

LEGISLATIVE BILL 299

Approved by the Governor May 24, 2007

Introduced by Hudkins, 21; Engel, 17

FOR AN ACT relating to the Game Law; to amend sections 37-406, 37-414, 37-449, 37-4,111, 37-513, 37-527, 37-548, 37-614, 37-803, 37-811, and 77-27,119.01, Reissue Revised Statutes of Nebraska, and sections 37-407, 37-426, 37-427, 37-431, 37-447, 37-450, 37-452, and 37-457, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to licenses, permits, stamps, and fees; to provide for a lifetime Nebraska migratory waterfowl stamp; to prohibit trapping in the county road right-of-way; to change and eliminate provisions relating to hunting wild turkey; to provide for the revocation and suspension of permits for trapping in the county road right-of-way; to rename a fund; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 37-406, Reissue Revised Statutes of Nebraska, is amended to read:

37-406 (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. Except for permits issued under sections 37-462 and 37-463, the commission may provide for the issuance of any license, permit, or stamp required under the Game Law in the form of a number which identifies the holder in the records of the commission. The commission may designate itself and other persons, firms, and corporations as agents to issue licenses, permits, and stamps and collect the prescribed fees. ~~Any The commission and any person, firm, or corporation, other than the secretary of the commission or an employee of the commission,~~ authorized by the commission to 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, two dollars, for each license, permit, or stamp issued as reimbursement for the clerical work of issuing the license, permit, or stamp and collecting and remitting the 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. The commission may provide for the electronic issuance of a license, permit, or stamp by acknowledging the purchase of such license, permit, or stamp without requiring a physical license, permit, or stamp or facsimile of such.

(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. 2. Section 37-407, Revised Statutes Cumulative Supplement, 2006, is amended to read:

37-407 The commission may offer multiple-year permits or combinations of permits at reduced rates and may establish fees pursuant to section 37-327 to be paid to the state for resident and nonresident hunting permits, annual fishing permits, three-day fishing permits, one-day fishing permits, combination hunting and fishing permits, fur-harvesting permits, and nonresident special two-day hunting permits issued for periods of two consecutive days between the ~~fourth Wednesday in November~~ Wednesday immediately preceding Thanksgiving Day and December 31 of the same calendar year and limited to one special two-day permit per applicant per year, as follows:

(1) Resident fees shall be (a) ~~not less than eleven dollars and not more than thirteen dollars~~ for hunting, (b) ~~not less than fifteen dollars and not more than seventeen dollars and fifty cents~~ for fishing, (c) ~~not less than ten dollars and not more than eleven dollars and fifty cents~~ for a three-day fishing permit, (d) ~~not less than five dollars and not more than eight dollars~~ for a one-day fishing permit, (e) ~~not less than twenty-five dollars and not more than twenty-nine dollars~~ for both fishing and hunting, and (f) ~~not less than fifteen dollars and not more than twenty dollars~~ for fur harvesting; and

(2) Nonresident fees shall be (a) ~~not less than resident fees and~~ not more than two hundred sixty dollars for a period of time specified by the commission for fur harvesting one thousand or less fur-bearing animals and ~~not less than fifteen dollars additional~~ and not more than seventeen dollars and fifty cents additional for each one hundred or part of one hundred fur-bearing animals harvested, (b) (i) for persons sixteen years of age and older, ~~not less than sixty-seven dollars~~ and not more than eighty dollars for hunting and (ii) for persons under sixteen years of age, not less than the fee required pursuant to subdivision (1) (a) of this section for hunting, (c) ~~not less than twenty-five dollars~~ and not more than thirty-five dollars for a special two-day hunting permit plus the cost of a habitat stamp, (d) ~~not less than six dollars~~ and not more than nine dollars for a one-day fishing permit, (e) ~~not less than fourteen dollars~~ and not more than sixteen dollars and fifty cents for a three-day fishing permit, and (f) ~~not less than forty dollars~~ and not more than forty-nine dollars and fifty cents for an annual fishing permit.

