~taking any fur-bearing animals~~ animal, or (4) to use explosives, chemicals, or smokers of any kind to drive ~~any fur-bearing animals~~ animal out of holes, ~~dens, or houses a hole, den, or house.~~ Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars. If any dam, canal, drainage ditch, irrigation ditch, private fish pond, aquaculture facility, artificial waterway, railroad embankment, or other property is being damaged or destroyed by muskrats, the Game and Parks Commission may issue a permit to the owner or owners of such dam, canal, drainage ditch, irrigation ditch, private fish pond, aquaculture facility, artificial waterway, railroad embankment, or other property to take or destroy such muskrats, and the commission may make and enforce rules in connection with the issuance of such permits as are necessary to prevent the illegal destruction of muskrats by any holder of such a permit.

Sec. 254. Section 37-228, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-228-~~ The Game and Parks Commission shall provide by commission shall adopt and promulgate rules and regulations for the tagging and storage of the carcasses of wild turkeys after the close of any such limited season in accordance with the provisions of section 37-305 section 228 of this act.

Sec. 255. It shall be unlawful to hunt any game from any boat or watercraft while being propelled by sails or electric, gas, or steam power or from any aircraft or hydroplane. Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 256. It shall be unlawful to use any club, rifle, pistol, revolver, swivel gun, or shotgun larger than ten gauge in hunting any game birds or to trap, snare, net, or attempt to trap, snare, or net any game birds, except that game birds obtained from the holder of a game farm permit or otherwise legally obtained which have been transported and are tagged in accordance with commission rules and regulations and which are being used for dog training purposes may be reclaimed through the use of recall boxes or recall pens by the holder of a written permit issued by the commission, subject to rules and regulations established by the commission. Such person owning or controlling any device used for reclaiming purposes shall, prior to the operation thereof, pay an annual fee of ten dollars to the commission for each such device under his or her ownership or control. The commission may adopt and promulgate rules and regulations for the possession, use, and licensing of such reclaim devices. Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 257. It shall be unlawful to hunt any game birds by attracting them to the place where hunted by the distribution of grain or other feed, commonly called baiting. Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 258. Except as provided in section 130 of this act, it shall be unlawful to hunt any game birds from a vehicle of any kind. Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 259. It shall be unlawful to take or needlessly destroy the nests or eggs of any game birds. Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 260. Section 37-307, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-307-~~ It shall be unlawful (1) for any person to ~~shoot, kill, destroy, catch, attempt to shoot, kill, destroy, or catch~~ hunt or have in his

or her possession, living or dead, any song, insectivorous, or nongame bird or part of any such bird, other than an English sparrow, or European starling, or common pigeon, or (2) for any person to take or needlessly destroy the nests or eggs of any song, insectivorous, or nongame birds or to have in his or her possession the nests or eggs thereof other than nests and eggs of the birds excepted in subdivision (1) of this section.

This section shall not be construed to apply to the possession of species lawfully acquired prior to the effective date of protection of a given species or to prohibit importation into the state of species which may be otherwise lawfully imported into the state or the United States or lawfully taken, acquired, or removed from another state if the person engaging therein demonstrates by substantial proof that such species was lawfully taken or removed from such state.

~~The commission may adopt, promulgate, and publish rules and regulations for the control of individual nuisance birds or populations of such birds to reduce or avert depredation upon ornamental or shade trees, agricultural crops, livestock, or wildlife or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance. Such rules and regulations shall specify the species which may be controlled, the circumstances under which control is to be permitted, and the control methods which may be employed.~~

Sec. 261. Section 37-309, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-309.~~ Any person, other than the owner thereof, who shall knowingly shoot, kill, maim, or injure any Antwerp or homing pigeon, commonly called Carrier Pigeon, or who shall entrap, catch, detain, or ~~shall~~ remove any mark, band, or other means of identification from such pigeon, shall be guilty of a Class V misdemeanor.

Sec. 262. Section 37-302, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-302.~~ All fish which cannot lawfully be taken shall be returned to the water at once with as little injury as possible, if ~~caught taken~~, and before ~~taking or attempting to take~~ removing or attempting to remove such fish from the hook it shall be the duty of the angler to first wet his or her hands.

Sec. 263. Section 37-502, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-502.~~ (1) It shall be unlawful for any person to take, ~~catch, kill, destroy, or attempt to take or catch~~ any fish, except as provided in this section, by means other than ~~angling~~ fishing with hook and line.

(2) 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 this ~~provision~~ subsection shall not apply to ice fishing.

(3) It shall be unlawful for any person to ~~attempt to take or catch~~ take any fish by snagging fish externally by hook and line, except in the Missouri River, as provided by rules and regulations of the commission.

(4) 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~~ means 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.

(5) Nongame fish may be taken by spearing or by bow and arrow as provided by rules and regulations of the commission.

(6) Game ~~Sport~~ fish may be taken by bow and arrow as provided by rules and regulations of the commission.

(7) ~~+~~ The commission may by 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 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.

(8) ~~Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars. Individuals shall apply to the commission on forms prescribed by the commission for an annual commercial seining vendor permit and shall not take or sell fish as prescribed in this section before receiving such permit.~~

~~+~~ The commission shall, pursuant to section 81-814.02, establish and collect fees from residents and nonresidents for all permits issued under ~~+~~ subsection (2) of this section as follows:

(a) 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;

(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

(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.

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 it to such net, seine, or device.

(4) The commission may 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. 264. The commission may adopt and promulgate rules and regulations to open specified waters to underwater, powered spear fishing and limit or control such powered spear fishing.

Sec. 265. Section 37-503.05, Reissue Revised Statutes of Nebraska, is amended to read:

37-503-05. When authorized by the Game and Parks Commission commission and when necessary for proper fish management, the owner of any privately owned pond may remove fish therefrom by methods other than hook and line and in any quantity. The commission shall adopt and promulgate rules and regulations which authorize the use of commercial seining vendor seining permits, equipment, and methods authorized in section 37-502 sections 214 and 263 of this act. Nongame fish and bullheads seined or taken pursuant to this section may be sold by the commercial seining vendor permittee fishing permit holder. Such sale of bullheads shall not be deemed a violation of section 37-505 225 of this act. The removal of fish in accordance with this section shall not be deemed a violation of section 37-517, 37-525, or 37-610 227, 276, or 313 of this act, except that the owner of a privately owned pond which is privately stocked and which does not connect by inflow or outflow with other water outside such land shall be exempt from any regulation or control.

Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 266. Section 37-503, Revised Statutes Supplement, 1997, is amended to read:

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

(2) Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars. 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 dealer's permit for a fee of not less than twenty-five dollars and not more than thirty-two dollars for residents and not less than one hundred fifty dollars and not more than two hundred dollars for nonresidents, as established by the commission pursuant to section 81-814-02. Individuals over sixteen years of age and residents of this state selling

crayfish or leopard or striped frogs shall purchase from the commission a resident bait dealer'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 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.

(3) The applications for such permits shall include the social security numbers of the applicants.

Sec. 267. Section 37-535, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-535-~~ It is the intent of the Legislature to prevent the importation into the State of Nebraska of any live fish, mollusk, reptile, crustacean, or amphibian which may cause economic or ecologic harm or be injurious to human beings, agriculture, horticulture, forestry, or wildlife or wildlife resources of the state. It is further the intent of the Legislature to prevent the commercial exploitation of any dead or live fish, mollusk, reptile, crustacean, or amphibian taken from the wild.

Sec. 268. Section 37-536, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-536-~~ (1) It shall be unlawful for any person to import into the state or release to the wild any live fish, mollusk, reptile, crustacean, or amphibian including the viable gametes, eggs or sperm, except those which are approved by rules and regulations of the commission. It shall be unlawful to commercially exploit or export from the state any dead or live fish, mollusk, reptile, crustacean, or amphibian taken from the wild except those which are exempted by rules and regulations of the commission. Any person violating this subsection shall be guilty of a Class IV misdemeanor.

(2) The commission shall adopt and promulgate rules and regulations to carry out subsection (1) of this section. In adopting such rules and regulations, the commission shall be governed by the Administrative Procedure Act. Such rules and regulations shall include a listing of the species of fish, mollusks, reptiles, crustaceans, or amphibians which may be imported into the state and fish, mollusks, reptiles, crustaceans, or amphibians taken from the wild which may be commercially exploited or exported from the state. The rules and regulations may be amended, modified, or repealed from time to time, based upon investigation and available, reliable data.

(3) The commission may determine that a fish, mollusk, reptile, crustacean, or amphibian causes economic or ecologic harm by utilizing available scientific, commercial, and other data after consultation, as appropriate, with federal agencies, other interested state and county agencies, and interested persons and organizations.

(4) The commission shall, upon its own recommendation or upon the petition of any person who presents to the commission substantial evidence that such additional species will not cause ecologic or economic harm, conduct a review of any listed or unlisted species proposed to be removed from or added to the lists published pursuant to subsection (2) of this section.

Sec. 269. Section 37-537, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-537-~~ Subsection (1) of section 37-536 268 of this act shall not apply to:

(1) The importation by a person engaged in the business of buying for the purpose of selling, canning, preserving, processing, or handling for shipments or sale for immediate or future consumption fish, oysters, clams, crabs, shrimp, prawns, lobsters, or other commercial edible aquatic products;

(2) The importation and exportation of legally acquired game species;

(3) The buying, selling, bartering, importing, exporting, or otherwise disposing of any wildlife produced at any municipal, state, or federal museum, zoo, park, refuge, or wildlife area; and

(4) The importation of fish, mollusks, reptiles, crustaceans, and amphibians intended for exhibition, aquarium, or other totally contained purposes.

This section shall not be construed to allow the importation or possession of a species otherwise protected or regulated by the Game Law.

Sec. 270. Section 37-538, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-538-~~ Nothing in section 37-536 268 of this act shall be construed to prevent the continuous shipment in interstate commerce of legally possessed live fish, mollusks, reptiles, crustaceans, and amphibians or eggs of such species for breeding or stocking purposes when such shipment legally originates outside of this state and legally terminates outside of this state.

Sec. 271. Section 37-407, Reissue Revised Statutes of Nebraska, is

amended to read:

~~37-407.~~ For the purpose of protecting the game fish in the streams or rivers and reservoirs of this state whose waters are used for purposes of irrigation, the ~~Game and Parks Commission~~ commission may provide and cause to be placed and maintained, at the mouth of every irrigation ditch designated by it, and which opens into such stream or river or reservoir containing trout, bass, crappie, and pickerel, in this state, a workable woven wire fish screen having a mesh no larger than one inch.

Sec. 272. Section 37-408, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-408.~~ The commission, upon ascertaining what ditch or ditches are practicable to be screened, shall give notice in writing to the person, firm, or corporation owning, operating, or controlling such ditch or ditches. The notice shall set forth the size of the woven screen necessary to be set in place at the mouth of the ditch or ditches. The mesh of such screen shall be no larger than one inch and shall be so placed and maintained at the mouth of each irrigation ditch designated by the commission as to prevent the passage of fish therein except such as may pass through the meshes of the screen. The screens shall be provided by the commission at cost to the person, firm, or corporation owning, operating, or controlling the ditch or ditches to be screened. For each day's failure to keep such screen in repair and for each day's neglect after the twentieth day to comply with the written notice, the commission may recover the sum of five dollars per day as liquidated damages for the loss to the state on account of the fish thereby lost or destroyed, and the offending party shall further be guilty of a Class III misdemeanor.

Sec. 273. Section 37-406, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-406.~~ (1) It shall be the duty of every person who owns or controls, ~~or who may hereafter own or control~~ any dam or other obstruction across any watercourse within the jurisdiction of the state, where such impounded water is returned to the bed of the stream, to make such provision as may be necessary to ensure that sufficient water shall be is returned at all times to the bed of the stream or river below such dam or obstruction as to preserve fish life in such stream. This section + PROVIDED, HOWEVER, ~~sections 37-406 to 37-406-02~~ shall not apply under conditions of unusual circumstances resulting from natural causes which make the fulfillment impracticable. Every + and provided, also, ~~that every~~ person owning or controlling such dam, shall open and close gates or locks at a rate slow enough to protect the water below from a sudden flushing or sudden decrease in water flow, which would be detrimental to the fish and their habitat.

(2) The commission shall have supervision over the enforcement of this section and shall investigate all complaints made under this section.

(3) Any person, firm, or corporation violating this section shall be guilty of a Class V misdemeanor.

Sec. 274. Section 37-515, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-515.~~ (1) Any person who ~~(1)~~ (a) explodes, causes to be exploded, or aids or abets in the explosion of any dynamite, giant powder, bomb, or other explosive in any lake, river, stream, pond, bay, bayou, or other waters in this state with the intent thereby to ~~kill,~~ stun, take, or possess any fish therein, ~~(2)~~ (b) places or aids or abets in placing any bomb or explosive in any waters of this state for the purpose of exploding the same with such intent, or ~~(3)~~ (c) places or aids or abets in placing lime or other poisonous or noxious substance in any of the waters of this state with such intent, shall be guilty of a Class IV felony. This subsection felony and upon conviction thereof, shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars and by imprisonment in a Department of Correctional Services adult correctional facility for not less than one year nor more than three years, except that this section shall not prohibit the Game and Parks Commission commission from using or authorizing the use by written agreement of chemicals and other substances for fish management purposes.

(2) It shall be unlawful to explode or cause to be exploded for any purpose any giant powder, dynamite, or other explosives in any lake, river, stream, pond, bay, bayou, or other waters of this state without first obtaining from the Game and Parks Commission, as hereinafter provided, commission an order permitting it to be done, except that this shall not apply when, to safeguard public or private property from damage by ice gorges, immediate use of explosives is necessitated. Whenever, in the course of removing any obstruction in any waters within this state or in constructing any foundation for dams, bridges, or other structures, any person ~~shall desire~~ desires to explode any giant powder, dynamite, or other explosive in any such

waters, he or she shall, before doing so, file a verified application with the commission setting forth his or her plans and objects, the time or times when he or she desires to use the explosive, and the necessity for using it. If it reasonably appears that the use of explosives in such waters is necessary to the advancement of a useful work or project, the commission shall grant leave for the use thereof, designating the place or places and period within which the explosives may be used and prescribing such precautions as will save the fish from injury. If any such person disregards such order, he or she shall be deemed to have violated this subsection. Any person, association, or corporation guilty of violating this subsection shall be guilty of a Class II misdemeanor, and every day that any such unlawful act continues or is permitted to continue shall constitute a separate offense and be punishable as such. Section and upon conviction shall be punished accordingly.

