

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 499
Final Reading

Introduced by Brasch, 16.

Read first time January 23, 2013

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Game Law; to amend sections 37-304,
2 37-321, 37-422, 37-4,107, 37-543, 37-546, and 37-604,
3 Reissue Revised Statutes of Nebraska, and sections
4 37-314, 37-447, 37-448, 37-455, 37-490, 37-492, 37-501,
5 37-503, and 37-614, Revised Statutes Cumulative
6 Supplement, 2012; to provide and change powers and duties
7 of the Game and Parks Commission regarding rules and
8 regulations; to authorize commission orders; to harmonize
9 provisions; and to repeal the original sections.

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

1 Section 1. Section 37-304, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 37-304 (1) The commission may adopt and promulgate rules
4 and regulations, under the procedures set forth in the Administrative
5 Procedure Act, governing the administration and use of all property,
6 real and personal, under its ownership or control.

7 (2) The commission shall adopt and promulgate rules and
8 regulations it deems necessary to administer the activities and
9 facilities described in sections 37-305 to 37-313.

10 (3) The commission may pass, by majority vote, commission
11 orders which govern (a) conservation orders, (b) seasons, (c) open
12 and closed areas, and (d) bag limits as described in section 37-314.

13 Sec. 2. Section 37-314, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 37-314 (1) The commission may, in accordance with the
16 Game Law, other provisions of law, and lawful rules and regulations,
17 fix, prescribe, and publish rules and regulations ~~as to open seasons~~
18 ~~and closed seasons, either permanent or temporary, as to conservation~~
19 ~~orders or similar wildlife management activities authorized by the~~
20 ~~United States Fish and Wildlife Service, as to bag limits or~~
21 regarding the methods or type, kind, and specifications of hunting,
22 fur-harvesting, or fishing gear used in the taking of any game, game
23 fish, nongame fish, game animals, fur-bearing animals, or game
24 birds. ~~, as to the age, sex, species, or area of the state in which~~
25 ~~any game, game fish, nongame fish, game animals, fur-bearing animals,~~

1 ~~or game birds may be taken, or as to the taking of any particular~~
2 ~~kinds, species, or sizes of game, game fish, nongame fish, game~~
3 ~~animals, fur bearing animals, and game birds in any designated waters~~
4 ~~or areas of this state after due investigation and having due regard~~
5 ~~to the distribution, abundance, economic value, breeding habits,~~
6 ~~migratory habits, and causes of depletion or extermination of the~~
7 ~~same in such designated waters or areas and having due regard to the~~
8 ~~volume of the hunting, fur harvesting, and fishing practiced therein~~
9 ~~and the climatic, seasonal, and other conditions affecting the~~
10 ~~protection, preservation, and propagation of the same in such waters~~
11 ~~or areas. Such rules and regulations may be amended, modified, or~~
12 ~~repealed from time to time, subject to such limitations and~~
13 ~~standards, and such rules and regulations and all amendments,~~
14 ~~modifications, and repeals thereof and shall be based upon~~
15 ~~investigation and available but reliable data relative to such~~
16 ~~limitations and standards.~~

17 (2) The commission may, in accordance with the Game Law,
18 other provisions of law, and lawful rules and regulations, pass and
19 publish commission orders regarding (a) conservation orders
20 authorized by the United States Fish and Wildlife Service, (b) open
21 seasons and closed seasons, either permanent or temporary, (c) bag
22 limits, including the age, sex, species, or area of the state in
23 which any game, game fish, nongame fish, game animals, fur-bearing
24 animals, or game birds may be taken, or (d) the taking of any
25 particular kinds, species, or sizes of game, game fish, nongame fish,

1 game animals, fur-bearing animals, and game birds in any designated
2 waters or areas of this state. The commission may pass such
3 commission orders after due investigation and having due regard to
4 the distribution, abundance, economic value, breeding habits,
5 migratory habits, and causes of depletion or extermination of the
6 same in such designated waters or areas and having due regard to the
7 volume of the hunting, fur harvesting, and fishing practiced therein
8 and the climatic, seasonal, and other conditions affecting the
9 protection, preservation, and propagation of the same in such waters
10 or areas. The commission orders may be amended, modified, or repealed
11 from time to time. Commission orders shall be based upon
12 investigation and available but reliable data relative to such
13 limitations and standards.

