

## LEGISLATIVE BILL 40

Passed over the Governor's veto June 1, 1977

Introduced by Judiciary Committee, Luedtke, 28, Chmn.;  
DeCamp, 40; Chambers, 11; Barnett, 26; Schmit,  
23

AN ACT relating to crimes and punishments; to harmonize provisions with the Nebraska Criminal Code; to provide an operative date; to amend sections 1-166, 2-219, 2-220, 2-220.03, 2-1007, 2-1036, 2-1042, 2-1045, 2-1052, 2-1059, 2-1215, 2-1218, 2-1806, 2-1807, 2-1811, 2-1825, 2-2319, 2-2409, 2-2446, 2-2607, 2-2710, 2-3008, 2-3109, 3-152, 3-330, 3-408, 3-613, 4-106, 7-101, 7-111, 8-109, 8-113, 8-114, 8-118, 8-119, 8-127, 8-133, 8-138, 8-139, 8-142, 8-145, 8-147, 8-154, 8-175, 8-189, 8-1, 119, 8-225, 8-226, 8-305, 8-333, 8-345, 8-403.04, 8-417.01, 8-449, 8-829, 8-904, 8-1014, 8-1117, 8-1207, 9-102, 9-122, 10-509, 10-807, 11-101.02, 12-512.07, 12-519, 12-617, 13-116, 21-622, 21-1306, 21-1318, 21-1332, 21-1771, 22-303, 23-135.01, 23-147, 23-343.09, 23-343.45, 23-343.94, 23-350, 23-387, 23-808, 23-813, 23-817, 23-919, 23-928, 23-1507, 23-1612, 23-2325, 24-216, 25-1563, 25-1630, 25-1635, 28-1020, 28-1021, 28-1022, 28-1027, 28-1029, 28-1109, 28-1406, 28-1508, 28-1604, 29-739, 29-817, 29-835, 29-908, 31-435, 31-828, 32-415, 32-416, 32-430, 32-461, 32-493, 32-713, 32-821 to 32-823, 32-1050, 32-1054, 32-1202 to 32-1234, 32-1237 to 32-1240, 33-132, 35-520, 36-213.01, 37-103, 37-208, 37-211.01, 37-213, 37-213.01, 37-213.06, 37-215.07, 37-235, 37-306, 37-309, 37-406.02, 37-410, 37-414, 37-421, 37-503.06, 37-506, 37-516 to 37-518, 37-520, 37-523, 37-525, 37-527, 37-604, 37-605, 37-610, 37-706, 37-712, 37-718, 37-719, 37-726, 39-806, 39-808, 39-1012, 39-1335, 39-1362, 39-1412, 39-1801, 39-1806, 39-1810, 39-1815, 39-1816, 39-2612, 41-121, 41-127, 41-127.01, 41-130, 42-113, 42-126, 42-127, 43-709, 44-147, 44-333.02, 44-361.02, 44-368, 44-390 to 44-392, 44-394, 44-3, 101, 44-3, 106, 44-3, 121, 44-624, 44-1068, 44-1070, 44-1209, 44-1438, 44-1482, 44-2007, 45-128, 45-136, 45-153, 45-154, 45-162, 45-208, 45-343, 46-155, 46-213, 46-254, 46-257, 46-263, 46-263.01, 46-266, 46-278, 46-280, 46-282, 46-607, 46-612, 46-612.01, 46-807, 47-206,

48-125.01, 48-144.04, 48-145.01, 48-147,  
 48-211, 48-213, 48-216, 48-219, 48-222,  
 48-230, 48-311, 48-313, 48-414, 48-418.11,  
 48-424, 48-433, 48-434, 48-442, 48-511,  
 48-513, 48-612, 48-614, 48-645, 48-646,  
 48-663, 48-664, 48-666, 48-716, 48-821,  
 48-910, 48-1005, 48-1118, 48-1123, 48-1206,  
 48-1227, 49-211, 49-231, 51-109, 52-124,  
 52-503, 53-111, 53-122, 53-124.07, 53-155,  
 53-157, 53-180.05, 53-195 to 53-197, 53-1,100,  
 and 53-1,104, Reissue Revised Statutes of  
 Nebraska, 1943, and sections 2-963, 2-1207,  
 2-1506.12, 2-3223.01, 2-3324, 3-504, 8-140,  
 20-129, 23-114.05, 32-515, 32-1310, 37-211,  
 37-308, 37-437, 37-519, 39-6,112, 39-1320.10,  
 and 43-205.04, Revised Statutes Supplement,  
 1976; and to repeal the original sections.

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

Section 1. That section 1-166, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

1-166. Any person who violates any provision of sections 1-151 to 1-161 shall be guilty of a Class II misdemeanor, ~~and upon conviction thereof, shall be fined not more than five hundred dollars, or be imprisoned in county jail not more than six months, or both such fine and imprisonment.~~ Whenever the ~~if~~ a member of the board has reason to believe that any person is liable to punishment under this section it may certify the facts to the Attorney General of this state, who may in his discretion cause appropriate proceedings to be brought.

Sec. 2. That section 2-219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-219. No person shall be permitted to sell intoxicating liquors, wine or beer of any kind, or exhibit or conduct indecent shows or dances, or be engaged in any gambling or other games of chance or horse racing, either inside the enclosure where any state, district, or county agricultural society fair is being held, or within forty rods thereof, during the time of holding such fairs; Provided, that nothing herein shall be construed to prohibit wagering on the results of horse races by the pari-mutuel or certificate method when conducted by licensees within the race track enclosure at licensed horse race meetings or to prohibit the operation of bingo games as provided in Chapter 9, article 1; and provided further, that nothing herein shall be construed

to prohibit the sale of intoxicating liquors, wine, or beer by a person properly licensed pursuant to Chapter 53 on premises under the control of the State Board of Agriculture except that no such sale shall be permitted during the annual state fair. Any person ~~found guilty of any of these offenses herein enumerated who violates the provisions of this section shall be fined in a sum of not less than five dollars nor more than fifty dollars for any such offense guilty of a Class V misdemeanor~~; Provided, the trial of speed of horses under direction of the society shall not be included in the term horse racing. Upon the filing of proof with the State Treasurer of a violation of this section inside the enclosure of such fair, the amount of money appropriated shall be withheld from any money appropriated for the ensuing year.

