

LEGISLATIVE BILL 176

Approved by the Governor May 27, 1999

Introduced by Hilgert, 7; Matzke, 47; Bohlke, 33

AN ACT relating to game and parks; to amend sections 37-110, 37-201, 37-202, 37-209, 37-226, 37-227, 37-229, 37-239, 37-246, 37-248, 37-303, 37-314, 37-323, 37-327, 37-404 to 37-406, 37-408 to 37-410, 37-415, 37-416, 37-422, 37-426, 37-427, 37-429 to 37-431, 37-434 to 37-436, 37-438 to 37-440, 37-443 to 37-447, 37-452, 37-457, 37-458, 37-462 to 37-464, 37-466 to 37-469, 37-471, 37-475 to 37-483, 37-495, 37-503, 37-504, 37-506, 37-508, 37-514, 37-525, 37-527, 37-536, 37-540, 37-543, 37-545, 37-546, 37-547 to 37-550, 37-556, 37-560, 37-601, 37-602, 37-604, 37-607, 37-613, 37-614, 37-617, 37-619, 37-622, 37-623, 37-706, 37-724, 37-726, 37-728, 37-811, 37-1001, 37-1202, 37-1213, 37-1214, 37-1224, 37-1225, 37-1226, 37-1228, 37-1231, 37-1241, 37-1248 to 37-1250, 37-1254.02, 37-1264, 37-1268, 37-1270, 37-1271, and 37-1291, Reissue Revised Statutes of Nebraska, and sections 37-411 and 37-465, Reissue Revised Statutes of Nebraska, as amended by sections 23 and 24, respectively, Legislative Bill 404, Ninety-sixth Legislature, First Session, 1999; to change and eliminate provisions relating to the Game Law, the Trail Development Assistance Act, and the State Boat Act; to provide penalties; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 37-472 to 37-474, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Section 1. Section 37-110, Reissue Revised Statutes of Nebraska, is amended to read:

37-110. Each member of the Game and Parks Commission, all conservation officers, managers and custodians of parks, hatcheries, and ~~game farms~~ captive wildlife facilities, all other agents, and all employees thereof, shall be bonded under the blanket surety bond required by section 11-201.

Sec. 2. Section 37-201, Reissue Revised Statutes of Nebraska, is amended to read:

37-201. Sections 37-201 to 37-811 and sections 8, 9, 62, and 65 of this act shall be known and may be cited as the Game Law.

Sec. 3. Section 37-202, Reissue Revised Statutes of Nebraska, is amended to read:

37-202. For purposes of the Game Law, unless the context otherwise requires, the definitions found in sections 37-203 to 37-247 and sections 8 and 9 of this act are used.

Sec. 4. Section 37-209, Reissue Revised Statutes of Nebraska, is amended to read:

37-209. 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. 5. Section 37-226, Reissue Revised Statutes of Nebraska, is amended to read:

37-226. Fur-bearing animals means all beaver, martens, mink, muskrats, raccoons, opossums, otters, bobcats, gray foxes, red foxes, ~~except mutation foxes~~, badgers, long-tailed weasels, Canada lynx, and skunks, ~~and minks~~ except mutation minks and mutation foxes.

Sec. 6. Section 37-227, Reissue Revised Statutes of Nebraska, is amended to read:

37-227. Game means all game fish, bullfrogs, snapping turtles, tiger salamanders, mussels, crows, game animals, fur-bearing animals, game birds, protected birds, and all other ~~birds~~ and creatures protected by the Game Law.

Sec. 7. Section 37-229, Reissue Revised Statutes of Nebraska, is amended to read:

37-229. 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. 8. Migratory waterfowl means any ducks, geese, or brant upon which an open season has been established by the commission.

Sec. 9. Protected bird means all birds except game birds, English

sparrows, European starlings, and pigeons other than Antwerp or homing pigeons, commonly called Carrier Pigeons.

Sec. 10. Section 37-239, Reissue Revised Statutes of Nebraska, is amended to read:

37-239. Raw fur means the ~~green~~ untanned pelts of any fur-bearing animal except commercially reared mutations.

Sec. 11. Section 37-246, Reissue Revised Statutes of Nebraska, is amended to read:

37-246. 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, the feral domestic dog, and the feral domestic cat.

Sec. 12. Section 37-248, Reissue Revised Statutes of Nebraska, is amended to read:

37-248. Any person violating any of the provisions of the Game Law or any provisions of the rules or regulations adopted and promulgated by the commission, where a penalty is not otherwise fixed, shall be guilty of a Class III misdemeanor and shall be subject to a mandatory fine of at least fifty dollars upon conviction.

Sec. 13. Section 37-303, Reissue Revised Statutes of Nebraska, is amended to read:

37-303. (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, captive wildlife facilities, 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. 14. Section 37-314, Reissue Revised Statutes of Nebraska, is amended to read:

37-314. (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 conservation orders or similar wildlife management activities authorized by the United States Fish and Wildlife Service, as to bag limits or the methods or type, kind, and specifications of hunting, fur-harvesting, or fishing gear used in the taking 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 birds may be taken, or as to the taking 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) 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) 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, fish, 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, fish, 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 37-104 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, fish, or animals previously set. The commission may only use this special provision allowing the commission to open or close game bird, fish, 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. The commission may also close or reopen any season established by a conservation order under the same provisions pertaining to closing and reopening seasons in this section.

Sec. 15. Section 37-323, Reissue Revised Statutes of Nebraska, is amended to read:

37-323. The secretary of the commission shall ~~deposit daily with~~ remit to the State Treasurer all tax money and other funds received 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 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, other county officials, 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 agent who ~~person, firm, or corporation which~~ receives permit fees under the Game Law or the rules and regulations of the commission and which who fails to ~~pay over the same~~ remit the fees to the commission in accordance with its rules and regulations and after within a reasonable time after demand is made for the same by the commission shall be liable to ~~sue by~~ the commission in damages for double the amount of the funds wrongfully withheld. Any agent 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. and shall further be liable criminally for theft.

Sec. 16. Section 37-327, Reissue Revised Statutes of Nebraska, is amended to read:

37-327. (1) The commission shall establish fees for licenses, permits, stamps, bands, registrations, and certificates issued under the Game Law and the State Boat Act and shall establish the fee required by section 37-562 as provided in such law, act, and 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 section. The commission shall, as provided in such law, act, and section, establish ~~collection~~ issuance fees to be retained by authorized ~~vendors~~ agents of such licenses, permits, stamps, bands, registrations, and certificates under such law, act, and 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) 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) 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) A statement of the reasons for establishing the fee at the proposed level.

Sec. 17. Section 37-404, Reissue Revised Statutes of Nebraska, is amended to read:

37-404. (1) Any resident of the United States who has resided in this state continuously for a period of thirty days before ~~making an application~~ applying 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. The commission and may issue coupons which are attached to nonresident permits for the purpose of tagging and identification or may provide another method for electronically issued permits.

Sec. 18. Section 37-405, Reissue Revised Statutes of Nebraska, is amended to read:

37-405. (1) The commission shall provide for the issuance of permits to hunt, fish, or harvest fur. The permit shall bear the date of issuance, a description of the person to whom issued, ~~setting forth~~ including his or her date of birth, color of eyes and hair, height, and weight, and the 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 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. For purposes of this subsection, migratory bird has the definition found in 50 C.F.R. part 10, subpart B, section 10.12, and migratory game bird has the definition found in 50 C.F.R. part 20, subpart B, section 20.11(a).

(3) ~~Permits for veterans provided by section 37-420 and for persons at least seventy years old provided by section 37-421 shall be permanent permits.~~ All ~~other~~ permits shall expire at midnight on December 31 ~~in~~ of the year ~~in~~ for which the permit is issued, except as otherwise provided in sections 37-415, 37-420, and 37-421.

