

LEGISLATIVE BILL 306

Approved by the Governor February 20, 2003

Introduced by Stuhr, 24

AN ACT relating to game and parks; to amend sections 37-449, 37-450, 37-484, 37-497, 37-4,104, 37-4,108, 37-562, and 37-1217, Reissue Revised Statutes of Nebraska, and sections 37-407, 37-415, 37-426, 37-447, 37-457, 37-458, 37-462, 37-463, 37-465, 37-483, 37-4,105, 37-4,106, 37-1212, and 37-1214, Revised Statutes Supplement, 2002; to change fee authorization; to provide an operative date; and to repeal the original sections.

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

Section 1. Section 37-407, Revised Statutes Supplement, 2002, is amended to read:

37-407. The commission shall 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, combined fishing and hunting permits, and fur-harvesting permits, as follows:

(1) Resident fees shall be (a) not less than ~~eight~~ eleven dollars ~~and fifty cents~~ and not more than ~~eleven~~ thirteen dollars for hunting, (b) not less than ~~eleven~~ fifteen dollars ~~and fifty cents~~ and not more than ~~fifteen~~ seventeen dollars ~~and fifty cents~~ and not more than ~~seven~~ ten dollars ~~and fifty cents~~ and not more than ~~ten~~ eleven dollars ~~and fifty cents~~ for a three-day fishing permit, (d) not less than ~~nineteen~~ twenty-five dollars ~~and fifty cents~~ and not more than ~~twenty-five~~ twenty-nine dollars for both fishing and hunting, and (e) 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 ~~ten~~ fifteen dollars additional and not more than ~~fifteen~~ 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 ~~fifty-five~~ sixty-seven dollars and not more than ~~seventy-two~~ 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 ~~ten~~ fourteen dollars ~~and seventy-five cents~~ and not more than ~~fourteen~~ sixteen dollars ~~and fifty cents~~ for a three-day fishing permit, and (d) not less than ~~thirty-five~~ forty dollars and not more than ~~forty-five~~ forty-nine dollars ~~and fifty cents~~ for an annual fishing permit.

Sec. 2. Section 37-415, Revised Statutes Supplement, 2002, 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. The fee for a lifetime hunting permit shall be not less than two hundred sixty dollars and not more than two hundred ~~sixty~~ ninety-nine dollars, the fee for a lifetime fishing permit shall be not less than ~~two~~ three hundred ~~thirty~~ dollars and not more than three hundred forty-five dollars, and the fee for a lifetime combination hunting and fishing permit shall be not less than ~~four~~ four hundred ~~five~~ hundred twenty dollars and not more than five hundred ~~twenty~~ ninety-eight 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 replacement lifetime permit may be issued if the original has been 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.

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

Sec. 3. Section 37-426, Revised Statutes Supplement, 2002, is amended to read:

37-426. (1) Except as provided in subsection (3) 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 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 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) The commission may issue to any Nebraska resident 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 (4) of this section for annual habitat stamps. Payment of such fee shall be made in a lump sum at the time of application. A lifetime habitat stamp shall not be made invalid by reason of the holder subsequently residing outside the state. 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.

(3) 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. 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.

(4) 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~~ thirteen dollars and not more than ~~fifteen~~ sixteen 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~~ seven dollars and fifty cents per stamp. The commission shall establish the fees pursuant to section 37-327.

Sec. 4. Section 37-447, Revised Statutes Supplement, 2002, 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 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 less than ~~twenty~~ twenty-five dollars and not more than ~~twenty-five~~ twenty-nine dollars for residents and not less than one hundred ~~fifty~~ seventy-five dollars and not more than two hundred fourteen dollars for

nonresidents for each permit issued under this section.

(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. 5. 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 shall, pursuant to section 37-327, establish and charge a fee of not less than ~~twenty~~ twenty-five dollars and not more than ~~twenty-five~~ twenty-nine dollars for residents and not less than one hundred thirty dollars and not more than one hundred ~~thirty~~ 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. 6. Section 37-450, Reissue Revised Statutes of Nebraska, 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 ~~five~~ seven dollars and not more than ~~seven~~ eight dollars and fifty cents and a fee of not less than one hundred thirty dollars and not more than one hundred ~~thirty~~ forty-nine dollars and fifty cents for each elk permit issued. A person may obtain only one elk permit in his or her lifetime except for a limited permit to hunt elk pursuant to section 37-455. 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. 7. Section 37-457, Revised Statutes Supplement, 2002, 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~~ twenty dollars and not more than ~~twenty~~ twenty-three dollars for residents and not less than ~~fifty~~ sixty-five dollars and not more than ~~sixty-five~~ seventy-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 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. 8. Section 37-458, Revised Statutes Supplement, 2002, 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~~ seven dollars and not more than ~~seven~~ eight dollars and fifty cents, 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 other peace officer of this state shall have the authority to enforce this section and section 37-509.