Sec. 3. That section 2-220, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-220. The president of any such society, marshal, or any police officer appointed by the board shall be empowered to arrest, or cause to be arrested, any person or persons engaged in violating any of the provisions contained in section 2-219. He may seize, or cause to be seized, all intoxicating liquors, wine or beer, of any kind, with the vessels containing the same, and all tools or other implements used in any gambling or other game of chance, and may remove, or cause to be removed, all shows, swings, booths, tents, carriages, wagons, vessels, boats, or any other nuisance that may obstruct, or cause to be obstructed, by collecting persons around or otherwise, any thoroughfare leading to the enclosure in which such agricultural fair is being held. Any person owning or occupying any of the causes of obstruction herein specified, who may refuse or fail to remove such obstruction or nuisance when ordered to do so by the president of such society, shall be ~~liable to a fine of not less than five and not more than twenty dollars for every such offense guilty of a Class V misdemeanor~~.

Sec. 4. That section 2-220.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-220.03. Each officer, owner, or manager of any carnival company, booking agency, or show who willfully fails to cause cash, certified check, or bond to be executed and filed as required by section 2-220.01, or who willfully fails to cause the receipt or certificate to be filed as provided by section 2-220.01, shall be

guilty of a Class IV misdemeanor, and, upon conviction thereof, shall be fined in a sum of not less than fifty dollars nor more than two hundred dollars, and may be committed to jail until the fine and costs are paid:

Sec. 5. That section 2-963, Revised Statutes Supplement, 1976, be amended to read as follows:

2-963. Any person knowing of the existence of any noxious weeds on lands owned or controlled by him who fails to control such weeds in accordance with sections 2-952 to 2-965 and rules and regulations prescribed under sections 2-952 to 2-965, and any person who intrudes upon any land under quarantine or who moves or causes to be moved any article covered by section 2-957 except as provided therein, or who prevents or threatens to prevent entry upon land as provided in section 2-961, or who interferes with the carrying out of the provisions of sections 2-952 to 2-965, shall be guilty of a Class IV misdemeanor, and shall, upon conviction thereof, be fined not less than fifty dollars nor more than five hundred dollars on account of each violation:

Sec. 6. That section 2-1007, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1007. Any person, firm, joint stock company or corporation that shall bring, transport, or convey into, or receive within, the State of Nebraska any prohibited plant or plant product, or other substance or thing, from any scheduled state, territory, district, province or country without the State of Nebraska, or any portion thereof, or any locality therein, in violation of section 2-1002, or that having received the same directly or indirectly shall refuse to dispose of the same as the Department of Agriculture has directed, or that shall move, transport, handle, store, use, plant or otherwise dispose of any prohibited plant or plant product, substance or thing from or in any quarantined part or district within the State of Nebraska in violation of sections 2-1003 to 2-1006, except as herein provided for, shall be deemed guilty of a Class IV misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each and every offense, together with all costs of prosecution:

Sec. 7. That section 2-1036, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1036. Any person who shall violate any of the provisions of sections 2-1009 to 2-1038 with reference to the sale, shipment, transportation, receipt, delivery, labeling or treatment of nursery stock, plants, plant products or other property; or who shall fail to report to the Department of Agriculture the receipt of nursery stock imported from a foreign country; or who shall fail to report and hold uncertified nursery stock until inspected or released by the department; or who shall forge, counterfeit, deface, alter, destroy or wrongfully use any certificate provided for in said sections, or use a any certificate belonging to ~~another any other~~ person without the consent of the department, or use a certificate after it has been revoked or has expired; or who shall use, plant, remove or transport, without the permission of the department, infested or infected property, or property likely to be infested or infected, concerning the condition of which the department has given official notice; or who shall maintain a nuisance as described in said sections after having been given notice by the department to abate the same; or shall fail or neglect to use such measures of arrest and control of injurious insect pests and plant diseases as are required of him by the department; and who shall offer any hindrance or resistance to the carrying out of said sections 2-1009 to 2-1038, shall be deemed guilty of a Class IV misdemeanor, ~~and upon conviction thereof be fined not less than ten dollars nor more than five hundred dollars for each offense, together with all costs of procedure, and the amounts so received shall be paid into the treasury of the state.~~ It shall be the duty of the department to furnish the county attorney of the county in which an offense is committed, or to the Attorney General of the state, all information in its possession concerning violations of said sections 2-1009 to 2-1038, and the officer so notified shall prosecute such violations.

Sec. 8. That section 2-1042, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1042. If, ~~however,~~ in the judgment of the Department of Agriculture it is practical to treat any such cedar tree or trees, especially ornamental trees in dooryards, cemeteries and parks, which have been declared as aforesaid to constitute a menace to any apple orchard in said locality, in such a way as to render it or them harmless, it may direct such treatment to be carried out by the owner under the direction of any agent it may appoint for that purpose. Said directions for treatment shall be put in writing by the department, and a copy placed in the hands of said owner. Any owner undertaking

to so treat his trees, and refusing or failing to carry out said written directions, shall be guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.~~

Sec. 9. That section 2-1045, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1045. The Department of Agriculture and its representatives are empowered to enter upon any public or private premises for the purpose of carrying out the provisions of sections 2-1039 to 2-1045. Any person or persons who shall obstruct or hinder the said department and its representatives in the discharge of their duties under said sections shall be deemed guilty of a Class IV misdemeanor, ~~and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars.~~

Sec. 10. That section 2-1052, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1052. Any person violating the provisions of section 2-1051 shall be deemed guilty of a Class III misdemeanor, ~~and shall be punished by a fine of not more than one hundred dollars or imprisonment in the county jail not less than ten days nor more than thirty days.~~

Sec. 11. That section 2-1059, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1059. Any person violating the provisions of sections 2-1053 to 2-1059 or refusing or neglecting to comply with the notice of the Department of Agriculture or its duly authorized agent, shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned in the county jail not exceeding three months, or both.~~

Sec. 12. That section 2-1207, Revised Statutes Supplement, 1976, be amended to read as follows:

2-1207. Within the enclosure of any race track where is held a race or race meeting licensed and conducted under sections 2-1201 to 2-1218, but not elsewhere, the pari-mutuel or certificate method or system of wagering on the results of the respective races

may be used and conducted by the licensee in connection therewith. Under such system the licensee may receive wagers of money from any person present at such race on any horse in a race selected by such person to run first in such race, and the person so wagering shall acquire an interest in the total money so wagered on all horses in such race as first winners in proportion to the amount of money wagered by him. Such licensee shall issue to each person so wagering a certificate on which shall be shown the number of the race, the amount wagered, and the number or name of the horse selected by such person as first winner. As each race is run the licensee may deduct from the total sum wagered on all horses as first winners, respectively, (a) at thoroughbred race meets, fifteen per cent of the total, plus the odd cents of the redistribution over the next lower multiple of ten, or (b) at race meets other than thoroughbred race meets, not less than fifteen nor more than eighteen per cent of the total, plus the odd cents of the redistribution over the next lower multiple of ten, and the balance remaining on hand shall be paid out to the holders of certificates on the winning horse in the proportion that the amount wagered by each certificate holder bears to the total amount wagered on all horses in such race to run first. The licensee may likewise receive such wagers on horses selected to run second, third, or both, or in such combinations as the commission may authorize, the method, procedure and the authority and right of the licensee, as well as the deduction allowed to the licensee, to be as specified with respect to wagers upon horses selected to run first. No minor shall be permitted to make any pari-mutuel wager, and there shall be no wagering except under the pari-mutuel method outlined in this section. Any person, association or corporation who knowingly permits a minor to make a pari-mutuel wager shall be guilty of a Class IV misdemeanor, ~~and upon conviction thereof shall be fined not exceeding three hundred dollars for each offense.~~

Sec. 13. That section 2-1215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1215. Any person, corporation or association holding or conducting any horse race or horse-race meeting in connection with which the said pari-mutuel system of wagering is used or to be used, without a license duly issued by the State Racing Commission; or any person, corporation or association holding or conducting horse races or horse-race meetings in connection with which any wagering is permitted otherwise than in the manner hereinbefore specified; or any person, corporation or association violating any of the

provisions of sections 2-1201 to 2-1218 or any of the rules and regulations prescribed by the commission, shall be ~~fin~~~~ed~~~~not~~~~more~~~~than~~~~five~~~~thousand~~~~dollars~~~~or~~~~imprisoned~~~~not~~~~more~~~~than~~~~one~~~~year~~~~or~~~~both~~ guilty of a Class I misdemeanor.

Sec. 14. That section 2-1218, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1218. Any person who shall violate any provisions of section 2-1217 shall ~~upon~~~~conviction~~~~thereof~~~~be~~~~fin~~~~ed~~~~in~~~~any~~~~sum~~~~not~~~~more~~~~than~~~~five~~~~thousand~~~~dollars~~~~or~~~~be~~~~imprisoned~~~~for~~~~a~~~~period~~~~not~~~~to~~~~exceed~~~~one~~~~year~~ be guilty of a Class I misdemeanor.

Sec. 15. That section 2-1506.12, Revised Statutes Supplement, 1976, be amended to read as follows:

2-1506.12. Any person who violates section 2-1506.05, 2-1506.15, or 2-1506.16 shall be guilty of a Class III misdemeanor, ~~and~~~~shall~~~~upon~~~~conviction~~~~thereof~~~~be~~~~fin~~~~ed~~~~not~~~~more~~~~than~~~~one~~~~hundred~~~~dollars~~~~or~~~~be~~~~imprisoned~~~~in~~~~the~~~~county~~~~jail~~~~for~~~~not~~~~more~~~~than~~~~ten~~~~days~~~~or~~~~be~~~~both~~~~so~~~~fin~~~~ed~~~~and~~~~imprisoned~~. Each day's continuance of a violation shall be deemed a separate and distinct offense.

Sec. 16. That section 2-1806, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1806. Every person desiring to engage in business as a potato shipper shall file with the Department of Agriculture an application for a license in such form and detail as the department may prescribe. If it is found that there has been compliance with the provisions of sections 2-1801 to 2-1811 and the rules and regulations of the department issued in conformance therewith, a license shall forthwith be issued to the applicant. Every person who engages in business as a potato shipper without having a license shall be guilty of a Class IV misdemeanor, ~~and~~~~upon~~~~conviction~~~~thereof~~~~shall~~~~be~~~~punished~~~~by~~~~a~~~~fine~~~~of~~~~not~~~~less~~~~than~~~~twenty~~~~five~~~~dollars~~~~nor~~~~more~~~~than~~~~five~~~~hundred~~~~dollars~~. Each licensed potato shipper shall display conspicuously in his place of business the license granted to him. Should the licensed potato shipper change his place of business he shall immediately notify the department. Each licensed potato shipper shall keep such records with respect to shipments of potatoes by him as the department may by regulation require. Such records shall be preserved for a period of not less than two years and be,

at all times during business hours, subject to inspection by authorized agents of the department. In the event that a licensed potato shipper shall violate any of the provisions of sections 2-1801 to 2-1811 or the regulations of the department issued in conformance therewith, the department may, upon due notice and after full hearing, cancel and annul his license.

Sec. 17. That section 2-1807, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1807. Every potato shipper, as defined in section 2-1810, shall render and have on file with the Department of Agriculture by the last day of each January, April, July, and October, a quarterly statement under oath, on forms prescribed by the department, which shall set forth the number of pounds of potatoes grown in Nebraska which were sold or shipped by him during the preceding quarter. At the time the sworn statement is filed and in connection therewith, each such potato shipper shall pay and remit to the department an excise tax of one cent per one hundred pounds upon the potatoes shown in such statement to have been sold, which tax is hereby levied and imposed. The department shall each working day transmit to the State Treasurer all money, checks, drafts or other mediums of exchange thus received. The department shall have authority to adjust all errors in making payment. Any such potato shipper who shall neglect or refuse to file such statement, or to pay the tax herein imposed, within the time prescribed, shall be guilty of a Class IV misdemeanor, and, ~~upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars.~~ Under sections 2-1801 to 2-1811, no potatoes shall be subject to tax more than once.

Sec. 18. That section 2-1811, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1811. Any person violating any of the provisions of sections 2-1801 to 2-1811 shall be guilty of a Class II misdemeanor, and, ~~upon conviction thereof, shall be fined not less than twenty-five dollars nor more than five hundred dollars, or be imprisoned in the county jail for not less than ten days nor more than sixty days for each offense.~~

Sec. 19. That section 2-1825, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1825. Any person, firm, corporation or association or officer or member thereof, who shall destroy or alter any official certificate or who shall ship or attempt to ship any potatoes out of any designated area where compulsory inspection is maintained, without first obtaining a special permit or without first complying with the provisions of section 2-1816, or who violates any other provision of this act or the rules and regulations promulgated thereunder for which no specific penalty is provided, and any inspector or agent of the director who shall fail to remit to the department all fees collected in his official capacity, shall be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined in a sum of not less than fifty dollars nor more than five hundred dollars, or be imprisoned in the county jail for a period not to exceed ninety days, or be both so fined and imprisoned. Any person, firm, corporation or association or officer or member thereof, who shall forge or counterfeit any official inspection legend or official certificate adopted by the director for use under the provisions of sections 2-1813 to 2-1825, or who, not being an inspector or appointed agent of the director shall attach any certificate of inspection whether forged, counterfeited or not, to any commercial shipment of potatoes, shall be guilty of a Class IV felony, and shall, upon conviction thereof, be fined in a sum of not less than one hundred dollars nor more than one thousand dollars, and be imprisoned in the Nebraska Penal and Correctional Complex for not less than one year nor more than three years.