Sec. 275. Section 37-516, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-516-~~ It shall be unlawful for any person, association, or corporation to dump or drain any refuse from any factory, slaughterhouse, gas plant, garage, repair shop, or other place whatsoever or any refuse, junk, dross, litter, trash, lumber, or leavings into or near any of the waters of this state or into any bayou, drain, ditch, or sewer which discharges such refuse or any part thereof into any of the waters of this state. It shall be unlawful to place, leave, or permit to escape any such refuse in such manner that it or any part of it is through the action of the elements or otherwise carried into any of the waters of this state. For purposes of this section, refuse shall mean and include means and includes oils, tars, creosote, blood, offal, decayed matter, and all other substances which are injurious to aquatic life.

Any person, association, or corporation violating this section shall, upon conviction thereof, be guilty of a Class II misdemeanor, and every day that any such unlawful act continues or is permitted to continue shall constitute a separate offense and be punishable as such.

Sec. 276. Section 37-517, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-517-~~ It shall be unlawful for any person, association, or corporation to place the carcass of any dead animal, fish, or fowl in or near any of the waters of this state, or leave such carcass where the whole or any part thereof may be washed or carried into any of the waters of this state. Any person, association, or corporation guilty of violating this section ~~or any provision of sections 37-515 and 37-516, except as therein otherwise provided,~~ shall be guilty of a Class II misdemeanor, and every day that any such unlawful act continues or is permitted to continue shall constitute a separate offense, and be punishable as such.

Sec. 277. Section 37-518, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-518-~~ It shall be unlawful for any person or persons to injure, disturb, or destroy any hatching box, hatching house, or nursery pond used for hatching or propagating fish, or to injure, ~~or destroy or~~ disturb, ~~or destroy~~ any spawn or fry, or fish in any hatching box, hatching house, ~~or~~ nursery pond, or stream. The commission + PROVIDED, the Game and Parks Commission may take or cause to be taken any of the fish named in this section for the purpose of propagation, or stocking the waters of this state. Every Any person violating any provision of this section shall be guilty of a Class III misdemeanor.

Sec. 278. Section 37-520, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-520-~~ It shall be unlawful for any person, association, or corporation to place, run, or drain any matter harmful to fish into any of the waters of this state where same that have been stocked by the Game and Parks Commission commission. Any person violating the provisions of this section shall be guilty of a Class IV misdemeanor.

Sec. 279. (1) Any farmer or rancher owning or operating a farm or ranch may destroy or have destroyed any predator preying on livestock or poultry or causing other agricultural depredation on land owned or controlled by him or her without a permit issued by the commission.

(2) This section shall not be construed to allow such farmer or rancher to destroy or have destroyed species which are protected by the provisions of sections 72 and 221 to 223 of this act, the Nongame and Endangered Species Conservation Act, the federal Endangered Species Act, the federal Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 et seq., the federal Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668 et seq., the federal Migratory Bird Treaty Act, as amended, 16 U.S.C. 703 et seq., or rules and regulations adopted and promulgated pursuant to such

provisions.

Sec. 280. Section 37-215.01, Revised Statutes Supplement, 1996, is amended to read:

~~37-215-01-~~ The commission is authorized, when written request has been filed by the property owner, to remove by any means at any time any deer, antelope, or elk causing damage to real or personal property. If it shall be is necessary to kill any such deer, antelope, or elk to remove the same, the carcass thereof shall first be offered to local hospitals or other local charitable institutions or to the Department of Health and Human Services for use in institutions under its jurisdiction. If the institutions or department do not desire the same, such carcass may be sold or disposed of in any other manner.

Sec. 281. Section 37-524, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-524-~~ (1) It shall be lawful to use any device which ~~(a)~~ (a) is operated by the explosion of small amounts of gunpowder or other explosives, ~~(b)~~ (b) is designed to discharge poison into the mouth of a wolf, coyote, fox, wildcat, or other predatory animals upon the grabbing or seizing of the bait attached to such device by such predatory animals, ~~(c)~~ (c) does not discharge any ball, slug, shot, or other missile, and ~~(d)~~ (d) does not endanger the life and limb of any human being or animal, other than a predatory animal, during the legal trapping season for fur-bearing animals. Such ~~PROVIDED,~~ such device may be used at any time by any agency of the Game and Parks Commission or of the federal government or by persons having the written permission of the Game and Parks Commission. Such lawful device when used shall be set not less than two hundred yards from any federal, state, or approved county highway and not less than one thousand yards from any rural school, while functioning, or from any inhabited dwelling without written permission of the resident of the dwelling. Such said building; nor may such device shall not be used on the land another person's property without the written permission of the owner or operator.

(2) It ~~PROVIDED,~~ that it shall be unlawful to use any of such above-described devices unless the user shall, in addition to the other requirements of this section, post the land upon which the devices are emplaced with signs at least eighteen inches square and with block letters at least two inches in height and displaying the words DANGER, CYANIDE GUNS IN USE or with the official signs furnished for such a purpose by the United States Fish and Wildlife Service Department of Agriculture. Such signs shall be placed at all entrances to the area where such devices are set, and a post shall be set by each such device displaying at least two of the above-mentioned such signs in a manner so that such signs are plainly legible from all directions.

Sec. 282. Section 37-304.02, Reissue Revised Statutes of Nebraska, is amended to read:

~~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 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 district. Such district may cause such trapping to occur if, within thirty days after notice in writing is given to the secretary of the commission of such destruction or damage and the location thereof, the commission 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 district. Before any such district has such beaver or muskrat trapped, it shall submit to the secretary of the commission the names and addresses of the trappers to do the trapping. If no written objection is received, stating the reasons for such objection, from the secretary within five days after the receipt of the names, they shall be deemed to be approved. No trapper who has been objected to in writing by the commission shall trap under this section. The district shall report to the commission every thirty days the number of beaver or muskrat killed or destroyed and shall forward with such report a fee of not less than two dollars and not more than three dollars, as established by the commission pursuant to section 81-814.02 85 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 provided in this section.

(2) Whenever beaver are destroying trees or otherwise damaging property, except as 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

direct to remove the beaver within thirty days 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 such property in any manner 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 pelts are sold, shipped, or otherwise transported outside of the State of Nebraska. Beaver pelts taken under the authority of a permit issued under subsection (2) of this section shall not be sold or used unless the permittee also possesses a current and valid fur-harvesting permit.

Sec. 283. The commission may adopt, promulgate, and publish rules and regulations for the control of individual nuisance birds or populations of such birds to reduce or avert depredation upon ornamental or shade trees, agricultural crops, livestock, or wildlife or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance. Such rules and regulations shall specify the species which may be controlled, the circumstances under which control is to be permitted, and the control methods which may be employed.

Sec. 284. Section 37-529.01, Revised Statutes Supplement, 1996, is amended to read:

~~37-529-01-~~ (1) No person shall knowingly and intentionally interfere or attempt to interfere with another person who is not trespassing and who is lawfully hunting or trapping any game bird, game animal, fur-bearing animal, or other wild mammal or bird or engaged in activity associated with hunting or trapping.

(2) No person shall knowingly and intentionally interfere or attempt to interfere with another person who is not trespassing and who is lawfully fishing or engaged in activity associated with fishing.

(3) For purposes of this section, (a) activity associated with hunting, trapping, or fishing shall mean travel, camping, or other acts that are preparatory to or in conjunction with hunting, trapping, or fishing on lands or waters upon which hunting, trapping, or fishing may lawfully occur and that are done by a hunter, a trapper, or an angler or by a member of a hunting, trapping, or fishing party and (b) interfere shall mean (i) disturbing, scaring, chasing, or otherwise driving away by any means any game bird, game animal, fur-bearing animal, other wild mammal or bird, or game fish, but shall not include releasing a non-fur-bearing animal, except a coyote, from a trap, (ii) impeding or obstructing a person who is hunting, trapping, or fishing, (iii) impeding or obstructing a person who is engaged in an activity associated with hunting, trapping, or fishing, (iv) affecting the condition or location of personal property intended for use in hunting, trapping, or fishing, and (v) intentionally placing himself or herself into the line of fire for the purpose of interfering with lawful hunting or trapping.

Sec. 285. Section 37-529.02, Revised Statutes Supplement, 1996, is amended to read:

~~37-529-02-~~ A court may enjoin conduct described in section ~~37-529-01~~ 284 of this act upon petition by a person affected or by a person who may reasonably be affected by such conduct upon a showing that such conduct is threatened or that it has occurred on a particular premises in the past and that it is not unreasonable to expect such conduct will be repeated.

Sec. 286. Section 37-529.03, Revised Statutes Supplement, 1996, is amended to read:

~~37-529-03-~~ It shall be an affirmative defense in any action brought for violation of section ~~37-529-01~~ 284 of this act that the person against whom such action is brought was not trespassing at the time of the alleged intentional interference or attempted interference and was engaged in a lawful activity in conflict with hunting, trapping, or fishing or activity associated with hunting, trapping, or fishing described in such section.

Sec. 287. It shall be unlawful for any person to aid or assist a person who is in violation of section 284 of this act.

Sec. 288. It shall be unlawful for any person to use any aircraft, vessel, vehicle, snowmobile, or other conveyance, firearm, bow and arrow, projectile, device, radio, or an electronic device, or other equipment in the commission of any of the acts prohibited under section 284 or 287 of this act.

Sec. 289. Nothing in sections 284 to 288 of this act shall prohibit authorized personnel of the commission or the United States Department of the Interior in the administration and management of wildlife resources.

Sec. 290. Section 37-534, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-534. Any person violating section 284 of this act shall be guilty of a Class III misdemeanor. In addition, any person who damages crops, fields, livestock, fences, gates, timber, water, or any other property by the use of any aircraft, vessel, vehicle, snowmobile, or other conveyance shall be liable to the property owner, in addition to any criminal penalties under sections 37-528 to 37-534.~~

Sec. 291. Section 37-601, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-601. All prosecutions for offenses relating to game and fish violations of the Game Law shall be brought in the name of the State of Nebraska before any court having jurisdiction thereof. It shall be the duty of all county attorneys in their respective counties to prosecute all persons charged with offenses against the game laws of this state violations of the Game Law.~~

Sec. 292. Section 37-602, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-602. Prosecutions shall be brought before a court of competent jurisdiction in the county within which the offense was committed. If, and in cases where the offense charged is that of having sold, having transported, or having in possession, game, wild animals, wild fowls, birds, fish, or green hides in violation of law, prosecutions may be brought in any county through which or into which any such game, wild animals, wild fowls, birds, fish, or green hides have been transported or brought. All prosecutions shall be commenced within one year from the time the offense charged was committed.~~

Sec. 293. Section 37-603, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-603. It shall be the duty of all conservation officers, deputy conservation officers, sheriffs, deputy sheriffs, and other police officers to make prompt investigation of and arrests for any violations of the Game Law or of sections 81-801 to 81-815-36 observed or reported by any person and to cause a complaint to be filed before a court having jurisdiction thereof in case there seems just ground for such complaint and evidence procurable to support the same. Upon the filing of such a complaint it shall be the duty of such officer to render assistance in the prosecution of the party complained against. Sheriffs, deputy sheriffs, and other police officers making arrests and serving warrants under this section shall receive fees and mileage under the provisions of the statutes of the state with mileage to be computed at the rate provided for county sheriffs in section 33-117. All full-time conservation officers and full-time deputy conservation officers are hereby made peace officers of the state with the powers of sheriffs. It shall be the duty of any such officer to make arrests or issue a summons, or both, or otherwise notify any resident of this state to appear at a place specified in such summons or notice and at a time likewise specified at least five days after such arrest unless the person arrested shall demand an earlier hearing or, if such person so desires, at an immediate hearing or a hearing within twenty-four hours thereafter at a convenient hour before a magistrate within the township or county wherein such offense was committed. Any resident refusing to give written promise to appear or any nonresident refusing to give a guaranteed arrest bond or similar written instrument shall be taken immediately by such officer before the nearest or most accessible magistrate. Any person who willfully violates his or her written promise to appear shall be guilty of a Class III misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested. Conservation officers and deputy conservation officers shall serve writs and processes, civil and criminal, when such writs and processes pertain to enforcement of duties imposed by law on the commission. It shall be the duty of every officer, as well as of the sheriffs in their respective counties, to arrest any person whom he or she has reason to believe guilty of a violation of the Game Law and, with or without a warrant, to open, enter, and examine all camps, wagons, cars, stages, tents, packs, warehouses, stores, outhouses, stables, barns and other places, boxes, barrels, and packages where he or she has reason to believe any fish or game, song, insectivorous, or other birds, or raw furs, taken or held in violation of the Game Law, are to be found and to seize the same, except that a dwelling house actually occupied can be entered only upon authority of a search warrant. Any officer or person purporting to enforce the laws of this state or rules and regulations adopted and promulgated pursuant thereto shall on the demand of any person apprehended by him or her exhibit to such person his or her written commission of authority as such enforcement officer.~~

Sec. 294. It shall be the duty of all conservation officers, sheriffs, deputy sheriffs, and other police officers to make prompt investigation of and arrests for any violations of the Game Law observed or

reported by any person and to cause a complaint to be filed before a court having jurisdiction thereof in case there seems just ground for such complaint and evidence procurable to support the same. Upon the filing of such a complaint it shall be the duty of such officer to render assistance in the prosecution of the party complained against. Sheriffs, deputy sheriffs, and other police officers making arrests and serving warrants under this section shall receive fees and mileage under the provisions of the statutes of the state with mileage to be computed at the rate provided for county sheriffs in section 33-117. Conservation officers shall serve writs and processes, civil and criminal, when such writs and processes pertain to enforcement of duties imposed by law on the commission. Any officer or person purporting to enforce the laws of this state or rules and regulations adopted and promulgated pursuant thereto shall on the demand of any person apprehended by him or her exhibit to such person his or her written commission of authority as such enforcement officer.

Sec. 295. It shall be the duty of any conservation officer to make arrests or issue a summons, or both, or otherwise notify any resident of this state to appear at a place specified in such summons or notice and at a time likewise specified at least five days after such arrest unless the person arrested shall demand an earlier hearing or, if such person so desires, at an immediate hearing or a hearing within twenty-four hours thereafter at a convenient hour before a magistrate within the township or county wherein such offense was committed. Any resident refusing to give written promise to appear or any nonresident refusing to give a guaranteed arrest bond or similar written instrument shall be taken immediately by such officer before the nearest or most accessible magistrate. Any person who willfully violates his or her written promise to appear shall be guilty of a Class III misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested.

Sec. 296. Section 37-613, Reissue Revised Statutes of Nebraska, is amended to read:

37-613- In case of a violation of the Game Law by a corporation, the warrant of arrest may be served on the president, secretary, or manager in this state or on any general or local agent thereof in the county where the action may properly be brought, and upon the return of such warrant so served, the corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such corporation. This section shall not be deemed to exempt from prosecution any agent or employee whose personal guilt is supported by probable cause.