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

37-406. ~~Permits~~ (1) Licenses, permits, and stamps required under the Game Law shall be issued by the commission and may be procured from the secretary of the commission. The commission may provide for the electronic issuance of any license, permit, or stamp required under the Game Law and may enter into contracts to procure necessary services and supplies for the electronic issuance of licenses, permits, and stamps. The commission may designate and from such other persons, firms, and corporations as may be designated by the commission as agents to issue licenses, permits, and stamps 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~~ issue licenses, permits, and stamps 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 37-327, for each ~~resident and nonresident~~ license, permit, or stamp issued as reimbursement for the clerical work of issuing the license, permit, or stamp and collecting and remitting the permit fee fees.

(2) The commission shall adopt and promulgate rules and regulations regarding electronic issuance of licenses, permits, and stamps, including electronic issuance devices, deposits by agents, and remittance of fees.

(3) It shall be unlawful for any person to duplicate any electronically issued license, permit, or stamp. Any person violating this subsection shall be guilty of a Class III misdemeanor and shall be fined at least seventy-five dollars, and any license, permit, or stamp involved in such violation shall be confiscated by the court.

Sec. 20. Section 37-408, Reissue Revised Statutes of Nebraska, is amended to read:

37-408. 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. Any county clerk, county official, or agent authorized to issue hunting, fishing, or fur harvesting permits shall remit the fees for the permits to the commission in the manner and at the times prescribed by the rules and regulations of the commission.

Sec. 21. Section 37-409, Reissue Revised Statutes of Nebraska, is amended to read:

37-409. The commission may issue a duplicate replacement 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. The commission shall prescribe the procedures for applying for a replacement permit and may authorize electronic issuance. The commission may also designate agents to issue replacement permits pursuant to section 37-406. A fee of not less than one dollar and fifty cents and not more than ~~two~~ five dollars, as established by the commission pursuant to section 37-327, shall be charged for the issuance of such duplicate each replacement permit.

Sec. 22. Section 37-410, Reissue Revised Statutes of Nebraska, is amended to read:

37-410. 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 person violating this section shall constitute be guilty of a Class V III misdemeanor and shall be fined at least seventy-five dollars, and any permits purchased or used in violation of this section shall be confiscated by the court.

Sec. 23. Section 37-411, Reissue Revised Statutes of Nebraska, as amended by section 23, Legislative Bill 404, Ninety-sixth Legislature, First Session, 1999, is amended to read:

37-411. (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 issue 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 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 any migratory waterfowl without first obtaining and affixing attaching to his or her hunting permit a federal migratory bird hunting stamp. All such stamps affixed attached to hunting permits shall be signed by the holder of

the hunting permit; or ~~Migratory waterfowl 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 any kind of fish, bullfrog, snapping turtle, tiger salamander, or mussel from the waters of this state or possess the same except as provided in section 37-402. All nonresident anglers under sixteen years of age shall be accompanied by a person possessing a valid fishing permit.

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

(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.

(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 37-407 and 37-418, 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) It shall be unlawful for anyone to lure or entice wildlife into a domesticated cervine animal facility for the purpose of containing such wildlife.

(8)(a) Any person violating this section shall be guilty of a Class II misdemeanor and shall be fined at least ~~forty~~ seventy-five 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. 24. Section 37-415, Reissue Revised Statutes of Nebraska, is amended to read:

37-415. (1) The commission may issue to any Nebraska resident a lifetime fishing, hunting, or combination hunting and fishing permit upon application and payment of the appropriate fee. ~~Applications shall be made to the headquarters office of the commission.~~ The fee for a lifetime hunting permit shall be not less than two hundred dollars and not more than two hundred sixty dollars, the fee for a lifetime fishing 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 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 37-327. Payment of the fee shall be made in a lump sum at the time of application.

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

(3) A ~~duplicate replacement~~ lifetime permit may be issued if the original has been lost or destroyed. The fee for a ~~duplicate replacement~~ shall be not less than one dollar and fifty cents and not more than ~~two~~ five dollars, as established by the commission pursuant to section 37-327.

(4) The commission shall adopt and promulgate rules and regulations to carry out this section and sections 37-416 and 37-417.

Sec. 25. Section 37-416, Reissue Revised Statutes of Nebraska, is amended to read:

37-416. Lifetime hunting, fishing, or combination hunting and fishing permits shall not allow fur harvesting, ~~or~~ the hunting of ~~elk, mountain sheep,~~ deer, antelope, ~~or wild turkey,~~ or other hunting or fishing done under authority of any special permit. The holder of a lifetime permit is required to purchase habitat stamps pursuant to section 37-426 but is not required to purchase aquatic habitat stamps pursuant to such section.

Sec. 26. Section 37-422, Reissue Revised Statutes of Nebraska, is amended to read:

37-422. (1) The 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 or electronic 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 staffed areas or on portions of staffed areas under its ownership or control which are intensively managed or stocked for a high level of fish production.

(2) An educational fishing project permit may be issued to any instructor of a university, college, or high school and his or her students participating in an educational fishing project. Such persons shall be exempt from the payment of any fees provided by the Game Law for the privilege of fishing in Nebraska while participating in the project. Such exemption shall not extend to the privilege of commercial fishing or to the privilege of fishing for any species of fish on which an open season is limited to a restricted number of permits or to special permits for a restricted area. The commission shall adopt and promulgate rules and regulations necessary to carry out this subsection.

Sec. 27. Section 37-426, Reissue Revised Statutes of Nebraska, is amended to read:

37-426. (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 hunt, harvest, or possess any game bird, upland game bird, game animal, or fur-bearing animal unless, at the time of such hunting, harvesting, or possessing, such person 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 as prescribed by the rules and regulations of the commission~~ prior to the time of hunting, harvesting, or possessing such bird or animal; and

(b) No resident or nonresident of Nebraska eighteen years of age or older shall take or possess any aquatic organism requiring a Nebraska fishing permit, including any fish, bullfrog, snapping turtle, tiger salamander, or mussel unless, at the time of such taking or possessing, such person 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 as prescribed by the rules and regulations of the commission~~ prior to the time of taking or possessing a fish, bullfrog, snapping turtle, tiger salamander, or mussel.

(2) Habitat stamps are not required for holders of limited permits issued under section 37-455. Aquatic habitat stamps are not required (a) when a fishing permit is not required, (b) for holders of permits pursuant to section 37-424, or (c) for holders of lifetime fishing permits or lifetime combination hunting and fishing permits.

(3) Any person to whom a stamp has been issued shall, immediately upon request, exhibit the stamp to any officer. Any person hunting, fishing, harvesting, or possessing any game bird, upland game bird, game animal, or fur-bearing animal or any aquatic organism requiring a fishing permit in this state without the appropriate stamp attached to or printed on 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 37-327.

Sec. 28. Section 37-427, Reissue Revised Statutes of Nebraska, is amended to read:

37-427. The habitat stamp or aquatic habitat stamp required by section 37-426 is not transferable and expires at midnight on December 31 ~~in~~ of the year in for which the stamp is issued.

Sec. 29. Section 37-429, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-429. Habitat stamps and aquatic habitat stamps shall be issued by the 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. The commission shall provide for the issuance of habitat stamps and aquatic habitat stamps in the manner provided in section 37-406.~~

Sec. 30. Section 37-430, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-430. Any person, firm, or corporation authorized as an agent to sell the stamps under sections 37-426 to 37-433 and collect the fees therefor shall remit the fees for the stamps monthly to the secretary of the 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 to the commission in the manner and at the times prescribed by the rules and regulations of the~~

commission.