Sec. 20. That section 2-2319, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2319. Any person violating any of the provisions of sections 2-2301 to 2-2319 shall be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned in the county jail for not less than thirty days nor more than ninety days, or both such a fine and imprisonment.

Sec. 21. That section 2-2409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2409. Any private person engaging in any type of artificial weather modification without having first procured a license as required by sections 2-2401 to 2-2409 shall be guilty of a Class IV misdemeanor, and shall, upon conviction thereof, be fined not less than three hundred dollars nor more than eight hundred

dollars:

Sec. 22. That section 2-2446, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2446. The board of directors shall not be required to conduct, or contract for, any program of weather control for any year in which it does not appear that such program would be of substantial benefit to the district. In the event any program of weather control is conducted within any such weather control district organized under sections 2-2428 to 2-2449 it shall be unlawful for any aircraft of such district or its contractor to fly outside the boundaries of such district during any seeding operations or to seed any cloud formation situated outside the boundaries of such district. Any person, partnership, association, or corporation violating the provisions of this section shall, upon conviction thereof, be fined in any sum not to exceed five thousand dollars be guilty of a Class I misdemeanor.

Sec. 23. That section 2-2607, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2607. (1) Any person violating subdivision (a) of subsection (1) of section 2-2602 shall be guilty of a Class V misdemeanor, and upon conviction shall be fined not more than one hundred dollars:

(2) Any person violating any provision of sections 2-2601 to 2-2611 other than subdivision (a) of subsection (1) of section 2-2602 shall be guilty of a Class III misdemeanor, and upon conviction shall be fined not more than one hundred dollars for the first offense and upon conviction for a subsequent offense shall be fined not more than five hundred dollars; Provided, that any offense committed more than five years after a previous conviction shall be considered a first offense; and provided further, that in any case where a registrant was issued a warning by the director pursuant to the provisions of sections 2-2604 to 2-2611, such registrant shall upon conviction of a violation of any provision of sections 2-2604 to 2-2611, other than subdivision (a) of subsection (1) of section 2-2602, be fined not more than five hundred dollars, or imprisoned in the county jail for not more than one year, or be subject to both such fine and imprisonment; and the registration of the article with reference to which the violation occurred shall terminate automatically. An article the registration of which has been terminated may not again

be registered unless the article, its labeling, and other material required to be submitted appear to the director to comply with all the requirements of sections 2-2601 to 2-2611.

(3) Notwithstanding any other provisions of this section, in case any person, with intent to defraud, uses or reveals information relative to formulas of products acquired under authority of section 2-2603, he shall be ~~fined-not-more-than-one-thousand-dollars-or-imprisoned-in-the-county-jail-for-not-more-than-one-year,-or-both~~ guilty of a Class I misdemeanor.

Sec. 24. That section 2-2710, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2710. Any gas, gasoline, kerosene, distillate or other liquid fuel tractor, traction, or tractor engine company selling or offering for sale for use in the State of Nebraska, or any automobile, implement or other company or individual operating in behalf of such tractor engine company or on his own behalf, who shall sell or offer for sale for use in the state any model of liquid fuel tractor engine, either new or used, without having in his possession a permit issued by the Department of Agriculture to sell such model of tractor engines as he is offering for sale for use in this state, shall be deemed guilty of a Class I misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than one thousand dollars nor more than five thousand dollars for each offense. in the discretion of the court.~~

Sec. 25. That section 2-3008, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3008. Any person violating the provisions of sections 2-3001 to 2-3008 or the rules and regulations promulgated under the provisions of sections 2-3001 to 2-3008 shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be fined not less than fifty dollars nor more than two hundred dollars, or be imprisoned in the county jail for not more than thirty days, or be both so fined and imprisoned.~~

Sec. 26. That section 2-3109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3109. Any person who shall violate any provision of sections 2-3101 to 2-3110 for which no

specific penalty is provided or any rule or regulation made pursuant thereto, shall be guilty of a Class IV misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars:

Sec. 27. That section 2-3223.01, Revised Statutes Supplement, 1976, be amended to read as follows:

2-3223.01. (1) If any district fails to file a copy of the audit within the required time, pursuant to section 2-3223, the name of the district, the officers, and the board of directors of the district shall be published in a newspaper or newspapers which provide general coverage of the district, which publication shall state the failure of the district and its directors, with publication costs to be paid by the district.

(2) Any officer or member of the board of directors responsible for such failure to file shall be guilty of a Class IV misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars:

Sec. 28. That section 2-3324, Revised Statutes Supplement, 1976, be amended to read as follows:

2-3324. Any person violating any of the provisions of sections 2-3301 to 2-3324 shall be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than five hundred dollars, or be imprisoned in the county jail for not less than thirty days nor more than ninety days, or be both so fined and imprisoned:

Sec. 29. That section 3-152, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-152. Any person violating any of the provisions of sections 3-101 to 3-154, or any of the rules, regulations or orders issued pursuant thereto, shall be guilty of a Class II misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars or by imprisonment of not more than six months, or both such a fine and imprisonment:

Sec. 30. That section 3-330, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-330. Each violation of sections 3-301 to 3-333 or of any regulations, orders or rulings promulgated or made pursuant to sections 3-301 to 3-333, shall constitute a Class III misdemeanor, and shall be punishable by a fine of not less than ten nor more than one hundred dollars or imprisonment for not less than five nor more than thirty days or by both such a fine and imprisonment. Each day a violation continues to exist shall constitute a separate offense. In addition, the political subdivision or agency adopting zoning regulations under sections 3-301 to 3-333 may institute, in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of (1) sections 3-301 to 3-333, (2) airport zoning regulations adopted under sections 3-301 to 3-333 or (3) any order or ruling made in connection with their administration or enforcement. The court in such proceedings shall adjudge to the plaintiff such relief by way of injunction, which may be mandatory or otherwise, as may be proper under all the facts and circumstances of the case in order to fully effectuate the purposes of sections 3-301 to 3-333 and of the regulations adopted and orders and rulings made pursuant thereto.