14 (3) The commission shall hold at least one public hearing
15 in accordance with section 37-104 on each proposed commission order
16 or amendment, modification, or repeal of a commission order and shall
17 hold at least one public hearing in accordance with section 37-104,
18 in addition to all other requirements of the Administrative Procedure
19 Act, on each proposed rule and regulation or amendment, modification,
20 or repeal of a rule or regulation. The commission shall give notice
21 of such hearing to the public at least thirty days prior to the
22 hearing by posting it on the commission's web site. No commission
23 order shall be valid against any person until fifteen days after such
24 order has been posted on the commission's web site. Each such—rule,
25 regulation, amendment, modification, and repeal shall specify the

1 date when it shall become effective and while it remains in effect
2 shall have the force and effect of law.

3 ~~(3)~~(4) Regardless of the provisions of this section or
4 of other ~~sections~~provisions of the Game Law which empower the
5 commission to set seasons on game birds, fish, or animals or provide
6 the means and method by which such seasons are set or promulgated and
7 regardless of the provisions of the Administrative Procedure Act, the
8 commission may close or reopen any open season previously set on game
9 birds, fish, or animals in all or any specific portion of the state.
10 The commission shall only close or reopen such seasons by majority
11 vote at a valid special meeting called under section 37-104 and other
12 provisions of statutes regarding the holding of public meetings. Any
13 closing or reopening of an open season previously set by the
14 commission shall not be effective for at least twenty-four hours
15 after such action by the commission. The commission shall make every
16 effort to make available to all forms of the news media the
17 information on any opening or closing of any open season on game
18 birds, fish, or animals previously set. The commission may only use
19 this special provision allowing the commission to open or close game
20 bird, fish, or animal seasons previously set in emergency situations
21 in which the continuation of the open season would result in grave
22 danger to human life or property or to bird, fish, or wild animal
23 populations. The commission may also close or reopen any season
24 established by a conservation order under the same provisions
25 pertaining to closing and reopening seasons in this section.

1 ~~(4)~~(5) Any person violating the rules and regulations
2 adopted and promulgated or commission orders passed pursuant to this
3 section shall be guilty of a Class III misdemeanor and shall be fined
4 at least one hundred dollars upon conviction.

5 Sec. 3. Section 37-321, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 37-321 The ~~commission~~ secretary of the commission may, by
8 ~~regulation, order,~~ authorize the taking of fish by any means and in
9 any number whenever the secretary ~~of the commission~~ determines,
10 pursuant to standards imposed by ~~such regulations, rules and~~
11 regulations adopted and promulgated by the commission, that such
12 action is necessary for proper fish management as a result of an
13 emergency created by the drying up of any waters inhabited by fish.
14 Such determination shall specify the waters in which such emergency
15 action is desirable, and the authorization so granted shall extend to
16 such waters and to no others. The taking of any fish in violation of
17 this section shall be a Class V misdemeanor.

18 Sec. 4. Section 37-422, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 37-422 (1) The commission may require special daily
21 fishing permits on areas designated by it and subject to intensive
22 fishery management. Such permits may be vended by mechanical or
23 electronic methods. The commission may establish the fee, form, and
24 requirements of such special daily fishing permit, and establish
25 rules and regulations and commission orders pursuant to section

1 37-314 governing seasons, limits, methods of taking, open or closed
2 waters, and such other regulations and commission orders as it deems
3 necessary on such designated areas. Such special daily fishing permit
4 shall be required of any and all persons fishing on the designated
5 area and shall be the only fishing permit required thereon. The
6 commission may only issue the permits authorized by this section on
7 staffed areas or on portions of staffed areas under its ownership or
8 control which are intensively managed or stocked for a high level of
9 fish production.

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

21 Sec. 5. Section 37-447, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 37-447 (1) The commission may issue permits for the
24 hunting of deer ~~and prescribe~~ and adopt and promulgate rules and
25 regulations and pass commission orders pursuant to section 37-314 to

1 prescribe limitations for the hunting, transportation, and possession
2 of deer. The commission may offer multiple-year permits or
3 combinations of permits at reduced rates. The commission may specify
4 by rule and regulation the information to be required on applications
5 for such permits. ~~Regulations and limitations~~ Rules and regulations
6 for the hunting, transportation, and possession of deer may include,
7 but not be limited to, rules and regulations ~~and limitations~~ as to
8 the type, caliber, and other specifications of firearms and
9 ammunition used and specifications for bows and arrows used. Such
10 rules and regulations ~~and limitations~~ may further specify and limit
11 the method of hunting deer and may provide for dividing the state
12 into management units or areas, and the commission may enact
13 different deer hunting regulations for the different management units
14 pertaining to sex, species, and age of the deer hunted.