Sec. 31. Section 37-431, Reissue Revised Statutes of Nebraska, is amended to read:

37-431. (1) ~~The secretary of the 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. The commission shall remit the habitat stamp fees to the State Treasurer for credit to the Nebraska Habitat 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. 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. The commission shall remit the aquatic habitat stamp fees to the State Treasurer for credit to the Nebraska Aquatic Habitat 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. 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 37-426 to 37-433, coming into their hands. ~~Any other person, firm, or corporation agent~~ who receives stamp fees 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. ~~Any person agent~~ 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.

Sec. 32. Section 37-434, Reissue Revised Statutes of Nebraska, is amended to read:

37-434. 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 commission shall ~~require~~ establish an entry permit ~~to be affixed to motor vehicles which enter program for~~ areas of the Nebraska state park system which are designated as permit areas by the commission. ~~as provided by sections 37-434 to 37-446.~~

Sec. 33. Section 37-435, Reissue Revised Statutes of Nebraska, is amended to read:

37-435. ~~As used in~~ For purposes of sections 37-434 to 37-446, unless the context otherwise requires:

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

(2) Permit areas means those areas, or portions of areas, of the Nebraska state park system which are defined in subdivisions (1), (2), and (3) of section 37-338, and which are designated as provided in sections 37-339 and 37-340; ~~for which entry permits shall be required by the commission as provided in sections 37-434 to 37-446;~~ and

(3) Permit means motor vehicle entry permit.

Sec. 34. Section 37-436, Reissue Revised Statutes of Nebraska, is amended to read:

37-436. ~~Permits shall be furnished for sale in such form and manner as prescribed in sections 37-434 to 37-446 and shall be required to be permanently affixed to all~~ The commission shall provide for the issuance of permits. All motor vehicles entering ~~designated~~ permit areas shall have a permit 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; and

(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. 35. Section 37-438, Reissue Revised Statutes of Nebraska, is amended to read:

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

~~(1)~~ (2) The annual permit may be purchased by any person and shall be valid through December 31 ~~in of~~ the year for which the permit is issued. The fee for the annual permit shall be fourteen dollars per permit.

~~(2)~~ (3) A temporary permit may be purchased by any person and shall be valid until noon of the day following the date of issue. The fee for the temporary permit 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. 36. Section 37-439, Reissue Revised Statutes of Nebraska, is amended to read:

37-439. (1) In addition to the permits authorized in section 37-438, 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 motor vehicles may purchase one duplicate annual permit for each annual permit purchased. The duplicate annual permit shall be used ~~on for~~ the purchaser's vehicles. A duplicate annual permit may be purchased at any time during the year ~~from offices of the commission and designated staffed areas, either by mail or in person,~~ upon proof of purchase of an annual permit, and 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 37-446.~~

Sec. 37. Section 37-440, Reissue Revised Statutes of Nebraska, is amended to read:

37-440. ~~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~~ (1) The commission shall prescribe the type and design of permits and the method of display of permits for motor vehicles. The commission may provide for the electronic issuance of permits and may enter into contracts to procure necessary services and supplies for the electronic issuance of permits.

(2) The permits may be procured ~~at~~ from 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 ~~venders~~ agents. Such county offices or private persons, firms, or corporations designated by the commission as permit ~~venders~~ agents 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 37-327, for each permit as reimbursement for the clerical work of issuing the permits and remitting therefor.

Sec. 38. Section 37-443, Reissue Revised Statutes of Nebraska, is amended to read:

37-443. ~~Except as provided in section 37-436, it shall be~~ It is unlawful for any a motor vehicle to enter a permit area unless a valid permit is permanently affixed to displayed in or on the vehicle in the manner prescribed by the commission. Such a A permit shall be required for entry at any time of the year. A permit shall be nontransferable and valid only for the motor vehicle for which issued. Any person who operates a motor vehicle in violation of this section shall be guilty of a Class V misdemeanor, and the court shall order the confiscation of any permit purchased or used in violation of this section. 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. 39. Section 37-444, Reissue Revised Statutes of Nebraska, is amended to read:

37-444. (1) The commission may adopt ~~or enact such~~ and promulgate rules and regulations as are necessary to administer the entry permit program and to carry out the purposes and intents of sections 37-434 to 37-446.

(2) The commission, its agents and officers, and any other peace officer of this state shall be empowered to enforce the provisions of sections 37-434 to 37-446.

Sec. 40. Section 37-445, Reissue Revised Statutes of Nebraska, is amended to read:

37-445. ~~All money received by The county clerks or permit agents other persons or corporations entitled to sell issue permits as provided by sections 37-434 to 37-446 shall remit the fees for the permits be remitted monthly to the secretary of the commission in the manner and at the times prescribed by the rules and regulations 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 agent who receives permit fees under sections 37-434 to 37-446 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 agent 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.~~

Sec. 41. Section 37-446, Reissue Revised Statutes of Nebraska, is amended to read:

37-446. ~~Such~~ The permit fees charged under sections 37-438 and 37-439 shall be deposited in credited to 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~~ permit areas.

Sec. 42. Section 37-447, Reissue Revised Statutes of Nebraska, is amended to read:

37-447. (1) The commission may issue permits for the hunting of deer and prescribe and establish regulations and limitations for the hunting, 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, 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 regulations for the different management units pertaining to sex, species, and age of the deer hunted.

(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 37-454, 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~~ obtain such permits. In establishing eligibility, the commission ~~shall~~ may give preference to persons who did not receive a permit during the previous year or years.

(3) Such permits may be issued to allow deer 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 hunting will not be detrimental to the proper preservation of wildlife in Nebraska in such forest, reserves, or areas.

(4) The commission shall, pursuant to section 37-327, establish and charge a fee of not less than twenty dollars and not more than twenty-five dollars for residents and not less than one hundred fifty dollars and not more than two hundred dollars for nonresidents for each permit issued under this section.

(5) The commission may issue nonresident permits only after a reasonable period has first preference has been provided solely given for the issuance of resident permits as provided in rules and regulations adopted and promulgated by the commission. The commission may require a predetermined application period for permit applications in specified management units. Such 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. 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 a~~ a designated management unit than there are permits available, such permits shall be allocated on the basis of a public random drawing. All valid applications received during the predetermined application period shall be considered equally in any such public random drawing without regard to time of receipt of such applications by the commission.

Sec. 43. Section 37-452, Reissue Revised Statutes of Nebraska, is amended to read:

37-452. No person shall be issued a permit to hunt deer, antelope, elk, wild turkey, 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, wild turkey, or mountain sheep when accompanied by a person twenty-one years of age or over.

Sec. 44. Section 37-457, Reissue Revised Statutes of Nebraska, is amended to read:

37-457. (1) The commission may issue permits for hunting wild turkey and prescribe and establish regulations and limitations for the hunting, 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 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 hunting would not be detrimental to the proper preservation of wildlife in such forest, reserves, or areas.

(2) The commission shall, pursuant to section 37-327, 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 preference has been provided solely given for the issuance of resident permits as provided in rules and regulations adopted and promulgated by the commission. 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. The commission may require a predetermined application period for permit applications in specified management units.~~

(4) The provisions of sections 37-447 and 37-452 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. 45. Section 37-458, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(3) The commission shall adopt and promulgate necessary rules and regulations to carry out this section and may designate areas in which the coyote population may present a threat or cause substantial damage to livestock and restrict the issuance of permits only to such areas. The commission, officers and agents of the commission, and any ~~law enforcement or other~~ peace officer of this state shall have the authority to enforce this section and section 37-509.

Sec. 46. Section 37-462, Reissue Revised Statutes of Nebraska, is amended to read:

37-462. (1) It shall be unlawful for any person to perform taxidermy services on any game for any person other than himself or herself without first obtaining a taxidermist permit from the commission. The permit shall be conspicuously posted at the location where taxidermy services are performed. The application for the permit shall include the applicant's social security number. The annual fee for such permit shall be not less than

five dollars and not more than seven dollars, as established by the commission pursuant to section 37-327. Such permit shall expire on December 31 of the year for which issued.