Sec. 31. That section 3-408, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-408. Any person, firm, or corporation (1) violating any of the provisions of sections 3-401 to 3-409, (2) submitting false information in the application for a permit, (3) violating any rule or regulation adopted by the Department of Aeronautics pursuant hereto, as authorized by section 3-407, (4) failing to do and perform any act required hereby, or (5) violating the terms of any permit issued pursuant to the provisions of sections 3-401 to 3-409, shall be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined not less than ten dollars and not more than one hundred dollars, or imprisoned in the county jail for not less than five days nor more than thirty days, or both such a fine and imprisonment. Each day any violation continues or any structure erected in violation of the provisions of sections 3-401 to 3-409 shall continue in existence, shall constitute a separate offense.

Sec. 32. That section 3-504, Revised Statutes Supplement, 1976, be amended to read as follows:

3-504. Any authority established under the provisions of this act shall have power:

- (1) To sue and be sued;
- (2) To have a seal and alter the same at pleasure;
- (3) To acquire, hold, and dispose of personal property for its corporate purposes;
- (4) To acquire, in the name of the city, by purchase or condemnation, real property or rights or easements therein necessary or convenient for its corporate purposes, and, except as may otherwise be provided herein, to use the same so long as its corporate existence shall continue. Such power shall not be exercised by authorities of cities of the primary, first, and second classes and of villages created after September 2, 1973, without further approval, until such time as at least three members of the authority have been elected. If the exercise of such power is necessary while three or more appointed members remain on the authority of cities of the primary, first, and second classes and of villages, the appointing body shall approve all proceedings under this subdivision;
- (5) To make by-laws for the management and regulation of its affairs, and subject to agreements with bondholders, to make rules and regulations for the use of projects, and the establishment and collection of rentals, fees, and all other charges for services or commodities sold, furnished, or supplied by such authority. Any person violating such rules shall be guilty of a Class III misdemeanor; ~~and--shall--upon conviction thereof, be fined not more than one hundred dollars, or imprisoned in the county jail not more than thirty days, or be both so fined and imprisoned;~~
- (6) With the consent of the city, to use the services of agents, employees and facilities of the city, for which the authority may reimburse the city a proper proportion of the compensation or cost thereof, and may also use the services of the city attorney as legal advisor to the authority;
- (7) To appoint officers, agents, and employees and fix their compensation;
- (8) To make contracts, leases, and all other instruments necessary or convenient to the corporate purposes of the authority;
- (9) To design, construct, maintain, operate, improve, and reconstruct so long as its corporate existence shall continue such projects as shall be

necessary and convenient to the maintenance and development of aviation services to and for the city in which such authority is established, including landing fields, heliports, hangars, shops, passenger and freight terminals, control towers, and all facilities necessary or convenient in connection with any such project and also to contract for the construction, operation, or maintenance of any parts thereof, or for services to be performed thereon, and to rent parts thereof and grant concessions thereon; all on such terms and conditions as the authority may determine;

(10) To include in such project, subject to zoning restrictions, space and facilities for any or all of the following: Public recreation, business, trade or other exhibitions, sporting or athletic events, public meetings, conventions, and all other kinds of assemblages, and in order to obtain additional revenue, space, and facilities for business and commercial purposes. Whenever the authority deems it to be in the public interest, the authority may lease any such project or any part or parts thereof, or contract for the management and operation thereof or any part or parts thereof. Any such lease or contract may be for such period of years as the authority shall determine;

(11) To charge fees, rental, and other charges for the use of projects under the jurisdiction of such authority subject to and in accordance with such agreement with bondholders as may be made as hereinafter provided. Subject to contracts with bondholders, all fees, rentals, charges, and other revenue derived from any project shall be applied to the payment of operating, administration, and other necessary expenses of the authority properly chargeable to such project and to the payment of the interest on and principal of bonds or for making sinking fund payments therefor. Subject to contracts with bondholders, the authority may treat one or more projects as a single enterprise in respect of revenue, expenses, the issuance of bonds, maintenance, operation, or other purposes;

(12) To certify annually to the governing body of the city the amount of tax to be levied for airport purposes, which the authority requires under its adopted budget statement to be received from taxation, not to exceed one mill on the dollar upon the assessed valuation of all the taxable property in such city, except intangible property, and the governing body shall levy and collect the taxes so certified at the same time and in the same manner as other city taxes are levied and collected, and the proceeds of such taxes when due and as collected shall be set aside and deposited in the special

account or accounts in which other revenue of the authority is deposited; Provided, that an authority in a city of the first or second class or a village shall have power to certify annually to the governing body of such a city or village an additional amount of tax to be levied for airport purposes, not to exceed one mill, to be levied, collected, set aside, and deposited, as above specified, and if negotiable bonds of the authority are thereafter issued, this power shall continue until such bonds are paid in full. When such additional amount of tax is first certified, the governing body may then require but not thereafter, approval of the same by a majority vote of the governing body, or by a majority vote of the electors voting on the same at a general or special election. The provisions of this subdivision shall not apply to cities of the metropolitan class;

(13) To construct and maintain under, along, over, or across a project, telephone, telegraph, or electric wires and cables, fuel lines, gas mains, water mains, and other mechanical equipment not inconsistent with the appropriate use of such project, to contract for such construction and to lease the right to construct and use the same, or to use the same on such terms for such periods of time and for such consideration as the authority shall determine;

(14) To accept grants, loans, or contributions from the United States, the State of Nebraska, or any agency or instrumentality of either of them, or the city in which such authority is established, and to expend the proceeds thereof for any corporate purposes;

(15) To incur debt and issue negotiable bonds and to provide for the rights of the holders thereof;

(16) To enter on any lands, waters, and premises for the purposes of making surveys, soundings, and examinations; and

(17) To do all things necessary or convenient to carry out the powers expressly conferred on such authorities by this act.