Sec. 3. Section 37-414, Reissue Revised Statutes of Nebraska, is amended to read:

37-414 (1) The commission shall establish and administer a bow hunter education program consisting of a minimum of (a) ten hours of classroom instruction or (b) independent study on the part of the student sufficient to pass an examination given by the commission followed by such student's participation in a minimum of four hours of practical instruction. The program shall provide instruction in the safe use of bow hunting equipment, the fundamentals of bow hunting, shooting and hunting techniques, game identification, conservation management, and hunter ethics. When establishing such a program, the commission shall train volunteers as bow hunter education training instructors. The commission shall issue a certificate of successful completion to any person who satisfactorily completes a bow hunter education program established by the commission and shall print, purchase, or otherwise acquire materials necessary for effective program operation. The commission shall adopt and promulgate rules and regulations for carrying out and administering such program.

(2) A person born on or after January 1, 1977, who is hunting antelope, deer, elk, or mountain sheep, ~~or wild turkey~~ with a bow and arrow pursuant to any provision of sections 37-447 to 37-453 ~~and 37-457~~ shall have on his or her person a bow hunter education certificate of successful completion issued by his or her state or province of residence or a bow hunter education certificate issued by an accredited program recognized by the commission.

Sec. 4. Section 37-426, Revised Statutes Cumulative Supplement, 2006, is amended to read:

37-426 (1) Except as provided in subsection (4) 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 has an unexpired habitat stamp as prescribed by the rules and regulations of the commission prior to the time of hunting, harvesting, or possessing such bird or animal;

(b) No resident or nonresident of Nebraska 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 has an unexpired aquatic habitat 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; and

(c) No resident of Nebraska sixteen years of age or older and no nonresident of Nebraska regardless of age shall hunt, harvest, or possess any migratory waterfowl unless, at the time of such hunting, harvesting, or possessing, such person has an unexpired Nebraska migratory waterfowl stamp as prescribed by the rules and regulations of the commission prior to the time of hunting, harvesting, or possessing such migratory waterfowl.

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

(b) The commission may issue a lifetime Nebraska migratory waterfowl stamp upon application and payment of the appropriate fee. The fee for a lifetime Nebraska migratory waterfowl stamp shall be twenty times the fee

required in subsection (5) of this section for an annual Nebraska migratory waterfowl stamp. Payment of such fee shall be made in a lump sum at the time of application. A replacement Nebraska lifetime migratory waterfowl stamp may be issued if the original is lost or destroyed. The fee for a replacement shall be not less than one dollar and fifty cents and not more than five dollars, as established by the commission.

(3) The commission may issue a lifetime aquatic habitat stamp upon application and payment of the appropriate fee. The fee for a lifetime aquatic habitat stamp shall be not less than seventy-five dollars and not more than one hundred twenty-five dollars as established by the commission pursuant to section 37-327. Payment of such fee shall be made in a lump sum at the time of application. A lifetime aquatic habitat stamp shall not be made invalid by reason of the holder subsequently residing outside the state. A replacement lifetime aquatic habitat stamp may be issued if the original is lost or destroyed. The fee for a replacement shall not be less than one dollar and fifty cents and not more than five dollars, as established by the commission.

(4) 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 purchased prior to January 1, 2006. Nebraska migratory waterfowl stamps are not required for hunting, harvesting, or possessing any species other than ducks, geese, or brant. For purposes of this section, a showing of proof of the electronic issuance of a stamp by the commission shall fulfill the requirements of this section.

(5) Any person to whom a stamp has been issued shall, immediately upon request, exhibit evidence of issuance of 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 evidence of issuance of the appropriate stamp shall be deemed to be without such stamp. A habitat stamp shall be issued upon the payment of a fee of not less than thirteen dollars and not more than sixteen dollars per stamp. An aquatic habitat stamp shall be issued in conjunction with each fishing permit for a fee of not less than five dollars and not more than seven dollars and fifty cents per stamp for annual fishing permits, three-day fishing permits, or combination hunting and fishing permits and a fee of not less than seventy-five dollars and not more than one hundred dollars for lifetime fishing or combination hunting and fishing permits. The fee established under section 37-407 for a one-day fishing permit shall include an aquatic habitat stamp. One dollar from the sale of each one-day fishing permit shall be remitted to the State Treasurer for credit to the Nebraska Aquatic Habitat Fund. A Nebraska migratory waterfowl stamp shall be issued upon the payment of a fee of not less than five dollars and not more than ten dollars per stamp. The commission shall establish the fees pursuant to section 37-327.