Sec. 297. It shall be the duty of every conservation officer, as well as of the sheriffs in their respective counties, to arrest any person whom he or she has reason to believe has committed a violation of the Game Law and, with or without a warrant, to open, enter, and examine all camps, wagons, cars, stages, tents, packs, warehouses, stores, outhouses, stables, barns and other places, boxes, barrels, and packages where he or she has reason to believe any song, insectivorous, or other birds, game, fish, or raw furs, taken or held in violation of the Game Law, are to be found and to seize the same, except that a dwelling house actually occupied can be entered only upon authority of a search warrant.

Sec. 298. Any law enforcement official, including any conservation officer, may enforce sections 63 to 71 of this act and the rules and regulations established under the authority of sections 60-680 and 60-6190. When a violation has occurred in or on any area under the ownership or control of the commission, any 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.

Sec. 299. Section 37-604, Reissue Revised Statutes of Nebraska, is amended to read:

37-604- It shall be unlawful for any person to resist or obstruct any officer or any employee of the Game and Parks Commission in the discharge of his or her lawful duties. Any person willfully resisting such officer or employee shall be guilty of a Class V misdemeanor.

Sec. 300. Section 37-605, Reissue Revised Statutes of Nebraska, is amended to read:

37-605- It shall be unlawful for any person to falsely represent himself or herself to be an officer or employee of the Game and Parks Commission, commission or to assume to so act without having been duly appointed or employed as such. Any person willfully representing himself or herself to be such officer or employee shall be guilty of a Class V misdemeanor.

Sec. 301. Section 37-611, Reissue Revised Statutes of Nebraska, is

amended to read:

~~37-611-~~ (1) Each individual game animal, game bird, and game fish killed, captured, caught, of any species of wildlife taken, or destroyed in violation of the Game Law, (2) every such animal, bird, and fish and every raw fur for each individual animal of any species of wildlife shipped, offered or received for shipment, transported, bought, sold, bartered, or had in possession contrary to the Game Law, and (3) each seine, net, or other device, including ferrets, used or attempted to be used in violation of the Game Law, shall constitute a separate offense.

Sec. 302. Section 37-612, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-612-~~ Any person who makes any use of or has in his or her possession or who aids or abets in the hunting, taking, or pursuing of any game, game animal, game bird, game fish, or raw fur, killed or taken contrary to any of the provisions of the Game Law, with knowledge of such fact or of facts sufficient in law to charge him or her with such knowledge, shall be deemed a principal in the unlawful killing, taking, catching, transporting, or possession of such game, game animal, game bird, or game fish or the taking, transporting, or possession of such or raw fur and shall be subject to the same penalties therefor as the person who killed, took, or caught such animal, bird, or fish or the game or raw fur, unlawfully had the game or raw fur in his or her possession, or unlawfully transported any such animal, bird, or fish or the raw fur of any fur-bearing animal the game or raw fur.

Sec. 303. Section 37-614, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-614-~~ (1) Any person who kills, destroys, takes, or possesses contrary to the Game Law any animal, fowl, bird, or fish wildlife shall be liable to the State of Nebraska for the damages caused thereby. Such damages shall be:

- (a) Five thousand dollars for each mountain sheep;
- (b) One thousand five hundred dollars for each elk or moose or each individual animal of a threatened or endangered species of wildlife;
- (c) Seven hundred fifty dollars for each deer, antelope, bear, swan, or paddlefish;
- (d) One hundred dollars for each wild turkey;
- (e) Seventy-five dollars for each (1) six hundred dollars for each elk, deer, big horn sheep, antelope, or swan; (2) fifty dollars for each wild turkey, wild goose, other game bird, other game animal, fur-bearing animal, other than raccoons, or the raw pelts thereof, or nongame wildlife in need of conservation as designated by the commission pursuant to section 37-433; and (3) twenty dollars for each insectivorous bird or game fish; 355 of this act;
- (f) Fifty dollars for each wild bird not otherwise listed in this section;
- (g) Fifty dollars for each game fish measuring more than twelve inches in length;
- (h) Twenty-five dollars for each raccoon;
- (i) Twenty dollars for each other game fish; and
- (j) Twenty dollars for any other species of game not otherwise listed in this subsection.

(2) Such damages may be collected by the commission by civil suit. In every case of conviction for any of such offenses, the court or magistrate before whom such conviction is obtained shall further enter judgment in favor of the State of Nebraska and against the defendant for liquidated damages in the amount set forth in this section and collect such damages by execution or otherwise. Failure to obtain conviction on a criminal charge shall not bar a separate civil action for such liquidated damages. Damages collected pursuant to this section shall be remitted to the secretary of the commission who shall remit them to the State Treasurer for credit to the State Game Fund.

Sec. 304. (1) When a person pleads guilty to or is convicted of any violation listed in this subsection, the court shall, in addition to any other penalty, revoke and require the immediate surrender of all permits to hunt, fish, and harvest fur held by such person and suspend the privilege of such person to hunt, fish, and harvest fur and to purchase such permits for a period of not less than one nor more than three years. The court shall consider the number and severity of the violations of the Game Law in determining the length of the revocation and suspension. The violations shall be:

- (a) Negligently or purposely causing or starting any prairie fire or forest fire while hunting, fishing, or fur harvesting;
- (b) Carelessly or purposely killing or causing injury to livestock with a firearm or bow and arrow while hunting, fishing, or fur harvesting;
- (c) Purposely taking or having in his or her possession a number of

game animals, game fish, game birds, or fur-bearing animals exceeding twice the limit established pursuant to section 72 of this act;

(d) Taking any species of wildlife protected by the Game Law during a closed season in violation of section 222 of this act;

(e) Resisting or obstructing any officer or any employee of the commission in the discharge of his or her lawful duties in violation of section 299 of this act; and

(f) Being a habitual offender of the Game Law.

(2) When a person pleads guilty to or is convicted of any violation listed in this subsection, the court may, in addition to any other penalty, revoke and require the immediate surrender of all permits to hunt, fish, and harvest fur held by such person and suspend the privilege of such person to hunt, fish, and harvest fur and to purchase such permits for a period of not less than one nor more than three years. The court shall consider the number and severity of the violations of the Game Law in determining the length of the revocation and suspension. The violations shall be:

(a) Hunting, fishing, or fur harvesting without a permit in violation of section 121 of this act;

(b) Hunting from a vehicle, aircraft, or boat in violation of section 233, 234, 235, 255, or 258 of this act; and

(c) Knowingly taking any wildlife on private land without permission in violation of section 336 of this act.

(3) When a person pleads guilty to or is convicted of any violation of the Game Law or the rules and regulations of the commission not listed in subsection (1) or (2) of this section, the court may, in addition to any other penalty, revoke and require the immediate surrender of all permits to hunt, fish, and harvest fur held by such person and suspend the privilege of such person to hunt, fish, and harvest fur and to purchase such permits for a period of one year.

Sec. 305. It shall be unlawful for any person to take any species of wildlife protected by the Game Law while his or her permits are revoked. It shall be unlawful for any person to apply for or purchase a permit to hunt, fish, or harvest fur in Nebraska while his or her permits are revoked and while the privilege to purchase such permits is suspended. Any person who violates this section shall be guilty of a Class III misdemeanor and in addition shall be suspended from hunting, fishing, and fur harvesting or purchasing permits to hunt, fish, and harvest fur for a period of not less than two nor more than five years as the court directs. The court shall consider the number and severity of the violations of the Game Law in determining the length of the suspension.

Any person whose privilege or permit to hunt, fish, or harvest fur in another state has been suspended or revoked as a result of a conviction shall not be eligible to obtain a permit to hunt, fish, or harvest fur if the conviction would constitute grounds for suspension or revocation under sections 304 to 307 of this act until the period of suspension or revocation in the other state has expired.

Sec. 306. The court shall automatically suspend the privilege to hunt, fish, and harvest fur and to purchase permits to hunt, fish, and harvest fur in the State of Nebraska of a person who is convicted of the intentional or negligent killing or injuring of any other person with a firearm or bow and arrow while hunting, fishing, or fur harvesting and shall automatically revoke all permits to hunt, fish, and harvest fur in the State of Nebraska held by a person who is convicted of the intentional or negligent killing or injuring of any other person with a firearm or bow and arrow while hunting, fishing, or fur harvesting. The suspension or revocation shall be for a period of not less than ten years after such conviction.

Sec. 307. The court shall notify the commission of any suspension, revocation, or conviction under sections 304 to 307 of this act. The commission shall notify vendors of permits to hunt, fish, and harvest fur of any suspension or revocation under sections 304 to 307 of this act and the date such suspension or revocation expires.

Sec. 308. Any person whose privilege to hunt, fish, or harvest fur has been suspended or revoked in any jurisdiction within the United States or Canada shall be prohibited from obtaining a permit for such activity in this state during the period of suspension or revocation in the prosecuting jurisdiction if the offense for which the privilege is suspended or revoked is an offense under the Game Law. If such person has previously obtained a permit for such activity, the permit shall become invalid and shall be suspended for the same period as determined in the prosecuting jurisdiction. The person shall immediately return the permit to the commission. No person shall possess a permit which has been suspended or revoked under this section. Any person who violates the provisions of this section shall be guilty of a

Class I misdemeanor.

Sec. 309. Section 37-606, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-606.~~ All game killed, taken, or caught and all game and raw furs bought, sold, bartered, shipped, or had in possession contrary to any of the provisions of the Game Law shall be and the same are declared to be contraband and shall be seized and confiscated by any sheriff, or commissioner, conservation officer, deputy conservation officer, or other employee of the Game and Parks Commission.

Sec. 310. Section 37-607, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-607.~~ The possession by any person of any fish under lawful size as designated in the Game Law shall be evidence that the same is the property of the state and that the same was caught, was taken, or killed within the state. Possession within this state of the carcass of any game animal or game bird which has shot marks upon it shall be evidence that the same was taken in this state, and the burden of proving otherwise shall be upon the party in whose possession it is found. Whenever the contents of any box, barrel, package, or receptacle consist partly of contraband and partly of legal game, or raw furs, the entire contents of such box, barrel, package, or other receptacle shall be seized and confiscated. Whenever a person has in his or her possession any game in excess of the number of wild animals, wild fowls, game birds, or game fish permitted by law, all game in his or her possession shall may be seized and confiscated.

Sec. 311. Section 37-608, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-608.~~ Contraband game and fish seized and confiscated in accordance with the Game Law or coming into the possession of the commission by other means shall be turned over to the nearest hospital or state institution or otherwise disposed of as directed by the commission, and all contraband hides and furs shall be sold and the proceeds paid into the State Game Fund.

Sec. 312. Section 37-609, Revised Statutes Supplement, 1996, is amended to read:

~~37-609.~~ Whenever any conservation officer, deputy conservation officer, employee of the Game and Parks Commission commission, sheriff, deputy sheriff, or other police officer of the state has reason to believe that any person, commercial institution, commission house, restaurant or cafe keeper, or aquaculturist has in his, her, or its has in his or her possession any game, aquatic organisms, raw fur, nets, or devices contrary to law, the officer, employee, or sheriff he or she may file or cause to be filed a sworn complaint to such effect before any magistrate having jurisdiction and may procure a search warrant and execute such warrant.

Sec. 313. Section 37-610, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-610.~~ Every device, net, and trap and every ferret possessed, used, or attempted to be used by any person in hunting, taking, catching, killing, or destroying any game or fish contrary to law the Game Law is hereby declared to be a public nuisance and subject to seizure and confiscation by any conservation officer, deputy conservation officer, or other person charged with the enforcement of the Game Law. Ferrets and every trap device, net, and device trap, the use of which is wholly prohibited, shall be destroyed upon seizure. All guns and nets while being used illegally shall be seized upon the arrest of the person so using them, but all guns, legal fish nets, or other hunting or fishing equipment, used illegally which are seized for evidence upon arrest, shall be returned by the court to the person from whom such guns, legal fish nets, or other hunting or fishing equipment was seized following disposition of the case. The possession of any and all nets seines, except minnow nets, shall be construed as illegal possession and shall render such nets subject to confiscation and destruction by the state, and any person or persons possessing the same shall be guilty of a Class V misdemeanor. This section shall not apply to the possession and legal use of seines or nets as provided in sections ~~37-502 and 37-503~~ 263 and 265 of this act.

Sec. 314. Section 81-805.04, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-805-04.~~ The Game and Parks Commission commission may enter into a memorandum of agreement for cooperative law enforcement with the United States Fish and Wildlife Service.

Sec. 315. Section 37-401, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-401.~~ When a notice is posted on each corner and on all roads leading thereto, indicating that such property is a reserve, refuge, or

sanctuary, every school section and other tract of educational land within the state, title to which is vested in the State of Nebraska, all that portion of the State of Nebraska embraced within the boundaries of the Niobrara and Bessey divisions of the Nebraska National Forest, and every state-owned lake, pond, or marsh, except lakes and marshes state owned because meandered, is hereby declared to be a game reserve, bird refuge, and wild fowl sanctuary. Other game reserves, bird refuges, wild fowl sanctuaries, or reservations may be established by the Game and Parks Commission in any county where deemed necessary for the protection and propagation of game, or as a refuge or sanctuary for song and insectivorous birds or wild fowl. The commission with the approval of the Governor may acquire land for such purposes, either by purchase, lease, gift, or other devise.

Sec. 316. Section 37-402, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-402.~~ When the owners in freehold of both banks of any river in Nebraska for a distance of five miles or more along the river sign a petition to the commission requesting that such river along their lands and on lands adjacent to the river and within one-half mile thereof be made a game and wild fowl sanctuary, the commission upon receiving the promises in writing of such owners to refrain from all shooting or molesting of game upon such proposed sanctuary and further, to the best of their ability, to prevent others from shooting or molesting game thereon may accept such area as a game and wild fowl sanctuary and cause the same to be plainly posted as such and to be protected from violators. The commission may further expend reasonable sums to feed wild fowl upon such sanctuaries. A sanctuary so established may not, without the consent of the commission, be withdrawn by the owners for a period of five years after it is established, and unless the owners of more than one-half of the river banks on both sides of the river running through any such sanctuary sign a petition for vacating the same and file such petition with the commission during the first half of the fifth year of such sanctuary or thereafter in the first half of the fifth year of any added five-year period, such sanctuary shall continue as such unless terminated for good cause by the commission.