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

(3) A permit shall authorize a taxidermist to (a) receive, transport, hold in custody or possession, mount, or otherwise prepare game ~~fish, game animals, fur-bearing animals, raptors, and all other birds and creatures protected by the Game Law~~ and return them such game to the legal owner or his or her agent from whom received and (b) sell ~~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) 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, fur-bearing animals, game birds, raptors, or other birds or creatures protected by the Game Law~~ or their the nests or eggs of such game were received or delivered, the number and species, and the dates of receipt and delivery. In addition to other records required by this subsection, the permitholder shall maintain proper invoices or other documents confirming his or her lawful acquisition of ~~cultured game fish, game animals, fur-bearing animals, game birds, or other birds or mammals~~ being held by him or her, including ~~those game~~ which ~~are~~ is on consignment for sale. Permitholders shall retain such records not less than one year following the end of the calendar year covered by the records. Such records shall be available for inspection by duly authorized employees or agents of the commission during normal business hours.

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

Sec. 47. Section 37-463, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

Sec. 48. Section 37-464, Reissue Revised Statutes of Nebraska, is amended to read:

37-464. Except as otherwise provided in the Game Law, it shall be unlawful for any person, other than a person holding a ~~fur farmer~~ captive wildlife permit, a fur buyer's permit, or a permit issued pursuant to section 37-460, 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~~ untanned 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. 49. Section 37-465, Reissue Revised Statutes of Nebraska, as amended by section 24, Legislative Bill 404, Ninety-sixth Legislature, First Session, 1999, is amended to read:

37-465. ~~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~~ An application for an aquaculture permit to operate an aquaculture facility shall be made to the commission on a form prescribed by the commission. The application shall include (1) the name, social security number if the applicant is an individual, residence, and place of business of the applicant, (2) the exact description of the land upon which ~~such game farm, fur farm, or aquaculture~~ the facility is to be located, together with and the nature of the applicant's title to the land, whether in fee or under lease, and (3) the kind and approximate number of ~~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 in the facility.~~ aquatic organisms authorized to be kept or reared on such farm or in such in the 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 37-327. ~~Such permits~~ The permit shall expire at midnight on December 31 in the year for which the permit is issued. Permits under this section shall not be required for possession or production of domesticated cervine animals as defined in section 54-701.03 by a permit holder under the Domesticated Cervine Animal Act.

Sec. 50. Section 37-466, Reissue Revised Statutes of Nebraska, is amended to read:

37-466. ~~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~~ A holder of an aquaculture permit may import aquatic organisms, lawfully held in possession in any other state or country, ~~may be imported into this state by any legal holder of a permit described in section 37-465 except as provided in sections 37-524 and 37-547 to 37-550. 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. 51. Section 37-468, Reissue Revised Statutes of Nebraska, is amended to read:

37-468. Any resident or nonresident who qualifies as an aquaculturist, after securing ~~a~~ an aquaculture permit as provided in section 37-465, may establish and maintain, upon private lands, ponds ~~or tanks~~ for the culture and propagation of aquatic organisms, subject to the restrictions imposed by the Game Law.

Sec. 52. Section 37-469, Reissue Revised Statutes of Nebraska, is amended to read:

37-469. ~~All holders of permits under section 37-465, except holders~~

~~of permits for aquaculture facilities, shall make reports on the first day of July and January. A holder of an aquaculture permit shall report to the commission by January 15 for the preceding calendar year on forms provided by the commission. The commission shall adopt and promulgate rules and regulations specifying the requirements for the reports, including, but not limited to, the total number and species of organisms sold or transported during the preceding calendar year. 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. 53. Section 37-471, Reissue Revised Statutes of Nebraska, is amended to read:

37-471. ~~Game and aquatic~~ (1) Aquatic organisms propagated or raised under a an aquaculture permit issued under section 37-465 may be sold or offered for sale and transported at any time, subject to rules and regulations adopted and promulgated by the commission. The rules and regulations shall include, but not be limited to, tagging and reporting requirements.

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

Sec. 54. Section 37-475, Reissue Revised Statutes of Nebraska, is amended to read:

37-475. Any officer authorized to enforce the Game Law may, at any time, enter ~~upon any game or fur farm or~~ an aquaculture facility for the purpose of inspecting the ~~same facility~~ or for the purpose of enforcing the Game Law.

Sec. 55. Section 37-476, Reissue Revised Statutes of Nebraska, is amended to read:

37-476. Except as otherwise specifically provided, any person ~~willfully~~ violating any of the provisions of sections 37-465 to 37-475 shall be guilty of a Class V misdemeanor.

Sec. 56. Section 37-477, Reissue Revised Statutes of Nebraska, is amended to read:

37-477. (1) No person shall keep in captivity in this state any wild birds, any wild mammals, any nongame wildlife in need of conservation as determined by the commission under section 37-805, or any wildlife determined to be an endangered or threatened species under the Endangered Species Act or section 37-806 or animals without first having obtained a permit to do so as provided by section 37-478 or 37-479.

(2) ~~For purposes of this section and section 37-478, wild birds or animals means (a) any crows and any fur-bearing animals, game animals, game birds, and upland game birds, as defined in sections 37-226, 37-228, 37-229, and 37-244, (b) any nongame wildlife in need of conservation as determined by the commission under section 37-805, and (c) any wildlife determined to be an endangered or threatened species under the Endangered Species Act or section 37-806.~~

(3) ~~Except as provided in subsection (4) (3) of this section, no person shall keep in captivity in this state any wolf, any 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, or nature center owned or operated by a city, village, state, or federal agency, or (c) any bona fide circus or animal exhibit, or (d) any person who holds a commercial game or fur farmer captive wildlife permit issued pursuant to section 37-479 and who raises Canada Lynx (Lynx canadensis) or bobcats (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 production.~~

(4) (3) Any person legally holding in captivity, on March 1, 1986, any animal subject to the prohibition contained in subsection (3) (2) 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 commission.

(5) (4) The commission shall adopt and promulgate rules and regulations governing the ~~keeping~~ purchase, possession, propagation, sale, and barter of wild birds, wild mammals, and wildlife or animals in captivity. under this section.

Sec. 57. Section 37-478, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

Sec. 58. Section 37-479, Reissue Revised Statutes of Nebraska, is amended to read:

37-479. 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 acquired without violation of any law or any rule or regulation duly adopted and promulgated by the commission. (1) To purchase, possess, propagate, or sell captive wild birds, captive wild mammals, or captive wildlife as specified in subsection (1) of section 37-477 or to sell parts thereof, except as provided in section 37-505, a person shall apply to the commission on a form prescribed by the commission for a captive wildlife permit. The commission shall adopt and promulgate rules and regulations specifying application requirements and procedures. The permit shall expire on December 31. The application for the permit shall include the applicant's social security number. The annual fee for such permit shall be not less than twenty-five dollars and not more than thirty dollars, as established by the commission pursuant to section 37-327. The holder of any such permit shall comply with all provisions of sections 37-465 to 37-469, 37-471 to 37-473, 37-475, and 37-477 to 37-482. A holder of a captive wildlife permit shall report to the commission by January 15 for the preceding calendar year on forms provided by the commission. The commission shall adopt and promulgate rules and regulations specifying the requirements for the reports.

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

Sec. 59. Section 37-480, Reissue Revised Statutes of Nebraska, is amended to read:

37-480. The permits required by sections 37-477 to 37-481 may be issued by the 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. (1) Wild birds or wild mammals raised and processed by holders of captive wildlife permits for food trade only shall not be required to be marked as specified in rules and regulations of the commission, but any such dressed and packaged wild bird or wild mammal shall be identified with a label listing the contents of the package, the name of the permitholder, and his or her permit number.