Sec. 9. Section 37-462, Revised Statutes Supplement, 2002, 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 seven dollars and not more than ~~seven~~ eight dollars and fifty cents, 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 and return such game to the legal owner or his or her agent from whom received and (b) sell game 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 or 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 game being held by him or her, including game which 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. 10. Section 37-463, Revised Statutes Supplement, 2002, 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 twelve dollars and not more than one hundred ~~thirty~~ thirty-eight 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 IV misdemeanor, and as a part of the penalty the court shall require the offender to purchase the required permit.

Sec. 11. Section 37-465, Revised Statutes Supplement, 2002, is amended to read:

37-465. 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 the facility is to be located 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 aquatic organisms authorized to be kept or reared in the facility. The annual fee for an aquaculture permit shall be not less than ~~fifty~~ sixty-five dollars and not more than ~~sixty-five~~ seventy-five dollars, as established by the commission pursuant to section 37-327. The permit shall expire at midnight on December 31 in the year for which the permit is issued.

Sec. 12. Section 37-483, Revised Statutes Supplement, 2002, 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 marked game birds originating from the holder of a captive wildlife permit in conjunction with dog training or dog trial activities shall be legal if the person owning or controlling such recall pen, prior to the operation thereof, pays an annual fee of not less than ~~ten~~ thirteen dollars and not more than ~~thirteen~~ fifteen dollars, as established by the commission pursuant to section 37-327, for each recall pen under his or her ownership or control. The commission shall adopt and promulgate rules and regulations for the issuance of permits for recall pens and for the possession and use of recall pens. Nothing in this section shall authorize the use of recall pens for the trapping of other wild birds.

Sec. 13. Section 37-484, Reissue Revised Statutes of Nebraska, is amended to read:

37-484. Any person or persons owning, holding, or controlling by lease or otherwise, which possession must be for a term of five or more years, any contiguous tract or tracts of land having an area of not less than one hundred twenty acres and not more than one thousand two hundred eighty acres who desires to establish a game breeding and controlled shooting area to propagate, preserve, and shoot game birds under the regulations as provided in sections 37-484 to 37-496 shall make application to the commission for a license as provided by such sections. Such application shall be made under oath of the applicant or one of its principal officers if the applicant is an association, club, or corporation and shall be accompanied by a license fee of not less than one hundred thirty dollars and not more than one hundred ~~thirty~~ forty-nine dollars and fifty cents, as established by the commission pursuant to section 37-327. Any controlled shooting area existing on February 18, 1987, shall continue in operation on the existing acreage until such controlled shooting area license is not renewed or canceled. If the applicant is an individual, the application shall include the applicant's social security number.

Sec. 14. Section 37-497, Reissue Revised Statutes of Nebraska, is amended to read:

37-497. (1) The commission may take such steps as it deems necessary to provide for the protection and management of raptors.

(2) The commission may issue falconry licenses to permit the taking and possession of raptors for the purpose of practicing falconry. No such

license may be issued to an applicant unless he or she is a resident of the state, has paid the fees required in this subsection, and has passed a written and oral examination concerning raptors given by the commission or an authorized representative of the commission. The commission shall charge a fee for each license of not less than ~~ten~~ fourteen dollars and not more than ~~fifteen~~ seventeen dollars for persons fourteen to seventeen years of age and not less than ~~thirty~~ forty dollars and not more than ~~forty~~ forty-six dollars for persons eighteen years of age and older, as established by the commission pursuant to section 37-327. If the applicant fails to pass either examination or both of them, he or she shall not be entitled to reapply for a falconry license for a period of six months after the date of the examination. A person less than fourteen years of age shall not be issued a falconry license, and a person from fourteen to seventeen years of age may be issued such a license only if he or she is sponsored by an adult person who has a valid falconry license. All falconry licenses shall be nontransferable and shall expire three years after the date of issuance. If the commission is satisfied as to the competency and fitness of an applicant whose license has expired, a license may be renewed without requiring further examination under such terms and conditions as are established by the commission. Species of raptors which may be taken, captured, or held in possession shall include only those species authorized by the commission. The number of each species of raptors which may be taken, captured, or held in possession shall be subject to regulation by the commission.