Sec. 317. Section 37-403, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-403.~~ At each section corner and in full sight of the traveled highway at each game reserve, bird refuge, or wild fowl sanctuary, there shall be placed by the commission a conspicuous, permanent sign as follows:

State of Nebraska
Game and Bird Sanctuary
Hunting or Molesting Game or Bird Life
Prohibited and Punished
Nebraska Game and Parks Commission

or with such other notice as the commission may deem advisable. Anyone removing or defacing any such sign shall be deemed guilty of a Class III misdemeanor.

Sec. 318. Section 37-404, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-404.~~ The commission may adopt and promulgate such rules and regulations for the protection of game or wild fowl sanctuaries as it may find necessary to protect game, wild fowl, or song birds thereon or to make effective rules and regulations in conjunction with other states over the Missouri River for the protection of wild fowl thereon and fish therein. Such rules and regulations shall be adopted and promulgated pursuant to the Administrative Procedure Act.

Sec. 319. Section 37-410, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-410.~~ (1) Anyone who takes or attempts to take any fish from waters closed by the commission as provided in the Game Law, who kills or takes or attempts to kill or take any game upon any reserve or sanctuary, who goes thereon with a gun or dog, who permits a dog to run thereon, who otherwise intentionally disturbs game or birds thereon and causes them to depart from such reserve or sanctuary, who goes upon any wild fowl sanctuary to fish or for any other purpose during the open season on wild fowl, or who violates any provision of sections ~~37-401 to 37-411~~ 315 to 318 of this act or any rule or regulation of the commission relating to game reserves or sanctuaries adopted and promulgated by authority of law shall be guilty of a Class III misdemeanor.

(2) Nothing in this section shall ~~(1)~~ (a) render unlawful the keeping at farm homes, located on the reserves or sanctuaries provided for in the Game Law, such dogs as ordinarily are kept on farms, ~~(2)~~ (b) render unlawful the possession of firearms by residents on such reserves or

sanctuaries when such firearms are not used to disturb or molest wild fowl or game thereon or prevent such residents from ~~shooting carnivorous predatory animals~~ destroying predators as provided in section 279 of this act thereon, ~~(3)~~ (c) prevent members, officers, or employees of the commission from going upon sanctuaries at any time to enforce the Game Law, to obtain evidence to enforce it, or otherwise to protect game and fish thereon, or ~~(4)~~ (d) make it unlawful to retrieve lawfully killed game birds from any such reserve or sanctuary.

Sec. 320. Section 37-412, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-412-~~ (1) For the better protection of birds and the establishment of breeding places therefor, the following area within the State of Nebraska is hereby set aside, designated, and established as a state game refuge: All that portion of the State of Nebraska on the North Platte River and for twenty rods back of the banks of said stream on the land side in Garden County, Nebraska, and, except for the repair for existing alterations, future alterations in the banks by the damming of such stream shall not be recognized as effecting legal changes of such refuge boundary.

(2) For the better protection of birds and the establishment of breeding and resting places therefor, the following areas within the State of Nebraska are hereby set aside, designated, and established as state game refuges: (a) All that portion of the State of Nebraska on the Platte River and for twenty rods on each side of the banks of said stream from the west line of Dodge County and Saunders County east and southeast to the bridge across said Platte River, west of Venice, Nebraska, on U.S. Route No. 30A and State Route No. 92; (b) all that portion of the State of Nebraska embracing the channel or channels of the Niobrara River and for twenty rods back from the banks of such stream on the land side in Boyd and Holt Counties, extending from the west line of Boyd and Holt Counties on the west to State Highway No. 11 on the east, and manmade alterations in the banks of such streams shall not be recognized as effecting legal changes of refuge boundaries; and (c) all that portion of the State of Nebraska on the North Platte River, and for twenty rods on each side of the banks of the stream in sections twenty-one, twenty-six, twenty-seven, twenty-eight, thirty-four, thirty-five, and thirty-six, township fourteen north, range thirty, west of the sixth principal meridian, Lincoln County, Nebraska.

Sec. 321. Section 37-419, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-419-~~ The Game and Parks Commission commission is directed to place suitable signs showing the boundaries of the refuges, as designated in section 37-418 320 of this act, and on all roads leading into such refuges.

Sec. 322. Section 37-420, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-420-~~ (1) It shall be unlawful within the boundaries of the state game refuges designated in ~~sections 37-412 and 37-418~~ section 320 of this act for any person ~~(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, ~~(2)~~ (b) to carry firearms of any kind, or ~~(3)~~ (c) from October 15 through January 15 each year to operate a motorboat as defined in section 37-1204.

(2) This section shall not prevent highway or railroad transport of firearms or dogs across the 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.

(3) This section shall not prevent the Game and Parks Commission commission from issuing such permits as may be 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 sections 157 to 162 of this act for the taking of deer from such refuges whenever the number of deer on such refuges is deemed detrimental to habitat conditions on the refuges or to adjacent privately owned real or personal property.

(4) 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. 323. Section 37-421, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-421-~~ Any person who violates any of the provisions of section 37-420 322 of this act shall be guilty of a Class III misdemeanor.

Sec. 324. Section 37-415, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-415-~~ The Game and Parks Commission commission is hereby authorized to create within Scotts Bluff, Banner, and Morrill Counties, Nebraska, or any one or more of ~~said such~~ counties, a state wild game preserve to be known as the State Wild Game Preserve, to be composed of a tract of land of not less than four thousand acres nor more than ten thousand acres which shall have been procured by the state within the boundaries of any one or more of ~~said such~~ counties. Any land so selected and procured shall be chiefly rough in its topography and shall include an ample amount of natural shelter as provided by canyons and timber, water supply, and native grasses such as are characteristic of the Wildcat Hills in the such counties, ~~afersaid-~~ The Game and Parks Commission commission is authorized to acquire ~~said such~~ premises, and, when so procured, shall enclose such tract with a good and sufficient fence, and shall keep and maintain ~~said the~~ fence in a good and sufficient state of repair.

Sec. 325. Section 37-416, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-416-~~ After enclosing the wild game preserve State Wild Game Preserve with a fence, it shall be the duty of the Game and Parks Commission commission to collect, maintain, and perpetuate typical specimens of wild game animals and birds indigenous to the State of Nebraska in its pioneer history, to place the same in charge of a capable caretaker, and to maintain such animals in its discretion as to number, kind, and species, and as to quality of care, to the end that the intentions of ~~sections 37-415 to 37-417~~ section 324 of this act may be carried out. The Game and Parks Commission commission shall furnish wild game to public parks of the state whenever the commission has the same on hand available for distribution.

Sec. 326. Section 37-417, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-417-~~ Except as provided in section ~~37-401-01~~ 327 of this act, it shall be unlawful for any person to carry firearms, hunt, or fish within the limits of ~~such wild game preserve the State Wild Game Preserve~~.

Sec. 327. Section 37-401.01, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-401-01-~~ Whenever the number of wild game animals on the State Wild Game Preserve increases beyond the practical carrying capacity of the land involved, and no disposal of such animals to the public parks of the State of Nebraska is practical, the Game and Parks Commission commission is hereby authorized to issue special permits for the taking of such surplus animals and to provide by regulation fees for such special permits and regulate methods and conditions of taking. Such special permits shall be distributed by an impartial manner, by lot.

Sec. 328. Section 37-1402, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1402-~~ For purposes of sections ~~37-1401 to 37-1408~~ 328 to 335 of this act:

- (1) ~~Commission shall mean the Game and Parks Commission;~~
- (2) Natural area ~~shall mean means~~ an area of land or water, whether publicly or privately owned, which retains to some degree its primeval character, though it need not be completely natural and undisturbed, or has natural flora, fauna, or ecological features of scientific or educational interest;
- (3) Participating cooperators ~~shall mean means~~ any nonprofit conservation organizations or public agencies which enter into agreements pursuant to section ~~37-1405~~ 332 of this act; and
- (4) Register ~~shall mean means~~ the Nebraska Natural Areas Register created pursuant to ~~sections 37-1403 to 37-1407~~ section 330 of this act.

Sec. 329. Section 37-1401, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1401-~~ The Legislature hereby finds and declares that the protection of natural diversity promotes the quality of life for Nebraska residents and their descendants and the protection of natural areas maintains species and their genetic diversity for economic development and human benefit. The Legislature further finds and declares that specific knowledge of the status and location of natural heritage resources and their recognition can prevent needless conflict with economic development and voluntary cooperation of landowners is an effective and cost-efficient means to protect significant natural resources.

Sec. 330. Section 37-1403, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1403-~~ (1) The commission shall create and maintain a state register of those natural areas which possess significant natural heritage

resources which shall be known as the Nebraska Natural Areas Register. The commission shall adopt and promulgate policies, rules, and regulations to carry out the registration of natural areas. The natural areas included in the register shall substantially satisfy at least one of the following criteria:

~~(1)~~ (a) The natural area shall possess an exemplary or rare plant community maintaining itself under prevailing natural conditions typical of Nebraska;

~~(2)~~ (b) The natural area shall be a habitat supporting a rare, threatened, or endangered species, a species in need of conservation, or other animal or plant species of concern;

~~(3)~~ (c) The natural area shall support a relict flora or fauna persisting from an earlier period; or

~~(4)~~ (d) The natural area shall serve as a seasonal haven for concentrations of birds or other animals.

(2) Natural areas which are candidates for inclusion in the register shall be identified by the commission based on available evidence and standards prescribed by the commission. Interested parties may propose possible natural areas to the commission for review of the national and statewide significance of their natural heritage features. Natural areas which meet the established standards may be considered as eligible for the register.

Sec. 331. Section 37-1404, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1404.~~ (1) At least once each year, the commission shall meet with interested parties to review the status, distribution, and significance of the animal and plant species and natural areas within Nebraska. After completing the review, the sites may be nominated for inclusion in the register and submitted with nomination documents for consideration by the commission. Nomination of natural areas for inclusion in the register shall be based on one or more of the following priorities:

~~(1)~~ (a) Rareness of the natural heritage features on a national, statewide, or ecological region scale;

~~(2)~~ (b) Excellence and completeness of the natural heritage features found in the natural area;

~~(3)~~ (c) Degree to which a natural area or its natural heritage features are threatened with incompatible use;

~~(4)~~ (d) Degree of protection afforded to similar features elsewhere in the state or ecological region; and

~~(5)~~ (e) Viability of the natural features in the natural area.

(2) Following approval of nominated natural areas by the commission, the natural area shall be added to the register. No privately owned lands may be nominated for registration without prior notice to the owner or registered without voluntary consent of the owner.

Sec. 332. Section 37-1405, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1405.~~ The commission may enter into contracts, memoranda of understanding, or cooperative agreements with the participating cooperators to jointly conduct or act as the agent for the commission in landowner contact and other operations relating to the register.

Sec. 333. Section 37-1406, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1406.~~ The commission and participating cooperators may provide to the owners of registered natural areas:

(1) Recognition for their participation in the register by appropriate publicity and the presentation of certificates or plaques;

(2) Advice on the proper management of the registered natural area to protect the biological features for which the area was registered; and

(3) Assistance in management or monitoring activities to maintain the natural heritage features of the registered natural area. Such activities may include, but shall not be limited to, taking a census of the population, vegetation control, and prescribed burning.

Sec. 334. Section 37-1407, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1407.~~ A voluntary agreement between a landowner and the commission or the participating cooperators to register a natural area shall not affect a landowner's property rights or use of the land. The landowner may withdraw from the agreement by notifying the commission. No state or local governmental agency may require landowner consent to the agreement as a condition of any permit or penalize any landowner in any way for failure to give or for withdrawal of such consent.

Sec. 335. Section 37-1408, Reissue Revised Statutes of Nebraska, is

amended to read:

~~37-1408-~~ The maintenance of a registered natural area in its natural state is hereby declared to be the highest, best, and most important use of the natural area. No entity of local or state government may undertake any activities or use the registered natural area in any way that would negatively impact the values of the natural area without first conducting a public hearing on such negative impact and filing with the secretary of the ~~Same and Parks Commission~~ Commission a statement justifying the negative impact on the natural area of such activities or use.

Sec. 336. Section 37-510, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-510-~~ It shall be unlawful for anyone to ~~hunt for take~~ any ~~game, wild animal, or bird or fish~~ wildlife upon any private lands without permission of the owner. It shall be unlawful for anyone to trap or otherwise harvest fur-bearing animals upon the lands of another without his or her consent. Animals and the pelts thereof taken contrary to this section may be replevied by the owner of the lands. For purposes of this section, owner ~~shall mean~~ means the actual owner of the land and any tenant or agent in possession or charge thereof for him or her.

Sec. 337. Section 37-213.02, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-213-02-~~ In the interest of providing access to more private property for the privilege of hunting and in protecting the property rights of the landowners and tenants of farms and ranches, it shall be lawful to post private property ~~under the provisions of sections 37-213-02 to 37-213-06 as provided in section 338 of this act.~~

Sec. 338. Section 37-213.03, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-213-03-~~ The landowner or tenant who is the principal operator of a farm or ranch may post such property with signs reading Hunting By Written Permission Only, which signs shall be at least eleven by fourteen inches with letters at least one and one-half inches high, and which shall be placed at each field entrance and at intervals of not less than ~~eighty rods~~ four hundred forty yards and at all property corners. The name and address of the owner or tenant shall be on each sign.

Sec. 339. Section 37-213.04, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-213-04-~~ The operator of property which has been posted as provided in section 37-213-03 ~~338 of this act~~ shall have the privilege of permitting or denying hunting on such property, except under the provisions of sections 37-213-02 to 37-213-06, PROVIDED, that when consent for persons other than members of the family is extended, it shall be written consent. Each written permit shall be for such time as the operator shall designate and shall bear the date and the signature of the farm or ranch operator.

Sec. 340. Section 37-213.05, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-213-05-~~ Anyone who ~~shall be~~ is apprehended by a law enforcement officer hunting upon the private property of another which has been legally posted as provided under sections 37-213-02 to 37-213-06 in section 338 of this act shall be subject to arrest and prosecution without the signing of a complaint by the operator of the property.

Sec. 341. Section 37-213.06, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-213-06-~~ Any person violating the provisions of sections ~~37-213-02 to 37-213-06~~ 338 to 340 of this act shall be guilty of a Class III misdemeanor.

Sec. 342. Section 37-213.01, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-213-01-~~ Whenever an invitee, ~~who angles for~~ takes fish in any body of water which is entirely upon privately owned land and which is entirely privately stocked, ~~catches fish which he and the invitee~~ wishes to remove the fish from the premises, the owner or operator by consent of the owner shall furnish to such invitee a written statement setting forth the name of the owner, the name of the invitee, the number of fish taken, and that such fish were ~~caught~~ taken in a body of water which is entirely upon privately owned land and which is entirely privately stocked. Any person who makes or exhibits to a law enforcement officer a false statement of the facts required by the ~~provisions of~~ this section shall be guilty of a Class V misdemeanor.