(2) The sale, purchase, or barter of any wild bird or the carcass of a wild bird bearing shot marks or external wounds of any kind is prohibited, except that such wild birds may be bought or sold if they are obtained from the holder of a captive wildlife permit, they are shot in a dog trial approved as a training program by the commission, and they are marked, possessed, and transported according to rules and regulations of the commission.

Sec. 60. Section 37-481, Reissue Revised Statutes of Nebraska, is amended to read:

37-481. Sections 37-477 to 37-480 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, wild mammals, or wildlife as specified in subsection (1) of section 37-477 ~~or animals~~ or for the purpose of purchasing, possessing, propagating, selling, ~~trading~~ bartering, or otherwise disposing of any wild birds, ~~or animals~~ wild mammals, or wildlife as specified in subsection (1) of section 37-477 by (1) any zoo, park, refuge, wildlife area, or nature center owned or operated by a city, village, state, or federal agency or (2) any circus licensed by the United States Department of Agriculture.

Sec. 61. Section 37-482, Reissue Revised Statutes of Nebraska, is amended to read:

37-482. Any person violating the provisions of sections 37-477 to 37-481 shall be guilty of a Class IV misdemeanor. Any conservation officer or other peace officer authorized to enforce the Game Law may, at any time, enter a facility associated with a captive wildlife auction permit or a captive wildlife permit for the purpose of inspecting the facility or enforcing the Game Law.

Sec. 62. Section 37-467, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-467.~~ Game lawfully acquired from the holder of a permit under ~~section~~ sections 37-465 and 37-479 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 permitholder.

Sec. 63. Section 37-483, Reissue Revised Statutes of Nebraska, is amended to read:

37-483. The construction, operation, and maintenance of a facility commonly known as a recall pen, also known as a recapture pen, which is used for the recapture of ~~banded~~ marked game birds originating from ~~licensed game farms~~ the holder of a captive wildlife permit in conjunction with dog training or dog trial activities shall be legal ~~when~~ if the person owning or controlling such recall pen, ~~shall,~~ prior to the operation thereof, ~~have paid~~ pays an annual fee of not less than ten dollars ~~to~~ and not more than thirteen dollars, as established by the commission pursuant to section 37-327, for each recall pen under his or her ownership or control. The commission ~~is hereby authorized to~~ shall adopt and promulgate rules and regulations for the issuance of permits for recall pens and for the possession, and use, and licensing of recall pens. Nothing in this section shall authorize the use of recall pens for the trapping of other wild birds.

Sec. 64. Section 37-495, Reissue Revised Statutes of Nebraska, is amended to read:

37-495. It shall be the duty of every person holding any license issued under sections 37-484 to 37-496 to have the same in his or her possession for immediate presentation for inspection to the conservation officers and employees of the commission, ~~any sheriff, deputy sheriff, or any other police~~ peace officer making demand for same.

Sec. 65. All conservation officers, all wildlife managers employed by the commission, and all other staff designated by the commission shall be authorized to take any wildlife from the wild that has escaped captivity, is diseased, is needed for scientific study, is considered dangerous to human or livestock health, is damaging agricultural crops, or is otherwise deemed unsuitable to remain in the wild, as stipulated in rules and regulations adopted and promulgated by the commission.

Sec. 66. Section 37-503, Reissue Revised Statutes of Nebraska, is amended to read:

37-503. It shall be unlawful for anyone, except a holder of a ~~game farm or aquaculture facility~~ aquaculture permit, a captive wildlife auction permit, or a captive wildlife 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 37-460, ~~37-478,~~ and 37-562 or the rules and regulations of the commission ~~made~~ adopted pursuant to such sections.

Sec. 67. Section 37-504, Reissue Revised Statutes of Nebraska, is amended to read:

37-504. (1) Any person who at any time, except during an open season ordered by the commission as authorized in the Game Law, unlawfully hunts, traps, or has in his or her possession any elk, deer, antelope, swan, or wild turkey shall be guilty of a Class III misdemeanor.

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

(3) Any person who at any time, except during an open season ordered by the commission as authorized in the Game Law, unlawfully 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 unlawfully takes any game or unlawfully has in his or her possession any such game shall be guilty of a Class ~~V~~ III misdemeanor.

(5) Any person who, in violation of the Game Law, ~~hunts~~ takes any mourning dove that is not flying 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~~ protected bird, or destroys or takes the eggs or nest of any such bird, shall be guilty of a Class V misdemeanor.

(7) The provisions of this section shall not render it unlawful for anyone operating a captive wildlife facility ~~game or fur farm~~ or an 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.

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

(9) In addition to the penalties provided in subsections (1), (3), and (4) of this section, any person convicted pursuant to subsection (1) or (3) of this section shall be fined at least one hundred dollars and any person convicted pursuant to subsection (4) of this section shall be fined at least fifty dollars.

Sec. 68. Section 37-506, Reissue Revised Statutes of Nebraska, is amended to read:

37-506. Whenever the possession, use, importation, storage, taxidermy for millinery purposes, sale, or offering or exposing for sale of fish, or 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, or game. ~~or song, insectivorous, or other birds.~~

Sec. 69. Section 37-508, Reissue Revised Statutes of Nebraska, is amended to read:

37-508. (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 rules and regulations of the commission.

(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, (b) every person having in cold storage any such game or fish after such time, and (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. 70. Section 37-514, Reissue Revised Statutes of Nebraska, is amended to read:

37-514. Except as provided in section 37-4,107, 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~~ one hundred fifty dollars.

Sec. 71. Section 37-525, Reissue Revised Statutes of Nebraska, is amended to read:

37-525. (1) It shall be unlawful for any person to kill or capture game birds ~~or game animals~~ during any closed season while training or running a dog except as provided in section ~~37-536~~. ~~Game 37-483, except that game birds obtained from the holder of a game farm captive wildlife permit which have been transported and are tagged marked 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, on privately owned lands, or during a sporting dog trial which is conducted under written authority of the commission as required in section 37-412, or for purposes of novice hunter education under authority of a permit issued by the commission. Game animals may be pursued but not taken under such authority, except that this restriction shall not apply to novice hunter education provided under authority of a permit issued by the commission. The commission shall adopt and promulgate rules and regulations to carry out and administer the novice hunter education program and permit issuance under such program. A person who purchases game birds from the holder of a captive wildlife permit shall have in his or her possession a receipt from the permitholder listing the species and number of birds purchased.~~

(2) ~~Any person in legal possession of game birds marked according to commission regulations may pursue and take such game birds on publicly owned lands that have been approved by the commission and posted with authorized dog training area signs.~~

~~(2)~~ (3) ~~No dog under the provisions of this section shall be run upon private property under this section at any time without the express permission of the landowner or tenant.~~

~~(3)~~ (4) Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 72. Section 37-527, Reissue Revised Statutes of Nebraska, is amended to read:

37-527. (1) For purposes of this section, hunter orange 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~~ during an authorized firearm season 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.

(4) ~~This section shall not apply to archery hunters hunting during a non-center-fire firearm season or in a management unit where a current center-fire firearm season is not open.~~

Sec. 73. Section 37-536, Reissue Revised Statutes of Nebraska, is amended to read:

37-536. 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 as otherwise provided in section 37-483. 7 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. 74. Section 37-540, Reissue Revised Statutes of Nebraska, is amended to read:

37-540. It shall be unlawful (1) for any person to hunt or have in his or her possession, living or dead, any ~~song, insectivorous, or nongame protected~~ bird or part of any such bird, ~~other than an English sparrow, 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 protected~~ birds or to have in his or her possession the nests or eggs of such birds. ~~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.

Sec. 75. Section 37-543, Reissue Revised Statutes of Nebraska, is amended to read:

37-543. (1) It shall be unlawful for any person to take any fish, except as provided in this section, by means other than 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 subsection shall not apply to ice fishing.

(3) It shall be unlawful for any person to 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 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) 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.