Sec. 33. That section 3-613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-613. Any authority established under the provisions of sections 3-601 to 3-622 shall have power:

(1) To sue and be sued;

(2) To have a seal and alter the same at pleasure;

(3) To acquire, hold, and dispose of personal property for its corporate purposes;

(4) To acquire, in the name of the county, by purchase or condemnation, real property or rights or easements therein necessary or convenient for its corporate purposes, and, except as may otherwise be provided herein, to use the same so long as its corporate existence shall continue. Such power shall not be exercised by authorities created after September 2, 1973, without further approval, until such time as three or more members of the authority have been elected. If the exercise of such power is necessary while three or more appointed members remain on the authority, the appointing body shall approve all proceedings under this subdivision;

(5) To make by-laws for the management and regulation of its affairs, and subject to agreements with bondholders, to make rules and regulations for the use of projects, and the establishment and collection of rentals, fees, and all other charges for services or commodities sold, furnished, or supplied by such authority. Any person violating such rules shall be guilty of a Class III misdemeanor; ~~and--shall--upon conviction--thereof--be--fined--not--more--than--one--hundred dollars--or--be--imprisoned--in--the--county--jail--not--more than--thirty--days--or--be--both--so--fined--and--imprisoned;~~

(6) With the consent of the county, to use the services of agents, employees and facilities of the county, for which the authority may reimburse the county a proper proportion of the compensation or cost thereof, and also to use the services of the county attorney as legal advisor to the authority;

(7) To appoint officers, agents, and employees and fix their compensation;

(8) To make contracts, leases, and all other instruments necessary or convenient to the corporate purposes of the authority;

(9) To design, construct, maintain, operate, improve, and reconstruct so long as its corporate existence shall continue such projects as shall be necessary and convenient to the maintenance and development of aviation services to and for the county in which such authority is established, including landing fields, heliports, hangars, shops, passenger and freight

terminals, control towers, and all facilities necessary or convenient in connection with any such project and also to contract for the construction, operation, or maintenance of any parts thereof, or for services to be performed thereon, and to rent parts thereof and grant concessions thereon; all on such terms and conditions as the authority may determine;

(10) To include in such project, subject to zoning restrictions, space and facilities for any or all of the following: Public recreation, business, trade or other exhibitions, sporting or athletic events, public meetings, conventions, and all other kinds of assemblages, and in order to obtain additional revenue, space, and facilities for business and commercial purposes. Whenever the authority deems it to be in the public interest, the authority may lease any such project or any part or parts thereof, or contract for the management and operation thereof or any part or parts thereof. Any such lease or contract may be for such period of years as the authority shall determine;

(11) To charge fees, rentals, and other charges for the use of projects under the jurisdiction of such authority subject to and in accordance with such agreement with bondholders as may be made as hereinafter provided. Subject to contracts with bondholders, all fees, rentals, charges, and other revenue derived from any project shall be applied to the payment of operating, administration, and other necessary expenses of the authority properly chargeable to such project and to the payment of the interest on and principal of bonds or for making sinking fund payments therefor. Subject to contracts with bondholders, the authority may treat one or more projects as a single enterprise in respect of revenue, expenses, the issuance of bonds, maintenance, operation, or other purposes;

(12) To certify annually to the county board the amount of tax to be levied for airport purposes, not to exceed one mill on the dollar upon the assessed valuation of all the taxable property in such county, except intangible property, and the governing body shall levy and collect the taxes so certified at the same time and in the same manner as other county taxes are levied and collected, and the proceeds of such taxes when due and as collected shall be set aside and deposited in the special account or accounts in which other revenue of the authority is deposited;

(13) To construct and maintain under, along, over, or across a project, telephone, telegraph, or electric wires and cables, fuel lines, gas mains, water

mains, and other mechanical equipment not inconsistent with the appropriate use of such project, to contract for such construction and to lease the right to construct and use the same, or to use the same on such terms for such period of time and for such consideration as the authority shall determine;

(14) To accept grants, loans, or contributions from the United States, the State of Nebraska, or any agency or instrumentality of either of them, or the county in which such authority is established, and to expend the proceeds thereof for any corporate purposes;

(15) To incur debt and issue negotiable bonds and to provide for the rights of the holders thereof;

(16) To enter on any lands, waters, and premises for the purposes of making surveys, soundings, and examinations; and

(17) To do all things necessary or convenient to carry out the powers expressly conferred on such authorities by sections 3-601 to 3-622.

Sec. 34. That section 4-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

4-106. It shall be unlawful for any alien to be elected to or hold any office in a labor or educational organization in the State of Nebraska. Any person, officer, or any member of any labor organization knowingly or willfully violating the provisions of this section shall be deemed guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars or be imprisoned not to exceed ninety days, or both such a fine and imprisonment.~~

Sec. 35. That section 7-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

7-101. Except as provided in section 7-101.01, no person shall practice as an attorney or counselor at law, or commence, conduct or defend any action or proceeding to which he is not a party, either by using or subscribing his own name, or the name of any other person, or by drawing pleadings or other papers to be signed and filed by a party, in any court of record of this state, unless he has been previously admitted to the bar by order of the Supreme Court of this state. No such paper shall be received or filed in any action or

proceeding unless the same bears the endorsement of some admitted attorney, or is drawn, signed, and presented by a party to the action or proceeding. It is hereby made the duty of the judges of such courts to enforce this prohibition. Any person who shall violate any of the provisions of this section shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars, or imprisoned in the county jail not exceeding thirty days;~~ but this section shall not apply to persons admitted to the bar under preexisting laws.

Sec. 36. That section 7-111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

7-111. No person shall be permitted to practice as an attorney in any of the courts of this state while holding the office of Judge or Clerk of the Supreme Court, judge of the district court, judge of the Nebraska Workmen's Compensation Court, county judge, or municipal judge. No sheriff, constable, county clerk, clerk of the district court, or jailer shall practice as an attorney in any court in the county where they hold their respective offices. Such prohibition shall not apply to acting judges of the Nebraska Workmen's Compensation Court appointed under the provisions of section 48-155.01. Where an attorney at law holds the office of associate county judge, he shall not be permitted to practice as an attorney in any action, matter, or proceeding brought before himself, or appealed from his decision to a higher court, nor shall any county judge draw any paper or written instrument to be filed in his own court, except such as he is required by law to draw. No associate county judge shall draw any paper or written instrument in any matter assigned to him, except such as he is required by law to draw. Any person who shall violate any of the provisions of this section shall be deemed guilty of a Class V misdemeanor, ~~and upon conviction shall be fined not less than five nor more than twenty-five dollars.~~

Sec. 37. That section 8-109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-109. If any bank examiner shall have knowledge of the insolvency or unsafe condition of any bank under state supervision, or that there are bad or doubtful assets in such bank, or that the bank or any of its officers has violated any law governing the conduct of the bank, or that it is unsafe and inexpedient to permit such bank to continue business, and shall fail to

forthwith report such fact in writing over his signature to the department, he shall be guilty of a Class II misdemeanor; ~~and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment;~~ and shall forfeit his office.