Sec. 343. Section 37-1008, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1008-~~ For purposes of sections ~~37-1001 to 37-1008~~ 343 to 350 of this act:

(1) ~~The term land~~ Land includes roads, water, watercourses, private ways, and buildings, structures, and machinery or equipment thereon when attached to the realty;

(2) ~~the term owner~~ Owner includes tenant, lessee, occupant, or person in control of the premises;

(3) ~~the term recreational purposes shall include, but not be~~ Recreational purposes includes, but is not limited to, any one or any combination of the following: Hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, waterskiing, winter sports, and visiting, viewing, or enjoying historical, archaeological, scenic, or scientific sites, or otherwise using land for purposes of the user; and

(4) ~~the term charge shall mean~~ Charge means the amount of money asked in return for an invitation to enter or go upon the land.

Sec. 344. Section 37-1001, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1001-~~ The purpose of sections 37-1001 ~~to 37-1008~~ 343 to 350 of this act is to encourage owners of land to make available to the public land and water areas for recreational purposes by limiting their liability toward persons entering thereon and toward persons who may be injured or otherwise damaged by the acts or omissions of persons entering thereon.

Sec. 345. Section 37-1002, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1002-~~ Subject to the provisions of section 37-1005 section 348 of this act, an owner of land owes no duty of care to keep the premises safe for entry or use by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

Sec. 346. Section 37-1003, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1003-~~ Subject to the provisions of section 37-1005 section 348 of this act, an owner of land who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby (1) extend any assurance that the premises are safe for any purpose, (2) confer upon such persons the legal status of an invitee or licensee to whom a duty of care is owed, or (3) assume responsibility for or incur liability for any injury to person or property caused by an act or omission of such persons.

Sec. 347. Section 37-1004, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1004-~~ Unless otherwise agreed in writing, an owner of land leased to the state for recreational purposes owes no duty of care to keep that land safe for entry or use by others or to give warning to persons entering or going upon such land of any hazardous conditions, uses, structures, or activities thereon. An owner who leases land to the state for recreational purposes shall not by giving such lease (1) extend any assurance to any person using the land that the premises are safe for any purpose, (2) confer upon such persons the legal status of an invitee or licensee to whom a duty of care is owed, or (3) assume responsibility for or incur liability for any injury to person or property caused by an act or omission of a person who enters upon the leased land. The provisions of this section shall apply whether the person entering upon the leased land is an invitee, licensee, trespasser, or otherwise.

Sec. 348. Section 37-1005, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1005-~~ Nothing in sections 37-1001 ~~to 37-1008~~ 343 to 350 of this act limits in any way any liability which otherwise exists (1) for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity, or (2) for injury suffered in any case where the owner of land charges the person or persons who enter or go on the land. Rental paid by a group, organization, corporation, or the state or federal government shall not be deemed a charge made by the owner of the land.

Sec. 349. Section 37-1006, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1006-~~ Nothing in sections 37-1001 ~~to 37-1008~~ 343 to 350 of this act creates a duty of care or ground of liability for injury to person or property.

Sec. 350. Section 37-1007, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1007-~~ Nothing in sections 37-1001 ~~to 37-1008~~ 343 to 350 of this act limits in any way the obligation of a person entering upon or using the land of another for recreational purposes to exercise due care in his or her use of such land in his or her activities thereon.

Sec. 351. Section 37-430, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-430-~~ Sections ~~37-430 to 37-430~~ 351 to 361 of this act shall be known and may be cited as the Nongame and Endangered Species Conservation Act.

Sec. 352. Section 37-431, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-431-~~ As used in For purposes of the Nongame and Endangered Species Conservation Act, unless the context otherwise requires, the definitions found in sections 13 to 46, 48, 49, 51, and 53 to 57 of this act and the following sections are used:

(1) Conservation shall mean the use of all methods and procedures for the purpose of increasing the number of individuals within species and populations of wildlife up to the optimum carrying capacity of their habitat and maintaining such levels. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, transplantation, regulated taking, and the periodic or total protection of species or populations;

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

(3) Ecosystem shall mean a system of living organisms and their environment, each influencing the existence of the other and both necessary for the maintenance of life;

(4) Endangered species shall mean means any species of wildlife or wild plants whose continued existence as a viable component of the wild fauna or flora of the state is determined to be in jeopardy or any species of wildlife or wild plants which meets the criteria of the Endangered Species Act;

(5) Endangered Species Act shall mean the Endangered Species Act of 1973, 87 Stat. 884;

(6) (2) Extirpated species shall mean means any species of wildlife or wild plants which no longer exists or is found in Nebraska;

(7) (3) Nongame species shall mean means any species of mollusks, crustaceans, or vertebrate wildlife not legally classified as game, game bird, game animal, game fish, ~~fur-bearing~~ fur-bearing animal, threatened species, or endangered species by statute or regulation of this state;

(8) Optimum carrying capacity shall mean that point at which a given habitat can support healthy populations of wildlife species, having regard to the total ecosystem without diminishing the ability of the habitat to continue that function;

(9) (4) Person shall mean means an individual, corporation, partnership, limited liability company, trust, association, or other private entity or any officer, employee, agent, department, or instrumentality of the federal government, any state or political subdivision thereof, or any foreign government;

(10) (5) Species shall mean means any subspecies of wildlife or wild plants and any other group of wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature;

(11) (6) Take shall mean means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct; and

(12) (7) Threatened species shall mean means any species of wild fauna or flora which appears likely to become endangered, either by determination of the commission or by criteria provided by the Endangered Species Act, ~~and~~

(13) Wildlife shall mean any member of any nondomesticated species of the animal kingdom, whether reared in captivity or not, including any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate and includes any part, product, egg, or offspring thereof or the dead body or parts thereof.

Sec. 353. Section 37-432, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-432-~~ The Legislature finds and declares:

(1) That it is the policy of this state to conserve species of wildlife for human enjoyment, for scientific purposes, and to insure their perpetuation as viable components of their ecosystems;

(2) That species of wildlife and wild plants normally occurring within this state which may be found to be threatened or endangered within this state shall be accorded such protection as is necessary to maintain and enhance their numbers;

(3) That this state shall assist in the protection of species of wildlife and wild plants which are determined to be threatened or endangered elsewhere pursuant to the Endangered Species Act by prohibiting the taking,

possession, transportation, exportation from this state, processing, sale or offer for sale, or shipment within this state of such endangered species and by carefully regulating such activities with regard to such threatened species. Exceptions to such prohibitions, for the purpose of enhancing the conservation of such species, may be permitted as set forth in ~~sections 37-430 to 37-438~~ the Nongame and Endangered Species Conservation Act; and

(4) That any funding for the conservation of nongame, threatened, and endangered species shall be made available to the commission from General Fund appropriations, the Nongame and Endangered Species Conservation Fund, ~~created in section 37-439,~~ or other sources of revenue not deposited in the State Game Fund.

Sec. 354. Section 37-432.01, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-432-01-~~ The Legislature hereby declares that nongame, threatened, and endangered species have need of special protection and that it is in the public interest to preserve, protect, perpetuate, and enhance such species of this state through preservation of a satisfactory environment and an ecological balance. The purpose of ~~sections 37-439 and section 361 of this act and section 77-27,119.01~~ is to provide a means by which such protection may be financed through a voluntary checkoff designation on state income tax return forms. The intent of the Legislature is that the program of income tax checkoff is supplemental to any funding and in no way is intended to take the place of the funding that would otherwise be appropriated for such purpose.

Sec. 355. Section 37-433, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-433-~~ (1) The commission shall conduct investigations of nongame wildlife in order to develop information relating to population, distribution, habitat needs, limiting factors, and other biological and ecological data to determine conservation measures necessary to enable such nongame wildlife to sustain itself successfully. On the basis of such determinations the commission shall develop a list of nongame wildlife in need of conservation, issue proposed regulations not later than two years from August 24, 1975, and develop conservation programs designed to insure the continued ability of nongame wildlife in need of conservation to perpetuate itself successfully. The commission shall conduct continuing investigations of nongame wildlife.

(2) The commission shall establish such proposed limitations relating to the taking, possession, transportation, exportation from this state, processing, sale or offer for sale, or shipment as may be necessary to conserve such nongame wildlife.

(3) Except as provided in regulations issued by the commission, it shall be unlawful for any person to take, possess, transport, export, process, sell or offer for sale, or ship nongame wildlife in need of conservation pursuant to this section. Subject to the same exception, it shall further be unlawful for any person, other than a common or contract motor carrier under the jurisdiction of the Public Service Commission or the Interstate Commerce Commission knowingly to transport, ship, or receive for shipment nongame wildlife in need of conservation pursuant to this section.

Sec. 356. Section 37-434, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-434-~~ (1) Any species of wildlife or wild plants determined to be an endangered species pursuant to the Endangered Species Act shall be an endangered species under the ~~provisions of sections 37-430 to 37-438~~ Nongame and Endangered Species Conservation Act, and any species of wildlife or wild plants determined to be a threatened species pursuant to the Endangered Species Act shall be a threatened species under the ~~provisions of sections 37-430 to 37-438~~ Nongame and Endangered Species Conservation Act. The commission may determine that any such threatened species is an endangered species throughout all or any portion of the range of such species within this state.

(2) In addition to the species determined to be endangered or threatened pursuant to the Endangered Species Act, the commission shall by regulation determine whether any species of wildlife or wild plants normally occurring within this state is an endangered or threatened species as a result of any of the following factors:

- (a) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (b) Overutilization for commercial, sporting, scientific, educational, or other purposes;
- (c) Disease or predation;
- (d) The inadequacy of existing regulatory mechanisms; or
- (e) Other natural or manmade factors affecting its continued existence within this state.

(3) The commission shall make determinations required by subsection (2) of this section on the basis of the best scientific, commercial, and other data available to the commission. Except with respect to species of wildlife or wild plants determined to be endangered or threatened species under the provisions of subsection (1) of this section, the commission may not add a species to nor remove a species from any list published pursuant to subsection (5) of this section unless the commission has first:

- (a) Published a public notice of such proposed action;
- (b) Notified the Governor of any state sharing a common border with this state, in which the subject species is known to occur, that such action is being proposed; and
- (c) Allowed at least thirty days following publication for comment from the public and other interested parties.

In cases when the commission determines that an emergency situation exists involving the continued existence of such species as a viable component of the wild fauna or flora of the state, the commission may add species to such lists after having first published a public notice that such an emergency situation exists together with a summary of facts which support such determination.

(4) In determining whether any species of wildlife or wild plants is an endangered or threatened species, the commission shall take into consideration those actions being carried out by the federal government, by other states, by other agencies of this state or political subdivisions thereof, or by any other person which may affect the species under consideration.

(5) The commission shall issue regulations containing a list of all species of wildlife and wild plants normally occurring within this state which it determines, in accordance with subsections (1) to ~~(3)~~ through (4) of this section, to be endangered or threatened species and a list of all such species. Each list shall refer to the species contained therein by scientific and common name or names, if any, and shall specify with respect to each such species over what portion of its range it is endangered or threatened.

(6) Except with respect to species of wildlife or wild plants determined to be endangered or threatened pursuant to the Endangered Species Act, the commission shall, upon the petition of an interested person, conduct a review of any listed or unlisted species proposed to be removed from or added to the lists published pursuant to subsection (5) of this section, but only if the commission publishes a public notice that such person has presented substantial evidence which warrants such a review.

(7) Whenever any species of wildlife or wild plants is listed as a threatened species pursuant to subsection (5) of this section, the commission shall issue such regulations as are necessary to provide for the conservation of such species. The commission may prohibit, with respect to any threatened species of wildlife or wild plants, any act prohibited under subsection (8) or (9) of this section.

(8) With respect to any endangered species of wildlife, it shall be unlawful, except as provided in subsection (7) of this section, for any person subject to the jurisdiction of this state to:

- (a) Export any such species from this state;
- (b) Take any such species within this state;
- (c) Possess, process, sell or offer for sale, deliver, carry, transport, or ship, by any means whatsoever except as a common or contract motor carrier under the jurisdiction of the Public Service Commission or the Interstate Commerce Commission, any such species; or
- (d) Violate any regulation pertaining to the conservation of such species or to any threatened species of wildlife listed pursuant to this section and promulgated by the commission pursuant to sections 37-438 to ~~37-438~~ the Nongame and Endangered Species Conservation Act.

(9) With respect to any endangered species of wild plants, it shall be unlawful, except as provided in subsection ~~(8)~~ (7) of this section, for any person subject to the jurisdiction of this state to:

- (a) Export any such species from this state;
- (b) Possess, process, sell or offer for sale, deliver, carry, transport, or ship, by any means whatsoever, any such species; or
- (c) Violate any regulation pertaining to such species or to any threatened species of wild plants listed pursuant to this section and promulgated by the commission pursuant to sections 37-438 to 37-438 the act.

(10) Any endangered species of wildlife or wild plants which enters this state from another state or from a point outside the territorial limits of the United States and which is being transported to a point within or beyond this state may be so entered and transported without restriction in accordance with the terms of any federal permit or permit issued under the

laws or regulations of another state.

(11) The commission may permit any act otherwise prohibited by subsection (8) of this section for scientific purposes or to enhance the propagation or survival of the affected species.

(12) Any law, regulation, or ordinance of any political subdivision of this state which applies with respect to the taking, importation, exportation, possession, sale or offer for sale, processing, delivery, carrying, transportation other than under the jurisdiction of the Public Service Commission, or shipment of species determined to be endangered or threatened species pursuant to ~~sections 37-420 to 37-438~~ the Nongame and Endangered Species Conservation Act shall be void to the extent that it may effectively (a) permit that which is prohibited by ~~sections 37-430 to 37-438~~ the act or by any regulation which implements ~~sections 37-430 to 37-438~~ the act or (b) prohibit that which is authorized pursuant to an exemption or permit provided for in ~~sections 37-430 to 37-438~~ the act or in any regulation which implements ~~sections 37-430 to 37-438~~ the act. ~~Sections 37-430 to 37-438~~ The Nongame and Endangered Species Conservation Act shall not otherwise be construed to void any law, regulation, or ordinance of any political subdivision of this state which is intended to conserve wildlife or wild plants.

Sec. 357. Section 37-435, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-435-~~ (1) The commission shall establish such programs, including acquisition of land or aquatic habitat or interests therein, as are necessary for the conservation of nongame, threatened, or endangered species of wildlife or wild plants. Acquisition for the purposes of this subsection shall not include the power to obtain by eminent domain.

(2) In carrying out programs authorized by this section, the commission shall consult with other states having a common interest in particular species of nongame, endangered, or threatened species of wildlife or wild plants and may enter into agreements with federal agencies, other states, political subdivisions of this state, or private persons with respect to programs designed to conserve such species including, when appropriate, agreements for administration and management of any area established under this section or utilized for conservation of such species.