Sec. 76. Section 37-545, Reissue Revised Statutes of Nebraska, is amended to read:

37-545. When authorized by the 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 fishing permits, equipment, and methods authorized in sections 37-4,104 and 37-543. Nongame fish and bullheads seined or taken pursuant to this section may be sold by the commercial fishing permit holder. Such sale of bullheads shall not be deemed a violation of section 37-505. The removal of fish in accordance with this section shall not be deemed a violation of section 37-507, 37-543, or 37-556, ~~or 37-623,~~ 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. 77. Section 37-546, Reissue Revised Statutes of Nebraska, is amended to read:

37-546. (1) It shall be unlawful (a) to take baitfish except for use as bait, ~~(b) to take baitfish by the use of minnow seines of more than twenty feet in length or four feet in depth, (c) to take baitfish with minnow seines or traps, the meshes of which are other than one-fourth inch square, (d) or (b) 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 baitfish for any purpose whatsoever except for use as bait. No 7 and (e) to keep or retain any sport fish taken while taking baitfish for use as bait, and sport fish so taken, of whatever size, shall be immediately returned to the water from which taken and no baitfish shall be taken from reservoirs, lakes, or bayous~~ except as provided in rules and regulations of the commission.

(2) The commission may adopt and promulgate rules and regulations

pertaining to the taking, transportation, possession, buying, selling, and bartering of baitfish.

(3) Any person violating this section or the rules and regulations adopted and promulgated under this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 78. Section 37-547, Reissue Revised Statutes of Nebraska, is amended to read:

37-547. It is the intent of the Legislature to prevent the release or importation into the State of Nebraska of any live fish, mollusk, reptile, crustacean, or amphibian wildlife 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 or exportation of any dead or live fish, mollusk, reptile, crustacean, or amphibian wildlife taken from the wild.

Sec. 79. Section 37-548, Reissue Revised Statutes of Nebraska, is amended to read:

37-548. (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 wildlife including the viable gametes, eggs or sperm, except those which are approved by rules and regulations of the commission or as otherwise provided in the Game Law. It shall be unlawful to commercially exploit or export from the state any dead or live fish, mollusk, reptile, crustacean, or amphibian wildlife 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~~ III 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 (a) the wildlife species of fish, mollusks, reptiles, crustaceans, or amphibians which may be released or imported into the state and fish, mollusks, reptiles, crustaceans, or amphibians (b) the wildlife taken from the wild which may be commercially exploited or exported from the state. The rules and regulations for release, importation, commercial exploitation, and exportation of species other than commercial fish and bait fish shall include, but not be limited to, requirements for annual permits for release or importation or for commercial exploitation or exportation, permit fees, the number of individual animals of a particular species that may be released, imported, collected, or exported under a permit, and the manner and location of release or collection of a particular species. The rules and regulations may be amended, modified, or repealed from time to time, based upon investigation and the best available, scientific, commercial, or other reliable data.

(3) The commission shall establish permit fees as required by subsection (2) of this section to cover the cost of permit processing and enforcement of the permits and research into and management of the ecological effects of release, importation, commercial exploitation, and exportation. The commission shall remit the fees to the State Treasurer for credit to the Nongame and Endangered Species Conservation Fund.

(4) The commission may determine that a fish, mollusk, reptile, crustacean, or amphibian the release, importation, commercial exploitation, or exportation of wildlife causes economic or ecologic harm by utilizing the best available scientific, commercial, and other reliable data after consultation, as appropriate, with federal agencies, other interested state and county agencies, and interested persons and organizations.

~~(4)~~ (5) The commission shall, upon its own recommendation or upon the petition of any person who presents to the commission substantial evidence ~~that~~ as to whether such additional species will or 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~~ list published pursuant to ~~subsection (2)~~ subdivision (2)(a) of this section. The review shall be conducted pursuant to subsection (4) of this section.

(6) The commission shall, upon its own recommendation or upon the petition of any person who presents to the commission substantial evidence that commercial exploitation or exportation will cause ecologic or economic harm or significant impact to a wildlife population, conduct a review of any listed or unlisted species proposed to be added to or removed from the list published pursuant to subdivision (2)(b) of this section. The review shall be conducted pursuant to subsection (4) of this section.

Sec. 80. Section 37-549, Reissue Revised Statutes of Nebraska, is amended to read:

37-549. Subsection (1) of section 37-548 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) (3) 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. 81. Section 37-550, Reissue Revised Statutes of Nebraska, is amended to read:

37-550. Nothing in section 37-548 shall be construed to prevent the continuous shipment in interstate commerce of legally possessed live ~~fish, mollusks, reptiles, crustaceans, and amphibians~~ wildlife species 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. 82. Section 37-556, Reissue Revised Statutes of Nebraska, is amended to read:

37-556. It shall be unlawful for any person, ~~association, or corporation~~ to place the carcass of any dead animal, fish, or ~~fowl~~ bird 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 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. 83. Section 37-560, Reissue Revised Statutes of Nebraska, is amended to read:

37-560. 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 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 for human consumption. ~~If the institutions or department do not desire the same~~ human consumption is not possible, such carcass may be sold or disposed of in any other manner.

Sec. 84. Section 37-601, Reissue Revised Statutes of Nebraska, is amended to read:

37-601. All prosecutions for 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~~ prosecuting attorneys in their respective ~~counties~~ jurisdictions to prosecute all persons charged with violations of the Game Law.

Sec. 85. 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 the offense charged is that of having sold, having transported, or having in possession game, wild ~~animals~~ mammals, wild ~~fowls~~, birds, fish, or ~~green hides~~ raw furs in violation of law, prosecutions may be brought in any county through which or into which any such game, wild ~~animals~~ mammals, wild ~~fowls~~, birds, fish, or ~~green hides~~ raw furs have been transported or brought. All prosecutions shall be commenced within ~~one year~~ eighteen months from the time the offense charged was committed.

Sec. 86. Section 37-604, Reissue Revised Statutes of Nebraska, is amended to read:

37-604. It shall be the duty of all conservation officers, sheriffs, deputy sheriffs, and other ~~police~~ peace 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~~ peace 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. 87. Section 37-607, Reissue Revised Statutes of Nebraska, is amended to read:

37-607. It shall be the duty of every conservation officer, ~~as well as of the sheriffs in their respective counties, and any other peace officer~~ 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. 88. Section 37-613, Reissue Revised Statutes of Nebraska, is amended to read:

37-613. (1) Any person who takes or possesses contrary to the Game Law any 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 ~~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 37-805;
- (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~~ action. 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. 89. Section 37-614, Reissue Revised Statutes of Nebraska, is amended to read:

37-614. (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;~~
- (~~e~~) (b) 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 37-314;
- (~~d~~) (c) Taking any species of wildlife protected by the Game Law

during a closed season in violation of section 37-502;

~~(e)~~ (d) Resisting or obstructing any officer or any employee of the commission in the discharge of his or her lawful duties in violation of section 37-609; and

~~(f)~~ (e) 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 37-411;

(b) Hunting from a vehicle, aircraft, or boat in violation of section 37-513, 37-514, 37-515, 37-535, or 37-538; and

(c) Knowingly taking any wildlife on private land without permission in violation of section 37-722.

(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. 90. Section 37-617, Reissue Revised Statutes of Nebraska, is amended to read:

37-617. The court shall notify the commission of any suspension, revocation, or conviction under sections 37-614 to 37-616. The commission shall notify ~~vendors of permits to hunt, fish, and harvest fur~~ permit agents of any suspension or revocation under sections 37-614 to 37-616 and the date such suspension or revocation expires.

Sec. 91. Section 37-619, Reissue Revised Statutes of Nebraska, is amended to read:

37-619. All game taken 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~~, conservation officer, other peace officer, or other employee of the commission.