Sec. 38. That section 8-113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-113. No individual, firm, company, corporation, or association in the State of Nebraska, unless organized under authority of the federal government, shall use the word bank or any derivative thereof as any part of a title or descriptive of any business activity, except corporations complying with the terms of sections 8-101 to 8-1,122 and such other corporations or associations as have been in existence and doing business for a period of ten years or more prior to October 19, 1963, under a name composed in part of the word bank or some derivative thereof. Any violation of the provisions of this section shall be a Class V misdemeanor; ~~and upon conviction thereof a fine of one hundred dollars shall be imposed for each day's use of any such prohibited word.~~

Sec. 39. That section 8-114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-114. It shall be unlawful for any person to conduct a bank within this state except by means of a corporation duly organized for such purpose under the laws of this state. It shall be unlawful for any corporation to receive money upon deposit or conduct a bank under the laws of this state, until such corporation shall have complied with all the provisions and requirements of sections 8-101 to 8-1,122. Any violation of the provisions of this section shall ~~subject the person so offending to a penalty of twenty-five dollars~~ be a Class V misdemeanor for each day of the continuation of such offense, and be cause for the appointment of a receiver as provided in sections 8-101 to 8-1,122 to wind up such banking business.

Sec. 40. That section 8-118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-118. It shall be unlawful for any person for hire (1) to promote or attempt to promote the

organization of a corporation to conduct the business of a bank in this state or (2) to sell the capital stock of such a corporation prior to the issuance of a charter to such corporation authorizing its operation as a bank. Any person violating the provisions of this section shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be fined not exceeding one thousand dollars or be imprisoned in the county jail for a period not exceeding six months.~~

Sec. 41. That section 8-119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-119. No corporation organized for the purpose of conducting a bank under the laws of this state shall be granted the certificate provided in section 8-121, or the charter provided in section 8-122, until there shall have been filed with the department a statement, under oath, of the president or cashier of such corporation that no premium, bonus, commission, compensation, reward, salary, or other form of remuneration has been paid, or promised to be paid, to any person for selling the stock of such corporation. The president or cashier of any such corporation who shall be found guilty of filing a false statement under the provisions of this section shall be ~~fined in any sum not exceeding five thousand dollars or be imprisoned in the county jail not exceeding one year~~ guilty of a Class I misdemeanor. Whenever, after such certificate and charter shall have been delivered, the department shall determine, after a public hearing that such statement is false, it shall cancel such certificate and charter, and a receiver shall be appointed for such corporation in the manner provided for in case of a corporation which is conducting a bank in an unsafe or unauthorized manner.

Sec. 42. That section 8-127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-127. The president and cashier, or the business manager, of every bank shall cause to be kept at all times a full and correct list of the names and residences of all its stockholders, the number of shares held by each, and the amount of paid-up capital represented thereby. Such list shall be subject to the inspection of all stockholders of the bank during all business hours, and shall be kept in the business office where all stockholders may have ready access to it. ~~Any violation of this section shall be punishable by a fine of not less than fifty dollars and not more than two hundred dollars, or by imprisonment in the county jail~~

~~not less than thirty nor more than sixty days, or both person violating this section shall be guilty of a Class III misdemeanor.~~

Sec. 43. That section 8-133, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-133. No bank shall, directly or indirectly, pay any interest on demand deposits, or on other deposits at a greater rate than the director shall by regulation provide. Any officer, director, stockholder, or employee of a bank, or any other person who shall directly or indirectly, either personally or for the bank, pay any money as an inducement, in addition to the legal interest, for making or retaining a deposit in the bank, or any depositor who shall accept any such inducement, shall be guilty of a Class IV felony. ~~and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars, or by imprisonment in the Nebraska Penitentiary and Correctional Complex not exceeding three years, or by both such fine and imprisonment.~~ Deposits made in violation of this section shall not be entitled to priority of payment from the assets of the bank. In determining the maximum interest that may be paid on deposits, the director shall consider generally recognized sound banking principles, the financial soundness of banks, competitive conditions, and general economic conditions.

Sec. 44. That section 8-138, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-138. No bank shall accept or receive on deposit for any purpose any money, bank bills, United States treasury notes or currency, or other notes, bills, checks, drafts, credits, or currency, when such bank is insolvent; and if any bank shall receive or accept on deposit any such deposits when such bank is insolvent, the officer, agent, or employee knowingly receiving or accepting or being accessory to, or permitting or conniving at the receiving or accepting on deposit therein or thereby, any such deposit shall be guilty of a Class III felony. ~~and upon conviction thereof shall be punished by imprisonment in the Nebraska Penitentiary and Correctional Complex not less than one year nor more than ten years.~~

Sec. 45. That section 8-139, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-139. No loan or investment shall be made by a bank, directly or indirectly, without the approval of an active executive officer. Executive officers of banks shall be persons of good moral character, known integrity, business experience and responsibility, and be capable of conducting the affairs of a bank on sound banking principles. No person shall act as an active executive officer of any bank until such bank shall apply for and obtain from the department a license for such person to so act. If the department, upon investigation, shall be satisfied that any active executive officer of a bank is conducting its business in an unsafe or unauthorized manner, or is endangering the interests of the stockholders or depositors, the department shall have authority to revoke such license. Any person who shall act or attempt to act as an active executive officer of any bank, except under a license from the department, or anyone who shall permit or assist such person to act or attempt to act as such, shall be guilty of a Class III felony, ~~and upon conviction shall be fined not more than five thousand dollars, or be imprisoned not more than ten years.~~ The department may make and enforce reasonable regulations and prescribe forms to be used to carry out the intent of this section.

Sec. 46. That section 8-140, Revised Statutes Supplement, 1976, be amended to read as follows:

8-140. No director, officer, or employee of any bank, no corporation in which an officer of the bank is the owner of a controlling interest, and no partnership in which an officer of the bank is a member, shall be permitted to borrow any of the funds of the bank, directly or indirectly, without first having secured the approval of the board of directors at a meeting thereof, the record of which shall be made and kept as part of the records of such bank. An active officer or employee may, with such approval, borrow from the funds of the bank an amount not to exceed five thousand dollars, except that subject to the provisions of sections 8-141 and 8-152 and with the specific prior approval of the board of directors, a bank may make an additional loan not exceeding fifty thousand dollars to any officer or employee of the bank, if at the time the loan is made it is secured by a first lien on a dwelling which is, after making of the loan, to be owned by the officer or employee and used by him as a residence. A director who is not an officer and any honorary or inactive officer may borrow from the funds of the bank such amount as the board of directors shall approve. If any officer of any bank borrows from or if he be or becomes indebted to any other bank, he shall make a written report to the board of directors of the bank of which he is an officer,

stating the date and amount of such loan or indebtedness, the security therefor, and the purpose for which the proceeds have been or are to be used. Loans made prior to November 18, 1965 may be renewed or extended for a period expiring not more than five years from November 18, 1965. No person connected with the department shall be permitted to borrow money from any state bank. Any officer, director, or employee of a bank, or any examiner, or other person who shall violate the provisions of this section, or who shall aid, abet, or assist in a violation thereof, shall be guilty of a Class IV felony, ~~and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the Nebraska Penitentiary and Correctional Complex not more than five years, or by both such fine and imprisonment:~~