(3) The Governor shall review other programs administered by him or her and utilize such programs in furtherance of the purposes of the Nongame and Endangered Species Conservation Act. All other state agencies shall, in consultation with and with the assistance of the commission, utilize their authorities in furtherance of the purposes of the act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section ~~37-434~~ 356 of this act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species which is determined by the commission to be critical. For purposes of this subsection, state agency shall mean means any department, agency, board, bureau, or commission of the state or any corporation whose primary function is to act as, and while acting as, an instrumentality or agency of the state, except that state agency shall not include a natural resources district or any other political subdivision.

(4) The commission shall provide notice and hold a public meeting prior to the implementation of conservation programs designed to reestablish threatened, endangered, or extirpated species of wildlife or wild plants through the release of animals or plants to the wild. The purpose of holding such a public meeting shall be to inform the public of programs requiring the release to the wild of such wildlife or wild plants and to solicit public input and opinion. The commission shall set a date and time for the public meeting to be held at a site convenient to the proposed release area and shall publish a notice of such meeting in a legal newspaper published in or of general circulation in the county or counties where the proposed release is to take place. The notice shall be published at least twenty days prior to the meeting and shall set forth the purpose, date, time, and place of the meeting.

Sec. 358. Section 37-436, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-436-~~ The commission shall issue such regulations as are necessary to carry out the purposes of ~~sections 37-430 to 37-438~~ the Nongame and Endangered Species Conservation Act in accordance with the Administrative Procedure Act.

Sec. 359. Section 37-437, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-437-~~ (1) Any person who violates the provisions of subsection

(3) of section ~~37-433~~, 355 of this act or any regulations issued in implementation thereof, or whoever fails to procure or violates the terms of any permit issued pursuant to section ~~37-433~~ 355 of this act shall be guilty of a Class II misdemeanor.

(2) Any person who violates the provisions of subsection (8) of section ~~37-434~~ 356 of this act or any regulations issued pursuant to subsection (7) of section ~~37-434~~, 356 of this act or whoever fails to procure any permit required by subsection (11) of section ~~37-434~~ 356 of this act or violates the terms of any such permit shall be guilty of a Class I misdemeanor.

(3) Any conservation officer or any peace officer of this state or any municipality or county within this state shall have authority to conduct searches as provided by law, and to execute a warrant to search for and seize any equipment other than equipment owned or operated by any common or contract motor carrier under the jurisdiction of the Public Service Commission or the Interstate Commerce Commission, business records, wildlife, wild plants, or other contraband taken, used, or possessed in connection with any violation of ~~sections 37-430 to 37-438~~ the Nongame and Endangered Species Conservation Act. Any such officer or agent may, without a warrant, arrest any person whom he or she has probable cause to believe is violating, in his or her presence or view, ~~sections 37-430 to 37-438~~ the act or any regulation or permit provided for in ~~sections 37-430 to 37-438~~ the act. Any officer or agent who has made an arrest of a person in connection with any such violation may search such person or business records at the time of arrest and may seize any wildlife, wild plants, records, or property taken or used in connection with any such violation.

(4) Equipment other than equipment owned or operated by any common or contract motor carrier under the jurisdiction of the Public Service Commission or the Interstate Commerce Commission, wildlife, wild plants, records, or other contraband seized under the provisions of subsection (3) of this section shall be held by an officer or agent of the commission pending disposition of court proceedings, and thereafter be forfeited to this state for destruction or disposition as the commission may deem appropriate. Prior to forfeiture, the commission may direct the transfer of wildlife or wild plants so seized to a qualified zoological, botanical, educational, or scientific institution for safekeeping, with the costs thereof to be assessable to the defendant. The commission shall issue regulations to implement this subsection.

Sec. 360. Section 37-438, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-438-~~ The Nongame and Endangered Species Conservation Act ~~provisions of sections 37-430 to 37-438~~ shall not be construed to apply retroactively to or prohibit importation into this state of wildlife or wild plants which may be lawfully imported into the United States or lawfully taken and removed from another state, or prohibit entry into this state or the possession, transportation, exportation, processing, sale or offer for sale, or shipment of any wildlife or wild plants which have been determined to be an endangered or threatened species in this state but not in the state where originally taken if the person engaging in such activity demonstrates by substantial evidence that such wildlife or wild plants were lawfully taken and lawfully removed from such state. This section shall not be construed to permit the possession, transportation by a person other than a common or contract motor carrier under the jurisdiction of the Public Service Commission or the Interstate Commerce Commission, exportation, processing, sale or offer for sale, or shipment within this state of species of wildlife or wild plants determined, pursuant to the Endangered Species Act, to be an endangered or threatened species, except as permitted by subsection (11) of section ~~37-434~~ 356 of this act.

Sec. 361. Section 37-439, Revised Statutes Supplement, 1996, is amended to read:

~~37-439-~~ There is hereby created the Nongame and Endangered Species Conservation Fund which shall be used to assist in carrying out the Nongame and Endangered Species Conservation Act and to pay any expenses incurred by the Department of Revenue or any other agency in the administration of the income tax designation program required by section 77-27,119.01. Money shall be transferred into such fund from the General Fund by the State Treasurer in an amount to be determined by the Tax Commissioner which shall be equal to the total amount of contributions designated pursuant to section 77-27,119.01. Any money in the Nongame and Endangered Species Conservation Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 362. Section 37-422, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-422-~~ The State of Nebraska hereby assents to the provisions of an Act of Congress entitled An Act to provide that the United States shall aid the states in wildlife-restoration projects, and for other purposes, approved September 2, 1937, (Public Law No. 415, 75th Congress), and the Game and Parks Commission is hereby authorized, empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife-restoration projects, as defined in ~~said the~~ Act of Congress, in compliance with ~~said the~~ act and with rules and regulations promulgated by the Secretary of the Interior thereunder. No funds accruing to the State of Nebraska from permit or license fees paid by hunters shall be diverted for any other purpose than the administration of the Game and Parks Commission.

Sec. 363. Section 37-423, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-423-~~ Consent of the State of Nebraska is given to the acquisition by the United States by purchase, gift, devise, or lease of such areas of land or water, or of land and water, in the State of Nebraska, as the United States may deem necessary for the establishment of migratory bird reservations in accordance with the Act of Congress approved February 18, 1929, entitled An Act to more effectively meet the obligations of the United States under the Migratory Bird Treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes, reserving, however, to the State of Nebraska full and complete jurisdiction and authority over all such areas not incompatible with the administration, maintenance, protection, and control thereof by the United States under the terms of ~~said the~~ Act of Congress.

Sec. 364. Section 37-423.01, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-423.01-~~ The State of Nebraska hereby assents to the provisions of an Act of Congress entitled An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes, approved August 9, 1950, (Public Law No. 681, 81st Congress), and the Game and Parks Commission is hereby authorized, empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration and management projects, as defined in the Act of Congress, in compliance with such act and with rules and regulations promulgated by the Secretary of the Interior thereunder. No funds accruing to the State of Nebraska from permit ~~or license fees paid by fishermen~~ fees paid for fishing shall be diverted for any other purpose than the administration of the Game and Parks Commission.

Sec. 365. Section 37-427, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-427-~~ The State of Nebraska hereby assents to the provisions of an Act of Congress entitled An Act to establish a land and water conservation fund to assist the states and federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes, approved September 3, 1964, (Public Law 88-578, 88th Congress), and the Game and Parks Commission shall perform all such acts as may be necessary on behalf of the State of Nebraska to conduct, coordinate, and carry out the purposes and objectives of such Act of Congress for and within the State of Nebraska, and may transfer funds made available to the state to political subdivisions thereof if consistent with an approved project and in compliance with such Act of Congress and with rules and regulations promulgated by the Secretary of the Interior for the administration of such act. For these purposes the Game and Parks Commission may inspect the projects and examine the records of political subdivisions receiving grants-in-aid and establish such rules and regulations relating thereto as may be necessary.

Sec. 366. Section 37-428, Revised Statutes Supplement, 1996, is amended to read:

~~37-428-~~ There is created a fund to be known as the Land and Water Conservation Fund. All money made available to the fund for matching purposes by state appropriations shall be remitted to the State Treasurer for credit to such fund. Money in the fund shall be used by the Game and Parks Commission under the provisions of Public Law 88-578, 88th Congress, for financing administrative and project costs thereunder. The Game and Parks Commission may make grants-in-aid to political subdivisions of the state from money made available for matching purposes by state appropriations in amounts not exceeding twenty-five percent of the cost of approved projects submitted by

such political subdivisions. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 367. Section 37-429, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-429-~~ Federal funds advanced to the State of Nebraska through grants-in-aid under the provisions of Public Law 88-578, 88th Congress, for approved projects shall be deposited in the Land and Water Conservation Fund and used for financing such approved projects. Federal funds paid to the state in reimbursement of expenditures previously made by the state or its political subdivisions shall be returned to the fund from which such expenditures were made, ~~except, provided,~~ that after July 1, 1971, no funds shall be expended for projects which will not qualify for federal reimbursement under the provisions of Public Law 88-578, 88th Congress. Forty percent of the federal funds annually allocated to the State of Nebraska are hereby reallocated to state projects and sixty percent to the projects of political subdivisions. Funds reallocated to state projects may be made available to political subdivisions prior to the end of any fiscal year if such funds are not allocated for use in state projects. The Game and Parks Commission shall have discretionary authority to reallocate funds to the political subdivisions. If political subdivisions have submitted approved projects in excess of available funds during any fiscal year, the ~~Game and Parks Commission~~ commission shall consider all such approved projects and use the factors of equity, population, and need in determining allocations thereto of available funds. If any project allocation exceeds actual project cost, the overage shall be returned to the Land and Water Conservation Fund for reallocation under the provisions of this section.

Sec. 368. Section 81-815.53, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-53-~~ The State of Nebraska hereby assents to the provision of an Act of Congress entitled the Federal Water Projects Recreation Act, approved July 9, 1965, Public Law 89-72, 89th Congress, and to any and all existing amendments thereto, including those found in an Act of Congress entitled the Water Resources Development Act of 1974, approved March 7, 1974, Public Law 93-251, 93rd Congress. The Game and Parks Commission is authorized and empowered to perform, within the limits of available funding, such acts as may be necessary to administer, operate, maintain, and replace land and water areas for recreation or fish and wildlife purposes or for both of such purposes in accordance with the provisions of such act as amended. The commission is further authorized to execute an agreement, the performance of which shall be contingent upon funds being made available therefor, to bear the separable costs of federal projects allocated to either or both of such purposes in the proportion specified by such act, as amended, and to pay or repay such costs in accordance with the terms of such agreement.

Sec. 369. Section 81-815.50, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-50-~~ (1) The State of Nebraska hereby assents to the provisions of an Act of Congress entitled the Youth Conservation Corps Act, as amended, and also the provisions of Public Law 93-408, 93rd Congress.

(2) The Game and Parks Commission is hereby authorized, empowered, and directed to perform such acts as may be necessary to the establishment and maintenance of youth conservation corps projects, pursuant to the acts of Congress, and in compliance with such acts and with rules and regulations promulgated thereunder.

(3) No funds accruing to the State of Nebraska and the Game and Parks Commission pursuant to such acts of Congress shall be used for any other purpose than the administration of youth conservation corps projects.

Sec. 370. Section 81-815.51, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-51-~~ (1) There is hereby created a fund to be known as the Youth Conservation Corps Fund.

(2) All money made available to the Youth Conservation Corps Fund under the provisions of the federal Youth Conservation Corps Act, as amended, and all money made available for matching purposes by state appropriations shall be remitted to the State Treasurer for credit to such fund.

(3) Money in the fund shall be used by the Game and Parks Commission pursuant to the federal Youth Conservation Corps Act, as amended, and also Public Law 93-408, 93rd Congress, for financing project costs thereunder.

(4) The commission may make grants-in-aid to political subdivisions of this state from money available in the Youth Conservation Corps Fund upon such terms and in such amounts as the commission determines.

(5) Any money in the fund available for investment shall be invested

by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 371. Section 81-815.55, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815.55-~~ 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. 372. Section 81-815.56, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815.56-~~ 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. 373. Section 81-815.59, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815.59-~~ (1) Pursuant to the National Trails System Act, 16 U.S.C. 1241 et seq., the Game and Parks Commission is hereby authorized and directed to accept as a gift, when and if offered, from any present or future owner the entire right-of-way of the Chicago and Northwestern Railroad which lies between milepost 83.3 and milepost 404.5 in Nebraska. In the event a portion of the right-of-way continues in actual rail service, the ~~Game and Parks Commission~~ commission is authorized and directed to accept as a gift the remaining section. So long as the integrity of the right-of-way as an interim recreational trail and for future rail use is not disturbed, the ~~Game and Parks Commission~~ commission is authorized to lease and to grant easement rights on the right-of-way. All revenue collected from such leases shall be remitted to the State Treasurer for credit to the Cowboy Trail Fund and shall be used for the development and maintenance of the Cowboy Trail. The commission shall hold the right-of-way for interim trail use as a state recreational trail, to preserve wildlife habitat, and to provide a conservation, communications, utilities, and transportation corridor and for other uses approved by the commission and allowed by the National Trails System Act. The commission shall keep in good repair all crossings over the trail in accordance with its legal obligations, including all the grading, bridges, ditches, and culverts that may be necessary for such crossings within the right-of-way.

(2) The right-of-way may be accepted without any further legislative action or approval of the Governor but only if the State of Nebraska is indemnified in a manner satisfactory to the ~~Game and Parks Commission~~ commission against the costs of remedial action and environmental cleanup for conditions arising prior to conveyance to the state and the title is free and clear of all liens and mortgage or deed of trust encumbrances.

(3) The commission may accept money from any public or private source for gift-acceptance costs, for the development and maintenance of the trail, or for other uses consistent with the purposes stated in this section. The commission may use funds available in the Trail Development Assistance Fund to carry out this section as provided in section ~~37-4503~~ 378 of this act. Any money from the Trail Development Assistance Fund so used shall be transferred to the Cowboy Trail Fund.

(4) There is hereby created the Cowboy Trail Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Money accepted or transferred pursuant to subsection ~~(3)~~ of this section shall be remitted to the State Treasurer for credit to the fund.

~~(5)~~ The commission may enter into an agreement with any public entity at any time for the development and maintenance of the trail pursuant to this section.

~~(6)~~ (5) This section shall not be construed to limit the power of eminent domain of the state or its agencies or of any political subdivision.