Sec. 5. Section 37-427, Revised Statutes Cumulative Supplement, 2006, is amended to read:

37-427 The habitat stamp, aquatic habitat stamp, or Nebraska migratory waterfowl stamp required by section 37-426 is not transferable and, except for the lifetime habitat stamp, the lifetime aquatic habitat stamp, the lifetime Nebraska migratory waterfowl stamp, and a habitat stamp purchased for a permit which is valid into the next calendar year, expires at midnight on December 31 in the year for which the stamp is issued.

Sec. 6. Section 37-431, Revised Statutes Cumulative Supplement, 2006, is amended to read:

37-431 (1)(a) The Nebraska Habitat Fund is created. The commission shall remit fees received for habitat stamps and Nebraska migratory waterfowl stamps 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.

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

(2)(a) The Nebraska Aquatic Habitat Fund is created. The commission shall remit fees received for aquatic habitat stamps and one dollar of the one-day fishing permit fee as provided in section 37-426 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.

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

(3) The secretary of the commission and any county clerk or public official designated to sell habitat stamps, aquatic habitat stamps, or Nebraska migratory waterfowl stamps shall be liable upon their official bonds or equivalent commercial insurance policy 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 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 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. 7. Section 37-447, Revised Statutes Cumulative Supplement, 2006, 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 offer multiple-year permits or combinations of permits at reduced rates. 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 obtain such permits. In establishing eligibility, the commission 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 more than twenty-nine dollars for residents and not more than two hundred fourteen dollars for nonresidents for each permit issued under this section, except that the fee for a statewide buck-only permit shall be two and one-half times the amount of a regular deer permit.

(5) The commission may issue nonresident permits after preference has been 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 shall be issued after a reasonable period for making application, as established by the commission, has expired. When more valid applications are received for a designated management unit than there are permits available, such permits shall be allocated on the basis of a random drawing. All valid applications received during the predetermined application period shall be considered equally in any such random drawing without regard to time of receipt of such applications by the commission.

Sec. 8. Section 37-449, Reissue Revised Statutes of Nebraska, is amended to read:

37-449 The commission may issue permits for hunting antelope and may establish separate and, when necessary, different regulations therefor within

the limitations prescribed in sections 37-447 and 37-452 for hunting deer. The commission may offer multiple-year permits or combinations of permits at reduced rates. The commission may, pursuant to section 37-327, establish and charge a nonrefundable application fee of ~~not less than five dollars~~ and not more than seven dollars. The commission shall, pursuant to section 37-327, establish and charge a fee of ~~not less than twenty-five dollars~~ and not more than twenty-nine dollars for residents and ~~not less than one hundred thirty dollars~~ and not more than one hundred forty-nine dollars and fifty cents for nonresidents for each permit issued under this section. The provisions for the distribution of deer permits and the authority of the commission to determine eligibility of applicants for permits as described in sections 37-447 and 37-452 shall also apply to the distribution of antelope permits.

Sec. 9. Section 37-450, Revised Statutes Cumulative Supplement, 2006, is amended to read:

37-450 The commission may issue permits for hunting elk and may establish separate and, when necessary, different regulations therefor within the limitations prescribed in sections 37-447 and 37-452 for hunting deer. Permits to hunt elk issued pursuant to this section shall not be issued to nonresidents. The commission shall, pursuant to section 37-327, establish and charge a nonrefundable application fee of ~~not less than seven dollars~~ and not more than eight dollars and fifty cents and a fee of ~~not less than one hundred thirty dollars~~ and not more than one hundred forty-nine dollars and fifty cents for each elk permit issued. A person may obtain only one antlered-elk permit in his or her lifetime except for a limited permit to hunt elk pursuant to section 37-455. The provisions for the distribution of deer permits and the authority of the commission to determine eligibility of applicants for permits as described in sections 37-447 and 37-452 shall also apply to the distribution of elk permits.

Sec. 10. Section 37-452, Revised Statutes Cumulative Supplement, 2006, 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 having a valid hunting permit.

Sec. 11. Section 37-457, Revised Statutes Cumulative Supplement, 2006, 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 commission may offer multiple-year permits or combinations of permits at reduced rates. 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 twenty dollars~~ and not more than twenty-three dollars for residents and ~~not less than eighty-five dollars~~ and not more than ninety-five dollars for nonresidents for each permit issued under this section.