15 (2) The number of such permits may be limited as provided
16 by the rules and regulations of the commission, and except as
17 provided in section 37-454, the permits shall be disposed of in an
18 impartial manner. Whenever the commission deems it advisable to limit
19 the number of permits issued for any or all management units, the
20 commission shall, by rules and regulations, determine who shall be
21 eligible to obtain such permits. In establishing eligibility, the
22 commission may give preference to persons who did not receive a
23 permit or a specified type of permit during the previous year or
24 years.

25 (3) Such permits may be issued to allow deer hunting in

1 the Nebraska National Forest and other game reserves and such other
2 areas as the commission may designate whenever the commission deems
3 that permitting such hunting will not be detrimental to the proper
4 preservation of wildlife in Nebraska in such forest, reserves, or
5 areas.

6 (4)(a) The commission shall, pursuant to section 37-327,
7 establish and charge a fee of not more than twenty-nine dollars for
8 residents and not more than two hundred fourteen dollars for
9 nonresidents for each permit issued under this section except as
10 otherwise provided in subdivision (b) of this subsection and
11 subsection (6) of this section.

12 (b) The fee for a statewide buck-only permit shall be no
13 more than two and one-half times the amount of a regular deer permit.
14 The commission may provide different fees for different species.

15 (5) The commission may issue nonresident permits after
16 preference has been given for the issuance of resident permits as
17 provided in rules and regulations adopted and promulgated by the
18 commission. The commission may require a predetermined application
19 period for permit applications in specified management units. Such
20 permits shall be issued after a reasonable period for making
21 application, as established by the commission, has expired. When more
22 valid applications are received for a designated management unit than
23 there are permits available, such permits shall be allocated on the
24 basis of a random drawing. All valid applications received during the
25 predetermined application period shall be considered equally in any

1 such random drawing without regard to time of receipt of such
2 applications by the commission.

3 (6) The commission shall, pursuant to section 37-327,
4 establish and charge a fee of not more than twenty-five dollars for
5 residents and not more than forty-five dollars for nonresidents for a
6 youth deer permit.

7 (7) Any person violating the rules and regulations
8 adopted and promulgated or commission orders passed pursuant to this
9 section shall be guilty of a Class II misdemeanor and shall be fined
10 at least one hundred dollars upon conviction.

11 Sec. 6. Section 37-448, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 37-448 (1) Subject to rules and regulations adopted and
14 promulgated by the commission, the secretary of the commission may
15 designate, by order, special deer depredation seasons or extensions
16 of existing deer hunting seasons. ~~by executive order~~. The secretary
17 may designate a depredation season or an extension of an existing
18 deer hunting season whenever he or she determines that deer are
19 causing excessive property damage. The secretary shall specify the
20 number of permits to be issued, the species of deer allowed to be
21 taken, the bag limit for such species including deer for donation in
22 accordance with the deer donation program established pursuant to
23 sections 37-1501 to 37-1510, the beginning and ending dates for the
24 depredation season or hunting season extension, shooting hours, the
25 length of the depredation season or hunting season extension, and the

1 geographic area in which hunting will be permitted. Hunting during a
2 special depredation season or hunting season extension shall be
3 limited to residents, and the rules and regulations shall allow use
4 of any weapon permissible for use during the regular deer season.

5 (2) The depredation season may commence not less than
6 five days after the first public announcement that the depredation
7 season has been established. Permits shall be issued in an impartial
8 manner at a location determined by the secretary. The commission
9 shall, pursuant to section 37-327, establish and charge a fee of not
10 more than twenty-five dollars for a special depredation season
11 permit. The commission shall use the income from the sale of special
12 depredation season permits for abatement of damage caused by deer.
13 The commission shall also provide for an unlimited number of free
14 permits for the taking of antlerless deer upon request to any person
15 owning or operating at least twenty acres of farm or ranch land
16 within the geographic area in which hunting will be permitted and to
17 any member of the immediate family of any such person as defined in
18 subdivision (2)(a) of section 37-455. A free permit shall be valid
19 only within such area and only during the designated deer depredation
20 season. Receipt of a depredation season permit shall not in any way
21 affect a person's eligibility for a regular season permit.