Sec. 374. There is hereby created the Cowboy Trail Fund. Any money

in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Money accepted or transferred pursuant to subsection (3) of section 373 of this act shall be remitted to the State Treasurer for credit to the fund.

Sec. 375. Section 81-815.65, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-65.~~ (1) Pursuant to the National Trails System Act, and with the consent of the Governor pursuant to section ~~81-805 61 of this act~~, the Game and Parks Commission may acquire by gift, devise, or purchase all or any part of a railroad right-of-way in the state proposed to be abandoned for interim trail use. The commission, pursuant to the National Trails System Act, shall hold the right-of-way for one or more of the following uses:

- (a) To provide a state recreational trail open to the public;
- (b) To preserve wildlife habitat;
- (c) To provide a conservation, communications, utilities, and transportation corridor; and
- (d) Other uses approved by the commission.

(2) The right-of-way may be acquired only if the State of Nebraska is reasonably protected in a manner satisfactory to the commission for the costs of remedial action and environmental cleanup for conditions arising prior to conveyance to the state and the title is free and clear of all liens and encumbrances.

(3) The commission may use funds available by gift, appropriation, the Trail Development Assistance Fund, and other appropriate cash funds for uses consistent with those stated in this section and sections ~~37-1503 and 81-805 61 and 378 of this act.~~

(4) As long as the integrity of the right-of-way as an interim recreational trail and future rail use is not disturbed, the commission may lease and grant easement rights on the right-of-way. Any lease or use allowed shall be subject to all prescriptions of the National Trails System Act. All revenue collected from such leases shall be remitted to the State Treasurer for credit to the Trail Development Assistance Fund pursuant to sections ~~37-1503 and 37-1504 378 and 379 of this act.~~

(5) The commission shall continue to allow all crossings across the right-of-way acquired at the time of acquisition on substantially the same terms and conditions as they existed prior to acquisition unless otherwise agreed between the commission and interested parties.

(6) The acquisition of the right-of-way shall be subject to the restoration of rail service. If a proposal for the operation of a railroad is approved by the Nebraska Railway Council and the Interstate Commerce Commission, the right-of-way shall be sold for the market value of the land and improvements and conditioned upon (a) the operation of a railroad along the right-of-way, (b) the grant of an easement to the commission for recreational trail use adjacent to the railroad if such use is feasible, and (c) the return of the right-of-way to the commission if rail service is discontinued.

Sec. 376. Section 37-1501, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1501.~~ Sections ~~37-1501 to 37-1509 376 to 383 of this act~~ shall be known and may be cited as the Trail Development Assistance Act. The Trail Development Assistance Act shall terminate ten years after September 6, 1991, and any money in the Trail Development Assistance Fund at such time shall be transferred to the General Fund.

Sec. 377. Section 37-1502, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1502.~~ The Legislature finds that the abandonment of railroad rights-of-way in this state provides a unique opportunity to develop a statewide system of recreational trails by which citizens of Nebraska may enjoy the greenways or linear parks that will result and that such trails may act to preserve wildlife habitat and create conservation corridors. The Legislature further finds that it is in the public's interest to develop abandoned railroad rights-of-way and to do so through fostering public and private cooperation.

Sec. 378. Section 37-1503, Revised Statutes Supplement, 1996, is amended to read:

~~37-1503.~~ The Trail Development Assistance Fund is hereby created. The fund shall consist of any direct appropriation by the Legislature and any funds received as gifts, bequests, or other contributions to such fund from public or private entities. The fund shall be administered by the Game and Parks Commission and shall be used to assist in the purchase, development, and maintenance of recreational trails within the state. Any money in the fund

available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 379. Section 37-1504, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1504-~~ (1) Any natural resources district, political subdivision, other public agency, or private nonprofit organization whose primary purpose is the purchase, development, or maintenance of a recreational trail within the state or any combination thereof may apply to the Game and Parks Commission for funding to assist in the purchase, development, and maintenance of a recreational trail within the state.

(2) The commission shall provide funds to a qualified applicant from the Trail Development Assistance Fund. The funds shall be disbursed to a qualified applicant as a lump-sum grant to be used as matching funds for no more than fifty percent of the total anticipated cost. This section shall not be construed to prevent agreements pursuant to the Interlocal Cooperation Act or any other agreement either before or after the application is submitted for the grant. Qualified applicants who have submitted their completed applications within sixty days following September 6, 1991, shall receive their disbursements by January 1, 1992.

(3) No real property, leased property, easement, right-of-way, or other property interest which is owned, controlled, managed, or maintained by the commission on September 6, 1991, may be the subject of a grant application under this section.

Sec. 380. Section 37-1505, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1505-~~ Administrative costs for the administration of the Trail Development Assistance Fund shall not exceed five percent of the appropriation authorized by the Legislature. The Game and Parks Commission may adopt and promulgate rules and regulations to carry out the Trail Development Assistance Act.

Sec. 381. Section 37-1506, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1506-~~ The Trail Development Assistance Act shall not be construed to limit the power of eminent domain of the state or its agencies.

Sec. 382. Section 37-1507, Revised Statutes Supplement, 1996, is amended to read:

~~37-1507-~~ Whenever abandoned railroad right-of-way trails are developed pursuant to the Trail Development Assistance Act, boundary fences shall be constructed and maintained as required for railroads in sections 74-601 to 74-604 unless such construction and maintenance is waived in writing by affected adjoining property owners. Such fences shall be deemed to be manifestly designed to exclude intruders for the purposes of subdivision (1)(c) of section 28-521.

Sec. 383. Section 37-1508, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-1508-~~ Owners or operators of a trail developed pursuant to the Trail Development Assistance Act shall, at appropriate entry points, place signs warning that departures from the boundaries of the trail as marked by fences or otherwise may result in prosecution for trespass.

Sec. 384. Section 37-1510, Revised Statutes Supplement, 1996, is amended to read:

~~37-1510-~~ A state agency or political subdivision which owns or operates a recreational trail may establish and collect a user fee or a voluntary fee for the use of the trail as determined by the state agency or political subdivision. The fees shall be accounted for separately and shall be used for trail maintenance, operation, and acquisition.

Sec. 385. Section 81-815.58, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-58-~~ It is the public policy of the State of Nebraska that (1) abandoned railroad rights-of-way should be kept intact for future possible use as recreation, conservation, communications, and transportation corridors and (2) the laws of the State of Nebraska should be construed to effectuate this policy.

Sec. 386. Section 81-815.60, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-60-~~ If any portions of the right-of-way accepted under section ~~81-815-59~~ ~~or~~ ~~81-815-65~~ ~~373~~ ~~or~~ ~~375~~ ~~of this act~~ are not immediately developed as a recreational trail or for habitat, the Game and Parks Commission shall use its best efforts to lease undeveloped portions of the right-of-way, with first priority to adjacent landowners, for the purposes stated in section ~~81-815-59~~ ~~or~~ ~~81-815-65~~ ~~373~~ ~~or~~ ~~375~~ ~~of this act~~ or for other

purposes which are not inconsistent with the purposes of sections ~~81-815-58 to 81-815-63~~ or section ~~81-815-65~~ 373 or 375 of this act until such time as a recreational trail or habitat may be developed. Any lease or use allowed shall be subject to all prescriptions of the National Trails System Act.

Sec. 387. Section 81-815.61, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-61-~~ The Game and Parks Commission shall have the same responsibility with regard to division fences as a private landowner as provided in sections 34-101 to 34-117, except that in those areas where a recreational trail is developed, the commission shall have the same responsibility as a railroad as provided in sections 74-601 to 74-604.

Sec. 388. Section 81-815.62, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-62-~~ If the right-of-way or any portion thereof is used as a recreational trail pursuant to sections ~~81-815-59 and 81-815-60~~ 373 and 386 of this act, appropriate sanitary facilities shall be provided along the trail for the use of persons using the trail. Camping or open fires shall be prohibited on such right-of-way or portion thereof.

Sec. 389. Section 81-815.63, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-63-~~ If the right-of-way or portion thereof is used as a trail or for other purposes as provided in sections ~~81-815-59 and 81-815-60~~ 373 and 386 of this act, the Game and Parks Commission shall adopt and promulgate rules and regulations to carry out the purposes of sections ~~81-815-58 to 81-815-63~~ 373 and 385 to 388 of this act.

Sec. 390. Section 81-815.64, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-64-~~ (1) The position of State Recreational Trails Coordinator is established. The coordinator shall be appointed by the Game and Parks Commission. Necessary office space, furniture, equipment, and supplies as well as necessary professional, technical, and clerical assistance shall be provided by the commission.

(2) The duties of the State Recreational Trails Coordinator shall include, but not be limited to:

(a) Maintaining and updating the Nebraska Comprehensive Trails Plan. For purposes of this section, Nebraska Comprehensive Trails Plan means the document dated July 1994 and entitled A Network of Discovery: A Comprehensive Trails Plan for the State of Nebraska;

(b) Marketing and promoting trails across the state;

(c) Maintaining and updating an inventory of trails programs in Nebraska;

(d) Providing a central point for exchanging information among communities with trails programs;

(e) Providing organizational and technical assistance to communities and regional groups;

(f) Managing the state trails application and evaluation process;

(g) Coordinating state government's trails development efforts and administering the state trails program;

(h) Preparing and publishing an annual report on trails development in the state;

(i) Monitoring and filing paperwork on rail abandonments when necessary, consistent with rail-watch corridors established by the Nebraska Comprehensive Trails Plan or its updates; and

(j) Managing other right-of-way acquisition efforts when state involvement becomes necessary.

Sec. 391. Section 2-32.101, Reissue Revised Statutes of Nebraska, is amended to read:

2-32.101. Any law enforcement officer, including, but not limited to, any Game and Parks Commission conservation officer, ~~or deputy conservation officer,~~ local police officer, member of the Nebraska State Patrol, or sheriff or deputy sheriff, is authorized to enforce the provisions of sections 2-3292 to 2-32,100 and any rules and regulations adopted and promulgated pursuant to such sections. A district shall not employ law enforcement personnel and shall be prohibited from expending any funds for such purpose. Each district shall provide a copy of its rules and regulations to the appropriate law enforcement officer. Any law enforcement officer may arrest and detain any person committing a violation of the rules and regulations in a recreation area or committing any misdemeanor or felony as provided by the laws of this state.

Sec. 392. Section 11-201, Reissue Revised Statutes of Nebraska, is amended to read:

11-201. It shall be the duty of the Risk Manager:

(1) To prescribe the amount, terms, and conditions of any bond when the amount or terms are not fixed by any specific statute. The Risk Manager, in prescribing the amount, deductibles, conditions, and terms, shall consider the type of risks to be bonded, the relationship of the bond premium to risks involved, the past and projected trends for bond premiums, the ability of the Tort Claims Fund, the State Self-Insured Property Fund, and state agencies to pay the deductibles, and any other factors the manager may, in his or her discretion, deem necessary in order to accomplish the provisions of sections 2-1201, 3-103, 8-104, 8-105, 11-119, 11-121, 11-201, 48-158, 48-609, 48-618, 48-721, 48-804.03, 53-109, 55-123, 55-126, 55-127, 55-150, 57-917, 60-1303, 60-1502, 71-1,132.11, 71-1,206.13, 71-222.01, 72-1241, 80-401.02, 81-111, 81-151, ~~81-811~~, 81-8,128, 81-1108.14, 81-2002, 83-128, 84-106, 84-206, and 84-801 and section 10 of this act;

(2) To pass upon the sufficiency of and approve the surety on the bonds of all officers and employees of the state, when approval is not otherwise prescribed by any specific statute;

(3) To arrange for the writing of corporate surety bonds for all the officers and employees of the state who are required by statute to furnish bonds;

(4) To arrange for the writing of the blanket corporate surety bond required by this section; and

(5) To order the payment of corporate surety bond premiums out of the State Insurance Fund created by section 81-8,239.02.

All state employees not specifically required to give bond by section 11-119 shall be bonded under a blanket corporate surety bond for faithful performance and honesty in an amount not to exceed one million dollars.

The Risk Manager may separately bond any officer, employee, or group thereof under a separate corporate surety bond for performance and honesty pursuant to the standards set forth in subdivision (1) of this section if the corporate surety will not bond or excludes from coverage any officer, employee, or group thereof under the blanket bond required by this section, or if the Risk Manager finds that the reasonable availability or cost of the blanket bond required under this section is adversely affected by any of the following factors: The loss experience, types of risks to be bonded, relationship of bond premium to risks involved, past and projected trends for bond premiums, or any other factors.

Surety bonds of public power district directors, as required by section 70-617, collection agencies, as required by section 45-608, and detective agencies, as required by section 71-3207 shall be approved by the Secretary of State. The Attorney General shall approve all bond forms distributed by the Secretary of State.

Sec. 393. Section 28-1007, Reissue Revised Statutes of Nebraska, is amended to read:

28-1007. Sections 28-1004 to 28-1006 shall not be construed to amend or in any manner change the authority of the Game and Parks Commission under Chapter 37 the Game Law, to prohibit any conduct authorized or permitted in Chapter 37 the Game Law, or to prohibit the training of dogs for any purpose not prohibited by law.

Sec. 394. Section 37-1211, Revised Statutes Supplement, 1996, is amended to read:

37-1211. (1) Except as provided in subsection (2) subsections (2) and (3) of this section and sections 37-1249 and 37-1250, every motorboat on the waters of this state shall be numbered and no person shall operate or give permission for the operation of any vessel on such waters unless the vessel is numbered in accordance with the State Boat Act or in accordance with the laws of another state if the commission has by regulation approved the numbering system of such state and unless the certificate of number awarded to such vessel is in full force and effect and the identifying number set forth in the certificate of number is displayed and legible on each side of the forward half of the vessel.

(2) The owner of each motorboat may operate or give permission for the operation of such vessel for thirty days from the date the vessel was acquired in anticipation of the vessel being numbered. A duly executed bill of sale, certificate of title, or other satisfactory evidence of the right of possession of the vessel must be available for inspection at all times from the operator of the vessel.

(3) The owner or his or her invitee who operates a personal watercraft on any body of water (a) which is entirely upon privately owned land owned by only one person or one family and, if leased, leased by only one person or one family, (b) which does not connect by any permanent or intermittent inflow or outflow with other water outside such land, and (c)

which is not operated on a commercial basis for profit may operate any personal watercraft on such body of water without complying with subsection (1) of this section.

Sec. 395. Section 37-1212, Reissue Revised Statutes of Nebraska, is amended to read:

37-1212. A person engaged in the manufacture or sale of vessels of a type otherwise required to be numbered under 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 ~~81-814-02~~ 85 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 the act.