Sec. 92. Section 37-622, Reissue Revised Statutes of Nebraska, is amended to read:

37-622. Whenever any conservation officer, ~~employee of the commission, sheriff, deputy sheriff,~~ or other peace officer of the state has reason to believe that any person has in his or her possession any game, aquatic organisms, raw fur, nets, or devices contrary to law, the officer, ~~employee, or sheriff~~ 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. 93. Section 37-623, Reissue Revised Statutes of Nebraska, is amended to read:

37-623. Every device, net, and trap and every ferret possessed, used, or attempted to be used by any person in taking any game contrary to the Game Law is hereby declared to be a public nuisance and subject to seizure and confiscation by any conservation officer or other person charged with the enforcement of the Game Law. Ferrets and every device, net, and 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 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 37-543 and 37-545.~~

Sec. 94. Section 37-706, Reissue Revised Statutes of Nebraska, is amended to read:

37-706. (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~~ one hundred ten yards 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~~ one hundred ten yards 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~~ one hundred ten yards 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~~ one hundred ten yards 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. 95. Section 37-724, Reissue Revised Statutes of Nebraska, is amended to read:

37-724. 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~~ more than four hundred forty yards and at all property corners. The name and address of the owner or tenant shall be on each sign.

Sec. 96. Section 37-726, Reissue Revised Statutes of Nebraska, is amended to read:

37-726. Anyone who is apprehended by a law enforcement conservation officer or other peace officer hunting upon the private property of another which has been legally posted as provided in section 37-724 shall be subject to arrest and prosecution without the signing of a complaint by the operator of the property.

Sec. 97. Section 37-728, Reissue Revised Statutes of Nebraska, is amended to read:

37-728. Whenever an invitee takes fish in any body of water which is entirely upon privately owned land and which is entirely privately stocked 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 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 conservation officer or other peace officer a false statement of the facts required by this section shall be guilty of a Class V misdemeanor.

Sec. 98. Section 37-811, Reissue Revised Statutes of Nebraska, is amended to read:

37-811. There is hereby created the Nongame and Endangered Species Conservation Fund. The fund which shall be used to assist in carrying out the Nongame and Endangered Species Conservation Act, to pay for research into and management of the ecological effects of the release, importation, commercial exploitation, and exportation of wildlife species pursuant to section 37-548, 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. 99. Section 37-1001, Reissue Revised Statutes of Nebraska, is amended to read:

37-1001. Sections 37-1001 to 37-1008 shall be known and may be cited as the Trail Development Assistance Act. The Trail Development Assistance Act shall terminate January 1, 2010, 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. 100. Section 37-1202, Reissue Revised Statutes of Nebraska, is amended to read:

37-1202. For the purposes of the State Boat Act, unless the context otherwise requires, the definitions found in sections 37-1203 to 37-1210 and section 101 of this act shall be used.

Sec. 101. Personal watercraft shall mean a class of motorboat less than sixteen feet in length which uses an internal combustion engine powering a jet pump as its primary source of motive propulsion and is designed to be operated by a person sitting, standing, or kneeling on the watercraft rather than in the conventional manner of boat operation.

Sec. 102. Except as provided in sections 103 to 109 of this act, a personal watercraft shall be subject to all applicable laws, rules, and regulations which govern the operation, equipment, registration, and numbering of and all other matters relating to vessels whenever a personal watercraft is operated on the waters of this state.

Sec. 103. (1) A personal watercraft may not be operated on the waters of this state unless each person aboard the personal watercraft is wearing a Type I, Type II, Type III, or Type V United States Coast Guard-approved floatation device.

(2) Each person operating a personal watercraft on the waters of this state which is equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach the lanyard to the operator's person, clothing, or floatation device as appropriate.

Sec. 104. A person shall not operate a personal watercraft on the waters of this state during the period beginning one-half hour after sunset through one-half hour before sunrise.

Sec. 105. (1) A person shall operate a personal watercraft on the waters of this state in a reasonable and prudent manner. A maneuver which unreasonably or unnecessarily endangers life, limb, or property is prohibited and includes weaving through congested vessel traffic or jumping the wake produced by another vessel at a distance of less than thirty yards.

(2) A person shall not operate a personal watercraft on the waters of this state unless he or she is facing forward on the watercraft.

Sec. 106. A person shall not operate a personal watercraft on the waters of this state to tow a person on water skis, kneeboards, inflatable crafts, or any other device unless the personal watercraft is designed to accommodate more than one person and the personal watercraft is recommended by the manufacturer to tow such devices.

Sec. 107. Effective May 1, 2000, a person under sixteen years of age shall not operate a personal watercraft on the waters of this state unless he or she has completed a boating safety course approved by the commission and has been issued a valid boating safety certificate. No person under fourteen years of age shall operate a personal watercraft on the waters of this state. The commission may charge a fee of no more than ten dollars for a boating safety course required by this section.

Sec. 108. Effective May 1, 2000, the owner of a boat livery, or his or her agent or employee, shall not lease, hire, or rent a personal watercraft to, or for operation by, any person under sixteen years of age unless the person presents his or her certificate issued under section 107 of this act.

Sec. 109. Sections 101 to 108 of this act shall not apply to a person participating in a regatta, race, marine parade, tournament, or exhibition which has been authorized or permitted by the commission pursuant to sections 37-1262 and 37-1263 or is otherwise exempt from the provisions of the State Boat Act.

Sec. 110. Section 37-1213, Reissue Revised Statutes of Nebraska, is amended to read:

37-1213. Vessels subject to ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act shall be divided into four classes as follows:

Class 1. Less than sixteen feet in length including all canoes regardless of length;

Class 2. Sixteen feet or over and less than twenty-six feet in length;

Class 3. Twenty-six feet or over and less than forty feet in length; and

Class 4. Forty feet or over.

Sec. 111. Section 37-1214, Reissue Revised Statutes of Nebraska, is amended to read:

37-1214. (1) Except as otherwise provided in section 37-1211, the owner of each motorboat shall register such vessel or renew the registration every three years as provided in section 37-1226. The owner of such vessel shall file an initial 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 37-327.

(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. 112. Section 37-1224, Reissue Revised Statutes of Nebraska, is amended to read:

37-1224. When the owner of any vessel registered under ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act moves out of the state or upon the transfer of ownership of any vessel, such owner or transferor shall be credited with the number of unexpired months remaining in the registration period. If such vessel is removed from the state or transferred within the same calendar month in which it was registered, no refund shall be allowed for such month. Any individual moving out of the state or transferring ownership to any vessel may file a claim for refund with the commission upon forms provided by the commission. The commission shall make payment to the claimant from money available from the State Game Fund appropriated for such purpose, but no refund shall be paid if less than twelve months remains in the registration period.

Sec. 113. Section 37-1225, Reissue Revised Statutes of Nebraska, is amended to read:

37-1225. In the event that an agency of the United States Government shall have in force an overall system of identification numbering for vessels within the United States, the commission may by rules and regulations adopt such numbering system as the numbering system pursuant to ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act.

Sec. 114. Section 37-1226, Reissue Revised Statutes of Nebraska, is amended to read:

37-1226. (1) Every certificate of number and number awarded pursuant to the State Boat Act shall continue in full force and effect for a period of three years unless sooner terminated or discontinued. The numbering periods shall commence January 1 of each year and expire on December 31 of every three-year numbering period thereafter.

(2) Certificates of number and the number awarded may be renewed by the owner by presenting the previously issued certificate of number to the county treasurer or designated county official or an agent authorized to issue renewals. An owner whose registration has expired shall have until March 1 following the year of expiration to renew such registration.

(3) The fee for renewal shall be the same as for original registration as provided in section 37-1214.