22 Sec. 7. Section 37-455, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 37-455 (1) The commission may issue a limited permit for
25 deer, antelope, wild turkey, or elk to a person who is a qualifying

1 landowner or leaseholder and his or her immediate family as described
2 in this section. The commission may issue nonresident landowner
3 limited permits after preference has been given for the issuance of
4 resident permits as provided in rules and regulations adopted and
5 promulgated by the commission. A permit shall be valid during the
6 predetermined period established by the commission pursuant to
7 sections 37-447 to 37-450, 37-452, 37-456, or 37-457. Upon receipt of
8 an application in proper form as prescribed by the rules and
9 regulations of the commission, the commission may issue (a) a limited
10 deer, antelope, or wild turkey permit valid for hunting on all of the
11 land which is owned or leased by the qualifying landowner or
12 leaseholder if such lands are identified in the application or (b) a
13 limited elk permit valid for hunting on the entire elk management
14 unit of which the land of the qualifying landowner or leaseholder
15 included in the application is a part.

16 (2)(a) The commission shall adopt and promulgate rules
17 and regulations prescribing procedures and forms and create
18 requirements for documentation by an applicant or permittee to
19 determine whether the applicant or permittee is a Nebraska resident
20 and is a qualifying landowner or leaseholder of the described
21 property or is a member of the immediate family of such qualifying
22 landowner or leaseholder. Only a person who is a qualifying landowner
23 or leaseholder and such person's immediate family may apply for a
24 limited permit. An applicant may apply for no more than one permit
25 per species per year except as otherwise provided in the rules and

1 regulations of the commission. For purposes of this section,
2 immediate family means and is limited to a husband and wife and their
3 children or siblings sharing ownership in the property.

4 (b) The conditions applicable to permits issued pursuant
5 to sections 37-447 to 37-450, 37-452, 37-456, or 37-457, whichever is
6 appropriate, shall apply to limited permits issued pursuant to this
7 section, except that the commission may ~~adopt and promulgate rules~~
8 ~~and regulations~~ pass commission orders for species harvest allocation
9 pertaining to the sex and age of the species harvested which are
10 different for a limited permit than for other hunting permits. For
11 purposes of this section, white-tailed deer and mule deer shall be
12 treated as one species.

13 (3)(a) To qualify for a limited permit to hunt deer or
14 antelope, the applicant shall be a Nebraska resident who owns or
15 leases eighty acres or more of farm or ranch land for agricultural
16 purposes or a member of such person's immediate family. The number of
17 limited permits issued annually per species for each farm or ranch
18 shall not exceed the total acreage of the farm or ranch divided by
19 eighty. The fee for a limited permit to hunt deer or antelope shall
20 be one-half the fee for the regular permit for such species.

21 (b) A nonresident of Nebraska who owns three hundred
22 twenty acres or more of farm or ranch land in the State of Nebraska
23 for agricultural purposes or a member of such person's immediate
24 family may apply for a limited deer or antelope permit. The number of
25 limited permits issued annually per species for each farm or ranch

1 shall not exceed the total acreage of the farm or ranch divided by
2 three hundred twenty. The fee for such a permit to hunt deer or
3 antelope shall be one-half the fee for a nonresident permit to hunt
4 such species.

5 (c) The commission may adopt and promulgate rules and
6 regulations providing for the issuance of an additional limited deer
7 permit to a qualified individual for the taking of a deer without
8 antlers at a fee equal to or less than the fee for the original
9 limited permit.

10 (4)(a) To qualify for a limited permit to hunt wild
11 turkey, the applicant shall be a Nebraska resident who owns or leases
12 eighty acres or more of farm or ranch land for agricultural purposes
13 or a member of such person's immediate family. The number of limited
14 permits issued annually per season for each farm or ranch shall not
15 exceed the total acreage of the farm or ranch divided by eighty. An
16 applicant may apply for no more than one limited permit per season.
17 The fee for a limited permit to hunt wild turkey shall be one-half
18 the fee for the regular permit to hunt wild turkey.

19 (b) A nonresident of Nebraska who owns three hundred
20 twenty acres or more of farm or ranch land in the State of Nebraska
21 for agricultural purposes or a member of such person's immediate
22 family may apply for a limited permit to hunt wild turkey. Only one
23 limited wild turkey permit per three hundred twenty acres may be
24 issued annually for each wild turkey season under this subdivision.
25 The fee for such a permit to hunt shall be one-half the fee for a

1 nonresident permit to hunt wild turkey.