Sec. 396. Section 37-1214, Revised Statutes Supplement, 1997, is amended to read:

37-1214. (1) Except as otherwise provided in section 37-1211, the owner of each motorboat shall register such vessel every three years. The owner of such vessel shall file an application for a certificate of number pursuant to section 37-1216 with the county treasurer of the county in which the applicant resides or, in the case of a nonresident, with any county treasurer on forms approved and provided by the commission. The application shall be signed by the owner of the vessel, shall contain 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 ~~81-814-02~~ 85 of this act.

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

Sec. 397. Section 37-1217, Revised Statutes Supplement, 1996, is amended to read:

37-1217. When the county treasurer or designated county official 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 ~~81-814-02~~ 85 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 or designated county official in his or her report of fees as provided by law.

Sec. 398. Section 81-815.36, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815.36-~~ On or before January 10 of each year, the commission shall prepare and forward to each county assessor a complete listing of all motorboats registered in such assessor's county during the previous calendar year.

Sec. 399. Section 37-1227, Revised Statutes Supplement, 1996, is amended to read:

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 or designated county official on 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 or designated county official 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 ~~81-814-02~~ 85 of this act, the county treasurer or designated county official shall issue a duplicate certificate of number.

Sec. 400. Section 37-1269, Reissue Revised Statutes of Nebraska, is amended to read:

37-1269. Every conservation officer, ~~deputy conservation officer,~~ and peace officer of this state and its subdivisions shall have the duty and authority to enforce the State Boat Act provisions of sections 37-1201 to 37-1273 and 37-1291 and in the exercise thereof shall have the authority to stop and board any vessel subject to ~~sections 37-1201 to 37-1273 and 37-1291~~

the act.

Sec. 401. Section 37-1273, Reissue Revised Statutes of Nebraska, is amended to read:

37-1273. All fees as provided by the State Boat Act shall be remitted to the state treasury and by the State Treasurer placed in the State Game Fund. Such fund, when appropriated by the Legislature, shall be used (1) for the propagation, importation, protection, preservation, and distribution of game and fish and necessary equipment therefor and all things pertaining thereto, (2) for administration and enforcement of the State Boat Act, (3) for the construction and maintenance of boating and docking facilities, navigation aids, and access to boating areas and such other uses as will promote the safety and convenience of the boating public in Nebraska, and (4) for publishing costs subject to the restrictions and limitations in section ~~37-212~~ 82 of this act.

Sec. 402. Section 37-1291, Revised Statutes Supplement, 1996, is amended to read:

37-1291. Sections 37-1201 to 37-1291 and section 398 of this act shall be known and may be cited as the State Boat Act.

Sec. 403. Section 39-311, Revised Statutes Supplement, 1997, is amended to read:

39-311. (1) No person shall throw or deposit upon any highway:
(a) Any glass bottle, glass, nails, tacks, wire, cans, or other substance likely to injure any person or animal or damage any vehicle upon such highway; or

(b) Any burning material.

(2) Any person who deposits or permits to be deposited upon any highway any destructive or injurious material shall immediately remove such or cause it to be removed.

(3) Any person who removes a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance deposited on the highway from such vehicle.

(4) The Department of Roads or a local authority as defined in section 60-628 may procure and place at reasonable intervals on the side of highways under its respective jurisdiction appropriate signs showing the penalty for violating this section. Such signs shall be of such size and design as to be easily read by persons on such highways, but the absence of such a sign shall not excuse a violation of this section.

(5) It shall be the duty of all Nebraska State Patrol officers, conservation officers, ~~deputy conservation officers,~~ sheriffs, deputy sheriffs, and other law enforcement officers to enforce this section and to make prompt investigation of any violations of this section reported by any person.

(6) Any person who violates any provision of this section shall be guilty of (a) a Class III misdemeanor for the first offense, (b) a Class II misdemeanor for the second offense, and (c) a Class I misdemeanor for the third or subsequent offense.

Sec. 404. Section 39-312, Reissue Revised Statutes of Nebraska, is amended to read:

39-312. It shall be unlawful to camp on any state or county public highway, roadside area, park, or other property acquired for highway or roadside park purposes except at such places as are designated campsites by the Department of Roads or the county or other legal entity of government owning or controlling such places. This provision shall not apply to lands originally acquired for highway purposes which have been transferred or leased to the Game and Parks Commission or a natural resources district or to other lands owned or controlled by the Game and Parks Commission where camping shall be controlled by the provisions of section ~~81-805~~ 63 of this act or by a natural resources district where camping shall be controlled by the provisions of section 2-3292.

For purposes of this section, camping ~~shall mean means~~ temporary lodging out of doors and presupposes the occupancy of a shelter designed or used for such purposes, such as a sleeping bag, tent, trailer, station wagon, pickup camper, camper-bus, or other vehicle, and the use of camping equipment and camper ~~shall mean means~~ an occupant of any such shelter.

Any person who camps on any state or county public highway, roadside area, park, or other property acquired for highway or roadside park purposes, which has not been properly designated as a campsite, or any person who violates any lawfully promulgated rules or regulations properly posted to regulate camping at designated campsites shall be guilty of a Class V misdemeanor and shall be ordered to pay any amount as determined by the court which may be necessary to reimburse the department or the county for the expense of repairing any damage to such campsite resulting from such

violation.

Sec. 405. Section 60-646, Reissue Revised Statutes of Nebraska, is amended to read:

60-646. Peace officer shall mean any town marshal, chief of police, local police officer, sheriff, or deputy sheriff, the Superintendent of Law Enforcement and Public Safety, or any officer of the Nebraska State Patrol and shall also include members of the National Guard on active service by direction of the Governor during periods of emergency or civil disorder and Game and Parks Commission conservation officers ~~or deputy conservation officers~~ while in areas under the control of the Game and Parks Commission. With respect to directing traffic only, peace officer shall also include any person authorized to direct or regulate traffic.

Sec. 406. Section 60-6,353, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,353. Any department, board, or commission of the State of Nebraska with jurisdiction over state parks and state recreation areas as defined in section ~~81-815-22~~ 96 of this act and state wayside areas as described in section 81-711, in which motor vehicles of any type are permitted, may adopt and promulgate rules and regulations permitting and controlling the operation of minibikes and designating the place, time, and manner of such operation in the public recreation area under its control. In designating the manner of such operation within a specific location and during a specific time, the department, board, or commission may establish speed limits and restrictions on the age of the operator, noise emission levels, and number of minibikes permitted to be operated within a specific area at the same time. The other provisions of the Nebraska Rules of the Road not inconsistent with sections 60-678 and 60-6,347 to 60-6,353 shall apply to the public area.

Such department, board, or commission may further authorize the supervising official of any area under its ownership or control to prohibit operation of any minibike in emergency situations by personal or posted notice.

Any person operating a minibike in a place, at a time, or in a manner not permitted by the department, board, or commission having control over the area shall be guilty of a Class III misdemeanor.

Any political subdivision of the State of Nebraska with jurisdiction over highways may adopt and promulgate rules, regulations, ordinances, or resolutions in conformity with such sections.

Sec. 407. Section 72-261, Reissue Revised Statutes of Nebraska, is amended to read:

72-261. The Game and Parks Commission is authorized to acquire title by condemnation to not more than one section or six hundred forty acres of educational lands in any calendar year for parks, recreation areas, or wildlife management areas, or any combination of these uses. ~~The Game and Parks Commission~~ commission shall employ the procedure set forth in sections 72-213 to 72-224 to acquire such title, except ~~PROVIDED~~, that the determination of the value of the lands to be acquired shall be in the manner provided by section 72-224.03 and the value of any leasehold interests to be acquired shall be determined as provided by section 72-224.02. The Governor shall approve all such acquisitions as provided in section ~~81-805~~ 61 of this act.

Sec. 408. Section 77-27,119.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,119.01. The Tax Commissioner shall include on the individual income tax return form space in which the individual taxpayer may, if a refund is due, designate one dollar or a greater amount of such refund as a contribution to the Nongame and Endangered Species Conservation Fund created in section ~~37-439~~ 361 of this act.

Sec. 409. Section 81-815.45, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-815-45-~~ (1) All funds obtained from the sale of tourist promotion items shall be remitted to the State Treasurer for credit to the Tourist Promotion Fund which is hereby established. The Department of Economic Development shall make expenditures from such fund to promote and develop the tourist potential of this state. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The Director of Economic Development shall allow the curator of the Aerospace Museum in Bellevue, Nebraska, to retain a sum of money not to exceed one thousand dollars to be used as a change cash fund by such curator. The curator shall make an accounting of such money each month to the Director

of Economic Development.

Sec. 410. Section 81-2801, Revised Statutes Supplement, 1996, is amended to read:

81-2801. No agency of this state shall purchase, lease, or acquire real estate from any railroad over a right-of-way outside of incorporated cities and villages which has been permitted to be abandoned by a federal agency without prior approval by the Legislature of such purchase, lease, or acquisition, except that (1) the Game and Parks Commission may acquire all or any part of a railroad right-of-way proposed to be abandoned for interim trail use pursuant to sections ~~81-805 and 81-815-65~~ 61 and 375 of this act and (2) the Department of Roads may acquire such real estate solely for the purpose of highway construction or improvements when such right-of-way is adjacent to an existing state highway or when such right-of-way is needed to maintain existing improvements that have previously been located upon such right-of-way through agreements, easements, or leases. Real estate acquired by the department pursuant to this section which is in excess of that needed or is deemed no longer necessary shall be disposed of as provided for in section 39-1325.

Sec. 411. Section 85-162.03, Reissue Revised Statutes of Nebraska, is amended to read:

85-162.03. In carrying out the provisions of sections ~~81-805 to 81-807, 81-809, 81-811, and 85-162.01~~ to 85-162.05, the State Forester shall cooperate with (1) any agency or bureau of the United States, including, but not limited to, the Forest Service, the Soil Conservation Service, the Agricultural Stabilization and Conservation Service, the Bureau of Reclamation, the Corps of Engineers, and the Bureau of Outdoor Recreation, (2) any agency or bureau of the State of Nebraska or its political subdivisions, including, but not limited to, the Game and Parks Commission, the Nebraska Natural Resources Commission, the State Fire Marshal, the Department of Agriculture, the Adjutant General, the Department of Economic Development, and the Conservation and Survey Division, and (3) any incorporated municipality of the state or any political subdivision of the state, including, but not limited to, rural fire districts, natural resources districts, and weed control districts.

Sec. 412. Section 85-162.04, Reissue Revised Statutes of Nebraska, is amended to read:

85-162.04. In carrying out the provisions of sections ~~81-805 to 81-807, 81-809, 81-811, and 85-162.01~~ to 85-162.05, the Board of Regents may employ such personnel to work under the State Forester as it shall deem necessary or advisable. Persons employed as professional foresters shall be graduates of a forestry school of recognized standing and shall meet any other standards set by the Board of Regents.

Sec. 413. Section 85-162.05, Reissue Revised Statutes of Nebraska, is amended to read:

85-162.05. The Board of Regents of the University of Nebraska, with the advice of the State Forester, shall (1) prescribe and implement procedures relating to the implementation and administration of sections ~~81-805 to 81-807, 81-809, 81-811, and 85-162.01~~ to 85-162.05, and (2) enter into any arrangements and activities it may deem desirable in implementing and carrying out the intent and purposes contemplated by legislation of the federal government calling for state cooperation in the promotion of desirable practices of forestry, forestation, forest management, harvesting, processing, and marketing of forest products, control of forest pests, insects, and disease, prevention and suppression of wildland fires, watershed management, and windbreak establishment and care.

Sec. 414. Original sections 2-32,101, 11-201, 28-1007, 37-103, 37-109, 37-202.01, 37-203, 37-204.01, 37-204.02, 37-205, 37-208, 37-209, 37-212, 37-213.01 to 37-213.06, 37-214.01 to 37-214.04, 37-215.02, 37-215.05, 37-216, 37-226 to 37-228, 37-232 to 37-234, 37-301 to 37-304, 37-304.02 to 37-307, 37-309, 37-310, 37-401 to 37-406, 37-407, 37-408, 37-410 to 37-412, 37-415 to 37-417, 37-419 to 37-427, 37-429 to 37-438, 37-501 to 37-502, 37-503.05 to 37-504, 37-506, 37-507, 37-508 to 37-510, 37-512, 37-513, 37-515 to 37-518, 37-520, 37-523 to 37-526, 37-528, 37-529, 37-531, 37-534 to 37-538, 37-601 to 37-608, 37-610 to 37-614, 37-712 to 37-714, 37-716 to 37-718, 37-720 to 37-726, 37-902 to 37-908, 37-910 to 37-914, 37-1001 to 37-1008, 37-1101, 37-1102, 37-1104, 37-1105, 37-1107.01 to 37-1114, 37-1212, 37-1269, 37-1273, 37-1302 to 37-1304, 37-1401 to 37-1408, 37-1501, 37-1502, 37-1504 to 37-1506, 37-1508, 39-312, 60-646, 60-6,353, 72-261, 77-27,119.01, 81-801 to 81-802, 81-804, 81-805, 81-805.02 to 81-805.04, 81-807 to 81-809, 81-810 to 81-812, 81-814 to 81-815, 81-815.21 to 81-815.33, 81-815.36, 81-815.45, 81-815.50, 81-815.51, 81-815.53, 81-815.55, 81-815.56, 81-815.58 to 81-815.65, and 85-162.03 to 85-162.05, Reissue Revised Statutes of Nebraska, sections 37-104,

37-110, 37-111, 37-201, 37-202.02, 37-202.03, 37-204, 37-206, 37-213, 37-215.01, 37-215.04, 37-215.08, 37-216.02, 37-216.04 to 37-216.09, 37-304.01, 37-311, 37-428, 37-439, 37-507.01, 37-511, 37-511.01, 37-529.01 to 37-530, 37-532, 37-533, 37-609, 37-702, 37-705 to 37-707, 37-711, 37-711.01, 37-719, 37-1211, 37-1217, 37-1227, 37-1291, 37-1503, 37-1507, 37-1510, and 81-2801, Revised Statutes Supplement, 1996, and sections 37-101, 37-102, 37-105, 37-202, 37-204.03, 37-211, 37-211.01, 37-215, 37-215.03, 37-216.01, 37-308, 37-503, 37-505, 37-703, 37-715, 37-901, 37-1103, 37-1214, 39-311, and 91-803.01, Revised Statutes Supplement, 1997, are repealed.

Sec. 415. The following sections are outright repealed: Sections 37-207, 37-215.06, 37-215.07, 37-235, 37-406.01, 37-406.02, 37-418, 37-519, 37-527, 37-901.01, 37-909, 37-1301, 37-1509, 81-805.01, and 81-815.52, Reissue Revised Statutes of Nebraska, and sections 37-216.03 and 37-1305, Revised Statutes Supplement, 1996.