(3) The commission may issue nonresident permits after preference has been 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.

(4) The provisions of section 37-447 for the distribution of deer permits also ~~shall~~ may 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. 12. Section 37-4,111, Reissue Revised Statutes of Nebraska, is amended to read:

37-4,111 The commission may adopt and promulgate rules and regulations to ~~permit~~ provide for the issuance of permits for the taking of paddlefish. The commission may, pursuant to section 37-327, establish and charge a nonrefundable application fee of ~~not less than five dollars~~ and ~~not more than ten dollars.~~ ~~Permits, as authorized by the commission, shall be awarded by random drawing to eligible applicants. No permit fee shall be charged in addition to the nonrefundable application fee.~~ fee of not more than

thirty-five dollars. All fees collected under this section shall be remitted to the State Treasurer for credit to the State Game Fund.

Sec. 13. Section 37-513, Reissue Revised Statutes of Nebraska, is amended to read:

37-513 (1) It shall be unlawful to shoot at any wildlife from any highway or roadway, which includes that area of land from the center of the traveled surface to the right-of-way on either side. Any person violating this ~~section~~ subsection shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

(2) (a) It shall be unlawful to trap any wildlife in the county road right-of-way.

(b) For purposes of this subsection, county road right-of-way means the area which has been designated a part of the county road system and which has not been vacated pursuant to law.

Sec. 14. 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, wild turkey, elk, or mountain sheep 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 except as exempted by rules and regulations of the commission.

(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. The commission may adopt and promulgate rules and regulations allowing additional exceptions.

Sec. 15. 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 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 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 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 which may be released or imported into the state and (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 Wildlife Conservation Fund.

(4) The commission may determine that 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.

(5) The commission shall, upon its own recommendation or upon the petition of any person who presents to the commission substantial evidence

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 list published pursuant to 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. 16. 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) Carelessly or purposely killing or causing injury to livestock with a firearm or bow and arrow;

(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;

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

(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

(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) Trapping wildlife in the county right-of-way in violation of section 37-513; and

~~(e)~~ (d) 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. 17. Section 37-803, Reissue Revised Statutes of Nebraska, is amended to read:

37-803 The Legislature finds and declares:

(1) That it is the policy of this state to conserve species of wildlife for human enjoyment, for scientific purposes, and to insure their perpetuation as viable components of their ecosystems;

(2) That species of wildlife and wild plants normally occurring within this state which may be found to be threatened or endangered within this state shall be accorded such protection as is necessary to maintain and enhance their numbers;

(3) That this state shall assist in the protection of species of wildlife and wild plants which are determined to be threatened or endangered elsewhere pursuant to the Endangered Species Act by prohibiting the taking, possession, transportation, exportation from this state, processing, sale or offer for sale, or shipment within this state of such endangered species

and by carefully regulating such activities with regard to such threatened species. Exceptions to such prohibitions, for the purpose of enhancing the conservation of such species, may be permitted as set forth in the Nongame and Endangered Species Conservation Act; and

(4) That any funding for the conservation of nongame, threatened, and endangered species shall be made available to the commission from General Fund appropriations, the Nongame and Endangered Species Wildlife Conservation Fund, or other sources of revenue not deposited in the State Game Fund.

Sec. 18. Section 37-811, Reissue Revised Statutes of Nebraska, is amended to read:

37-811 There is hereby created the Nongame and Endangered Species Wildlife Conservation Fund. The fund 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 Wildlife 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. Money remaining in the Nongame and Endangered Species Conservation Fund on the effective date of this act shall be transferred to the Wildlife Conservation Fund on such date.

Sec. 19. Section 77-27,119.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,119.01 The Tax Commissioner shall include on the individual income tax return form space in which the individual taxpayer may, if a refund is due, designate one dollar or a greater amount of such refund as a contribution to the Nongame and Endangered Species Wildlife Conservation Fund created in section 37-811.

Sec. 20. Original sections 37-406, 37-414, 37-449, 37-4,111, 37-513, 37-527, 37-548, 37-614, 37-803, 37-811, and 77-27,119.01, Reissue Revised Statutes of Nebraska, and sections 37-407, 37-426, 37-427, 37-431, 37-447, 37-450, 37-452, and 37-457, Revised Statutes Cumulative Supplement, 2006, are repealed.