2 (5) To qualify for a limited permit to hunt elk, (a) the
3 applicant shall be (i) a Nebraska resident who owns three hundred
4 twenty acres or more of farm or ranch land for agricultural purposes,
5 (ii) a Nebraska resident who leases six hundred forty acres or more
6 of farm or ranch land for agricultural purposes or has a leasehold
7 interest and an ownership interest in farm or ranch land used for
8 agricultural purposes which when added together totals at least six
9 hundred forty acres, (iii) a nonresident of Nebraska who owns at
10 least one thousand two hundred eighty acres of farm or ranch land for
11 agricultural purposes, or (iv) a member of such owner's or lessee's
12 immediate family and (b) the qualifying farm or ranch land of the
13 applicant shall be within an area designated as an elk management
14 zone by the commission in its rules and regulations. An applicant
15 shall not be issued a limited bull elk permit more than once every
16 three years, and the commission may give preference to a person who
17 did not receive a limited elk permit or a specified type of limited
18 elk permit during the previous years. The fee for a resident
19 landowner limited permit to hunt elk shall not exceed one-half the
20 fee for the regular permit to hunt elk. The fee for a nonresident
21 landowner limited permit to hunt elk shall not exceed three times the
22 cost of a resident elk permit. The number of applications allowed for
23 limited elk permits for each farm or ranch shall not exceed the total
24 acreage of the farm or ranch divided by the minimum acreage
25 requirements established for the property. No more than one person

1 may qualify for the same described property.

2 Sec. 8. Section 37-490, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 37-490 No person shall hunt any upland game birds and
5 mallard ducks upon such breeding and controlled shooting area except
6 between September 1 and April 1 of each year, except that turkeys may
7 be hunted throughout the open season and dog training or dog trial
8 activities may be permitted as prescribed by rules and regulations of
9 the commission or commission orders.

10 Sec. 9. Section 37-492, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 37-492 The commission may adopt and promulgate rules and
13 regulations and pass commission orders for carrying out,
14 administering, and enforcing the provisions of sections 37-484 to
15 37-496. The commission shall limit the number of areas proposed for
16 licensing so that the total acreage licensed for game breeding and
17 controlled shooting areas in any one county does not exceed two
18 percent of the total acreage of the county in which the areas are
19 sought to be licensed. The commission shall not require distances
20 between boundaries of game breeding and controlled shooting areas to
21 be greater than two miles. No license shall be issued for any area
22 whereon mallard ducks are shot or to be shot if the area lies within
23 three miles of any river or within three miles of any lake with an
24 area exceeding three acres, except that a license may be issued for
25 such area for the shooting of upland game birds only, and the rearing

1 or shooting of mallard ducks thereon is prohibited.

2 Sec. 10. Section 37-4,107, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 37-4,107 Bullfrogs may be taken, possessed, transported,
5 and used under rules and regulations adopted and promulgated by the
6 commission or commission orders setting forth seasons, bag limits,
7 open areas, and manner of taking established by the commission
8 pursuant to section 37-314, by the holder of a fishing permit. In
9 taking bullfrogs, an artificial light may be used.

10 Sec. 11. Section 37-501, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 37-501 Except as otherwise provided by the Game Law, ~~or~~
13 rules and regulations of the commission, or commission orders, it
14 shall be unlawful for any person in any one day to take or have in
15 his or her possession at any time a greater number of game birds,
16 game animals, or game fish of any one kind than as established
17 pursuant to section 37-314. Any person violating this section shall
18 be guilty of a Class III misdemeanor and, upon conviction, shall be
19 fined at least two hundred dollars for violations relating to
20 turkeys, small game animals, or game fish.

21 Sec. 12. Section 37-503, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 37-503 It shall be unlawful for anyone to have in his or
24 her possession, except during the open season thereon, any unmounted
25 game except as allowed by the Game Law or the rules and regulations

1 ~~of adopted and promulgated and commission orders passed by the~~
2 commission.

3 Sec. 13. Section 37-543, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 37-543 (1) It shall be unlawful for any person to take
6 any fish, except as provided in this section, by means other than
7 fishing with hook and line.

8 (2) It shall be unlawful for any person to use, while
9 fishing in this state in any lake, pond, or reservoir or in their
10 inlets, outlets, and canals within one-half mile of such lake, pond,
11 or reservoir, more than two lines, and neither line shall have more
12 than two hooks. This subsection shall not apply to ice fishing.

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

16 (4) It shall be unlawful for any person to use, while
17 fishing in any waters in this state, a line having more than five
18 hooks thereon or lines having more than fifteen hooks in the
19 aggregate. One hook means a single, double, or treble pointed hook,
20 and all hooks attached as a part of an artificial bait or lure shall
21 be counted as one hook.