(3) The commission may issue captive propagation licenses to permit the captive propagation of raptors. No such license may be issued to an applicant unless he or she is a resident of the state and has paid the fee required in this subsection. The fee for each license shall be not less than ~~one~~ two hundred fifty dollars and not more than two hundred thirty dollars, as established by the commission pursuant to section 37-327. All such licenses shall be nontransferable, shall expire three years after the date of issuance, and may be renewed under terms and conditions established by the commission. The commission shall authorize the species and the number of each such species which may be taken, captured, acquired, or held in possession. The commission shall adopt and promulgate rules and regulations governing the issuance and conditions of captive propagation licenses.

Sec. 15. Section 37-4,104, Reissue Revised Statutes of Nebraska, is amended to read:

37-4,104. (1) Individuals shall apply to the commission on forms prescribed by the commission for an annual commercial fishing permit and shall not take or sell fish as prescribed in this section and section 37-543 before receiving such permit.

(2) The commission shall, pursuant to section 37-327, establish and collect fees from residents and nonresidents for all commercial fishing permits as follows:

(a) Not less than ~~sixty-five~~ eighty-five dollars and not more than ~~eighty-five~~ ninety-eight dollars for residents and not less than one hundred ~~thirty~~ seventy dollars and not more than one hundred ~~seventy~~ ninety-five dollars and fifty cents for nonresidents for each commercial fishing permit permitting the legal use of five hundred lineal feet of seine or fraction thereof, and five hundred lineal feet of trammel net or fraction thereof, and ten hoop nets without wings, and permitting the use of one helper if the helper is in the same boat as the person holding the permit;

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

(c) Not less than ~~two~~ three dollars and not more than three dollars and fifty cents for residents and not less than ~~four~~ six dollars and not more than ~~six~~ seven dollars for nonresidents for each additional hoop net, wing net, or fish trap or other device, permitted by the commission and used under the commercial fishing permit.

(3) All commercial fishing permits shall expire at midnight on December 31 following their issuance. All money received by the commission shall be deposited as provided in section 37-323. The commission shall furnish to any permit holder without cost a tag numbered and stamped so as to show the year of issuance and for what issued for each net, seine, or device, and it shall be unlawful to use such net, seine, or device without first having procured such tag and fastened it to such net, seine, or device.

Sec. 16. Section 37-4,105, Revised Statutes Supplement, 2002, is amended to read:

37-4,105. It shall be unlawful for individuals, either resident or

nonresident, to sell baitfish or amphibians except according to rules and regulations established by the commission. The commission may require a bait dealer's permit for a fee of not less than ~~twenty-five~~ thirty-two dollars and not more than ~~thirty-two~~ thirty-seven dollars for residents and not less than ~~one~~ two hundred ~~fifty~~ dollars and not more than two hundred thirty dollars for nonresidents, as established by the commission pursuant to section 37-327.

If such permits are required by the commission, the application shall include the social security number of the applicant.

Sec. 17. Section 37-4,106, Revised Statutes Supplement, 2002, is amended to read:

37-4,106. Nonresidents holding a valid nonresident fish dealer's permit may possess, buy, sell, transport, and ship live baitfish, live fish, and other bait species as specified in commission rules and regulations legally obtained from outside this state or from a licensed aquaculture facility in accordance with rules and regulations adopted and promulgated by the commission. The application for the permit shall include the applicant's social security number. The fee for a nonresident fish dealer's permit shall be not less than ~~fifty~~ sixty-five dollars and not more than ~~sixty-five~~ seventy-five dollars, as established by the commission pursuant to section 37-327.