Sec. 115. Section 37-1228, Reissue Revised Statutes of Nebraska, is amended to read:

37-1228. ~~Certificates of number and the number awarded shall expire December 31 of each three-year numbering period and shall no longer be of any force or effect unless renewed pursuant to sections 37-1201 to 37-1273 and 37-1291. The fee for renewal registration shall be the same as for original registration. Owners whose registration has expired shall have until March 1 following the year of expiration to renew such registration.~~ Every certificate of number shall contain the following information: Name and address of the owner, classification number or letter as classified by the commission, length, type of construction, material used in the boat, whether inboard or outboard motor power, type of fuel, make, the horsepower rating of motor or motors, and the hull identification number.

Sec. 116. Section 37-1231, Reissue Revised Statutes of Nebraska, is amended to read:

37-1231. No number other than the number awarded to a vessel or granted reciprocity pursuant to ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act shall be attached on either side of the bow of such vessel.

Sec. 117. Section 37-1241, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(3) For purposes of this section, sailboard means +

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

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

Sec. 118. Section 37-1248, Reissue Revised Statutes of Nebraska, is amended to read:

37-1248. No person shall operate or give permission for the operation of a vessel which is not equipped as required by ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act.

Sec. 119. Section 37-1249, Reissue Revised Statutes of Nebraska, is amended to read:

37-1249. A vessel shall not be required to be numbered pursuant to ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act if it is:

(1) Already covered by a number in full force and effect which has been awarded to it pursuant to federal law or a federally approved numbering system of another state; ~~PROVIDED, that and if such boat shall not have has~~ not been within this state for a period in excess of sixty consecutive days;

(2) A vessel from a country other than the United States temporarily using the waters of this state;

(3) A vessel whose owner is the United States, a state, or a subdivision thereof; or

(4) A ship's lifeboat.

Sec. 120. Section 37-1250, Reissue Revised Statutes of Nebraska, is amended to read:

37-1250. The commission may by rule and regulation exempt a vessel from numbering under ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act after the commission has found that the numbering of certain vessels will not materially aid in their safety and identification.

Sec. 121. Section 37-1254.02, Reissue Revised Statutes of Nebraska, is amended to read:

37-1254.02. (1) Any person who has in his or her actual physical control a motorboat under propulsion upon the waters of this state shall be deemed to have given his or her consent to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol content in such blood, breath, or urine.

(2) Any law enforcement officer who has been duly authorized to make arrests for violations of laws of this state or ordinances of any city or village may require any person arrested for any offense arising out of acts alleged to have been committed while the person was in the actual physical control of a motorboat under propulsion upon the waters of this state under the influence of alcohol to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the alcohol content of such blood, breath, or urine when the officer has reasonable grounds to believe that the person was in the actual physical control of a motorboat under propulsion upon the waters of this state while under the influence of alcohol.

(3) Any law enforcement officer who has been duly authorized to make arrests for violations of laws of this state or ordinances of any city or village may require any person who has in his or her actual physical control a motorboat under propulsion upon the waters of this state to submit to a preliminary test of his or her breath for alcohol content if the officer has

reasonable grounds to believe that such person has alcohol in his or her body or has committed any violation of this section and section 37-1254.01. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicate an alcohol content of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath shall be placed under arrest. Any person who refuses to submit to such preliminary breath test shall be guilty of a Class V III misdemeanor.

(4) Any person arrested pursuant to this section may, upon the direction of a law enforcement officer, be required to submit to a chemical test of his or her blood, breath, or urine for a determination of the alcohol content. Any person who refuses to submit to a chemical blood, breath, or urine test required pursuant to this section shall be guilty of a Class II misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to be in the actual physical control of any motorboat under propulsion upon the waters of this state for any purpose for a period of six months from the date of such conviction. If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to be in the actual physical control of any motorboat under propulsion upon the waters of this state for any purpose for a period of sixty days from the date of the order.

(5) Any person who is required to submit to a preliminary breath test or to a chemical blood, breath, or urine test pursuant to this section shall be advised of the consequences of refusing to submit to such test.

Sec. 122. Section 37-1264, Reissue Revised Statutes of Nebraska, is amended to read:

37-1264. The provisions of ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act and of other applicable laws of this state shall govern the operation, equipment, numbering, and all other matters relating thereto whenever any vessel shall be operated on the waters of this state, or when any activity regulated by ~~sections 37-1201 to 37-1273 and 37-1291~~ the act shall take place thereon; but nothing in ~~sections 37-1201 to 37-1273 and 37-1291~~ the act shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels the provisions of which are identical to the provisions of ~~sections 37-1201 to 37-1273 and 37-1291,~~ amendments thereto, the act or rules or regulations issued thereunder, but such ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to provisions of ~~sections 37-1201 to 37-1273 and 37-1291,~~ amendments thereto, the State Boat Act or rules or regulations issued thereunder.

Sec. 123. Section 37-1268, Reissue Revised Statutes of Nebraska, is amended to read:

37-1268. The commission shall adopt and promulgate such rules and regulations as are necessary to carry out ~~sections 37-1201 to 37-1273 and 37-1291~~ the State Boat Act. In adopting such rules and regulations, the commission shall be governed by the provisions of the Administrative Procedure Act.

Sec. 124. Section 37-1270, Reissue Revised Statutes of Nebraska, is amended to read:

37-1270. Any person who violates any provisions of ~~sections 37-1201 to 37-1269~~ the State Boat Act, or any provisions of the rules and regulations established by the ~~Game and Parks Commission~~ commission pursuant thereto, for which a penalty is not otherwise provided, shall be guilty of a Class V misdemeanor for each such violation.

Sec. 125. Section 37-1271, Reissue Revised Statutes of Nebraska, is amended to read:

37-1271. Any person who violates any provision of section 37-1251 or 37-1252, ~~or sections 37-1258 to 37-1261,~~ or sections 103 to 106 and 108 of this act shall be guilty of a Class IV misdemeanor for each violation.

Sec. 126. Section 37-1291, Reissue Revised Statutes of Nebraska, is amended to read:

37-1291. Sections 37-1201 to 37-1291 and sections 101 to 109 of this act shall be known and may be cited as the State Boat Act.

Sec. 127. Sections 78 to 81 and 130 of this act become operative on January 1, 2000. Sections 1 to 77, 82 to 99, 111, 114, 115, 121, 129, and 131 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 128. Original sections 37-1202, 37-1213, 37-1224, 37-1225, 37-1231, 37-1241, 37-1248 to 37-1250, 37-1264, 37-1268, 37-1270, 37-1271, and 37-1291, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 129. Original sections 37-110, 37-201, 37-202, 37-209, 37-226,

37-227, 37-229, 37-239, 37-246, 37-248, 37-303, 37-314, 37-323, 37-327, 37-404 to 37-406, 37-408 to 37-410, 37-415, 37-416, 37-422, 37-426, 37-427, 37-429 to 37-431, 37-434 to 37-436, 37-438 to 37-440, 37-443 to 37-447, 37-452, 37-457, 37-458, 37-462 to 37-464, 37-466 to 37-469, 37-471, 37-475 to 37-483, 37-495, 37-503, 37-504, 37-506, 37-508, 37-514, 37-525, 37-527, 37-536, 37-540, 37-543, 37-545, 37-546, 37-556, 37-560, 37-601, 37-602, 37-604, 37-607, 37-613, 37-614, 37-617, 37-619, 37-622, 37-623, 37-706, 37-724, 37-726, 37-728, 37-811, 37-1001, 37-1214, 37-1226, 37-1228, and 37-1254.02, Reissue Revised Statutes of Nebraska, and sections 37-411 and 37-465, Reissue Revised Statutes of Nebraska, as amended by sections 23 and 24, respectively, Legislative Bill 404, Ninety-sixth Legislature, First Session, 1999, are repealed.

Sec. 130. Original sections 37-547 to 37-550, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 131. The following sections are outright repealed: Sections 37-472 to 37-474, Reissue Revised Statutes of Nebraska.

Sec. 132. Since an emergency exists, this act takes effect when passed and approved according to law.