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

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

1 (7) The commission may ~~by~~ adopt and promulgate rules and
2 regulations to allow, control, regulate, or prohibit the use of
3 seines, nets, and other devices and methods in the taking of fish.
4 The commission may adopt and promulgate rules and regulations as to
5 the method of taking, ~~bag limits, size limits, possession,~~
6 transporting, or selling and pass commission orders regarding bag
7 limits and size limits of all species of fish.

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

10 Sec. 14. Section 37-546, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 37-546 (1) It shall be unlawful (a) to take baitfish
13 except for use as bait or (b) for any person except an aquaculturist
14 or bait dealer to buy, sell, barter, offer to buy, sell, or barter,
15 or have in his or her possession baitfish for any purpose whatsoever
16 except for use as bait. No baitfish shall be taken from reservoirs,
17 lakes, or bayous except as provided in rules and regulations of the
18 commission.

19 (2) The commission may adopt and promulgate rules and
20 regulations and pass commission orders pursuant to section 37-314
21 pertaining to the taking, transportation, possession, buying,
22 selling, and bartering of baitfish.

23 (3) Any person violating this section or the rules and
24 regulations adopted and promulgated or commission orders passed under
25 this section shall be guilty of a Class III misdemeanor and shall be

1 fined at least fifty dollars.

2 Sec. 15. Section 37-604, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 37-604 It shall be the duty of all conservation officers,
5 sheriffs, deputy sheriffs, and other peace officers to make prompt
6 investigation of and arrests for any violations of the Game Law
7 observed or reported by any person and to cause a complaint to be
8 filed before a court having jurisdiction thereof in case there seems
9 just ground for such complaint and evidence procurable to support the
10 same. Upon the filing of such a complaint, it shall be the duty of
11 such officer to render assistance in the prosecution of the party
12 complained against. Sheriffs, deputy sheriffs, and other peace
13 officers making arrests and serving warrants under this section shall
14 receive fees and mileage under the provisions of the statutes of the
15 state with mileage to be computed at the rate provided for county
16 sheriffs in section 33-117. Conservation officers shall serve writs
17 and processes, civil and criminal, when such writs and processes
18 pertain to enforcement of duties imposed by law on the commission.
19 Any officer or person purporting to enforce the laws of this state or
20 rules and regulations adopted and promulgated or commission orders
21 passed pursuant thereto shall on the demand of any person apprehended
22 by him or her exhibit to such person his or her written commission of
23 authority as such enforcement officer.

24 Sec. 16. Section 37-614, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

1 37-614 (1) When a person pleads guilty to or is convicted
2 of any violation listed in this subsection, the court shall, in
3 addition to any other penalty, revoke and require the immediate
4 surrender of all permits to hunt, fish, and harvest fur held by such
5 person and suspend the privilege of such person to hunt, fish, and
6 harvest fur and to purchase such permits for a period of not less
7 than one nor more than three years. The court shall consider the
8 number and severity of the violations of the Game Law in determining
9 the length of the revocation and suspension. The violations shall be:

10 (a) Carelessly or purposely killing or causing injury to
11 livestock with a firearm or bow and arrow;

12 (b) Purposely taking or having in his or her possession a
13 number of game animals, game fish, game birds, or fur-bearing animals
14 exceeding twice the limit established pursuant to section 37-314;

15 (c) Taking any species of wildlife protected by the Game
16 Law during a closed season in violation of section 37-502;

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

20 (e) Being a habitual offender of the Game Law.

21 (2) When a person pleads guilty to or is convicted of any
22 violation listed in this subsection, the court may, in addition to
23 any other penalty, revoke and require the immediate surrender of all
24 permits to hunt, fish, and harvest fur held by such person and
25 suspend the privilege of such person to hunt, fish, and harvest fur

1 and to purchase such permits for a period of not less than one nor
2 more than three years. The court shall consider the number and
3 severity of the violations of the Game Law in determining the length
4 of the revocation and suspension. The violations shall be:

5 (a) Hunting, fishing, or fur harvesting without a permit
6 in violation of section 37-411;

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

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

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

19 Sec. 17. Original sections 37-304, 37-321, 37-422,
20 37-4,107, 37-543, 37-546, and 37-604, Reissue Revised Statutes of
21 Nebraska, and sections 37-314, 37-447, 37-448, 37-455, 37-490,
22 37-492, 37-501, 37-503, and 37-614, Revised Statutes Cumulative
23 Supplement, 2012, are repealed.