Sec. 18. Section 37-4,108, Reissue Revised Statutes of Nebraska, is amended to read:

37-4,108. (1) No fishing permit shall be required for fishing in any duly licensed commercial put-and-take fishery operating under rules and regulations adopted and promulgated by the commission. The annual fee for licensing such commercial put-and-take fishery shall be not less than ~~fifty~~ sixty-five dollars and not more than ~~sixty-five~~ seventy-five dollars per year, as established by the commission pursuant to section 37-327, payable in advance, and no person shall operate such an establishment without first obtaining such license from the commission. Before issuing such license the commission shall investigate each such establishment annually and be satisfied that the same is a bona fide commercial put-and-take fishery operating within all applicable state and federal laws.

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

Sec. 19. Section 37-562, Reissue Revised Statutes of Nebraska, is amended to read:

37-562. It shall be lawful for any officer or employee of any public power, irrigation, or drainage district organized under the laws of this state to kill or destroy or to have trapped any beaver or muskrat which may be found to be destroying or damaging any dams, ditches, or other works needed and useful in the operation of such district. Such district may cause such trapping to occur if, within thirty days after notice in writing is given to the secretary of the commission of such destruction or damage and the location thereof, the commission fails, neglects, or refuses to cause the beaver or muskrat doing such destruction or damage to be removed from the place where such destruction or damage is occurring or to take such other steps as may be effective to prevent further damage to the works of such district. Before any such district has such beaver or muskrat trapped, it shall submit to the secretary of the commission the names and addresses of the trappers to do the trapping. If no written objection is received, stating the reasons for such objection, from the secretary within five days after the receipt of the names, they shall be deemed to be approved. No trapper who has been objected to in writing by the commission shall trap under this section. The district shall report to the commission every thirty days the number of beaver or muskrat killed or destroyed and shall forward with such report a fee of ~~not less than two dollars and not more than~~ up to three dollars, as established by the commission pursuant to section 37-327, for each beaver so killed or destroyed. Under such circumstances, no permit shall be required to so kill or destroy such beaver or muskrat, but fees shall be paid for beaver killed as provided in this section.

Sec. 20. Section 37-1212, Revised Statutes Supplement, 2002, is amended to read:

37-1212. A person engaged in the manufacture or sale of vessels of a type otherwise required to be numbered under the State Boat Act, upon application to the county treasurer of the county in which the applicant resides or the business location of the manufacturer or retailer on forms prescribed by the commission, may obtain certificates of number for use in the testing or demonstrating of such vessels upon payment of a fee of not less than ~~thirty~~ forty dollars and not more than ~~forty~~ forty-six dollars, as established by the commission pursuant to section 37-327, for each registration. Certificates of number so issued may be used by the applicant

in the testing or demonstrating of vessels by temporary placement of the numbers assigned by such certificate on the vessel so tested or demonstrated. Such temporary placement of numbers shall otherwise be as prescribed by the act.

Sec. 21. Section 37-1214, Revised Statutes Supplement, 2002, 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~~ twenty dollars and not more than ~~twenty~~ twenty-three dollars for Class 1 boats, not less than ~~thirty~~ forty dollars and not more than ~~forty~~ forty-six dollars for Class 2 boats, not less than ~~forty-five~~ sixty dollars and not more than ~~sixty~~ sixty-seven dollars and fifty cents for Class 3 boats, and not less than ~~seventy-five~~ one hundred dollars and not more than one hundred fifteen 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. 22. Section 37-1217, Reissue Revised Statutes of Nebraska, is amended to read:

37-1217. When the county treasurer or designated county official or the commission registers a vessel, such official or the commission shall be entitled to collect and retain a fee, in addition to the registration fee, of not less than ~~two~~ three dollars and not more than ~~three~~ four dollars on each registration issued, as established by the commission pursuant to section 37-327, as reimbursement for administrative costs incurred in issuing such certificate of registration. Such fee shall be credited to the general fund of the county and shall be included by the county treasurer or designated county official in his or her report of fees as provided by law.

Sec. 23. This act becomes operative on July 1, 2004.

Sec. 24. Original sections 37-449, 37-450, 37-484, 37-497, 37-4,104, 37-4,108, 37-562, and 37-1217, Reissue Revised Statutes of Nebraska, and sections 37-407, 37-415, 37-426, 37-447, 37-457, 37-458, 37-462, 37-463, 37-465, 37-483, 37-4,105, 37-4,106, 37-1212, and 37-1214, Revised Statutes Supplement, 2002, are repealed.