Sec. 47. That section 8-142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-142. Any officer or employee of any bank who shall violate or knowingly permit a violation of the provisions of section 8-141, shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars:~~

Sec. 48. That section 8-145, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-145. Any stockholder or director, officer, agent, or employee of any bank who, for the use or benefit of himself or any other person than such bank, solicits or asks for or receives or agrees to receive from any person, any gift or compensation or reward or inducement of any kind for (1) procuring or endeavoring to procure any loan from such bank to any person, or (2) ~~for~~ procuring or endeavoring to procure the purchase by such bank from any person of any negotiable or nonnegotiable instrument of any kind by discount or otherwise, or (3) ~~for~~ procuring or endeavoring to procure the purchase by such bank from any person of any real or personal property of any kind, or (4) ~~for~~ procuring or endeavoring to procure such bank to permit any person to overdraw his account with such bank, shall be guilty of a Class I misdemeanor, ~~and upon conviction thereof shall be punished by a fine not less than two hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than six months nor more than three years, or by both such fine and imprisonment:~~

Sec. 49. That section 8-147, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-147. Except as provided in this section, the aggregate amount of the rediscounts and bills payable of any bank shall at no time exceed the amount of its paid-up capital, surplus, capital notes, and debentures, nor shall any bank at any time permit its loans and investments, exclusive of its cash reserve, banking house, fixtures, direct or indirect obligations of the United States government, and obligations guaranteed by agencies of the United States government, to exceed in the aggregate fifteen times the amount of its paid-up capital, surplus, capital notes, and debentures. Any bank may borrow money on its bills payable secured by direct or indirect obligations of the United States government or secured by obligations guaranteed by agencies of the United States government in an amount in excess of its paid-up capital and surplus. Any bank may, with the written consent of the director, rediscount paper in an amount in excess of its paid-up capital stock and surplus. No bank shall, without the written consent of the director, transfer, as collateral to its obligation, assets with a face value of more than one and one half times the amount of such obligation. Any transfer of assets of a bank in violation of this section shall be void as against the creditors of such bank. Any officer or employee of such bank who does, or permits to be done, any act in violation of this section, and any other person who knowingly assists in the violation of this section, shall be guilty of a Class IV felony, ~~and shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than five years.~~ Any bank becoming a member of the federal reserve system may, ~~however,~~ have the same privileges as to rediscounts and bills payable with the federal reserve banks, and may incur liabilities to such banks, to the same extent as national banks. Any bank may have the same privileges as to rediscounts and bills payable with the federal intermediate credit banks, and may incur liabilities to such banks, to the same extent as national banks.

Sec. 50. That section 8-154, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-154. Any officer or employee of any such bank who violates the provision of section 8-153 shall be guilty of a Class V misdemeanor ~~and, upon conviction thereof, shall be fined not less than five dollars nor more than ten dollars~~ for each offense.

Sec. 51. That section 8-175, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-175. Any person who shall willfully and knowingly subscribe to, or make, or cause to be made, any false statement or false entry in the books of any bank, or shall knowingly subscribe to or exhibit false papers with the intent to deceive any person or persons authorized to examine into the affairs of any such bank, or shall make, state, or publish any false statement of the amount of the assets or liabilities of any such bank, or shall fail to make true and correct entry in the books and records of such bank of its business and transactions in the manner and form prescribed by the department, or shall mutilate, alter, destroy, secrete, or remove any of the books or records of such bank without the written consent of the director, or shall make, state, or publish any false statement of the amount of the assets or liabilities of any such bank, shall be guilty of a Class III felony, ~~and shall, upon conviction thereof, be punished by imprisonment in the Nebraska Penitentiary and Correctional Complex not less than one year nor more than ten years;~~

Sec. 52. That section 8-189, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-189. Any officer, director, or employee of a bank, who shall attempt to prevent the department from taking possession of such bank, shall be guilty of a Class I misdemeanor, ~~and shall, upon conviction thereof, be punished by imprisonment for not more than one year in the county jail or by a fine of not more than one thousand dollars;~~

Sec. 53. That section 8-1,119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-1,119. Where no other punishment is provided in sections 8-101 to 8-1,122, any person violating any of the provisions of sections 8-101 to 8-1,122 shall be guilty of a Class III misdemeanor, ~~and upon conviction thereof, shall be punished by a fine of not less than twenty-five nor more than three hundred dollars; or by imprisonment in the county jail for not less than thirty nor more than ninety days; or by both such fine and imprisonment;~~

Sec. 54. That section 8-225, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

8-225. Any person, making oath to any of the statements herein required, knowing the same to be false, who shall subscribe to, or make, or cause to be made, any false statement or false entry in the books of any trust company transacting a business under sections 8-201 to 8-226, or shall subscribe to or exhibit false papers or shall fail to make true and correct entry in the books and records of said trust company of its business and transactions in the manner and form prescribed by the Department of Banking and Finance, or shall mutilate, alter, destroy, secrete or remove any of the books or records of such trust company without the written consent of the Director of Banking and Finance, or shall make, state or publish any false statement of the amount of the assets or liabilities of any such trust company, shall be deemed guilty of a Class IV felony, ~~and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or be imprisoned in the Nebraska Penal and Correctional Complex for a term of not less than one year nor more than five years, or both:~~

Sec. 55. That section 8-226, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-226. No individual, firm, company or association in the State of Nebraska shall use the words trust, trust company, or trust association as any part of its title, except those complying with the provisions of sections 8-201 to 8-226. Any person, persons or corporation violating the provisions of this section shall be deemed guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be fined one hundred dollars for each day's use of any of the said terms:~~

Sec. 56. That section 8-305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-305. The words loan and building association, building association, building and loan association, savings and loan association, or loan and savings association, shall form part of the corporate name of every such corporation. No individual, firm, company, corporation, or association operating in the State of Nebraska, unless (1) organized under authority of the federal government, (2) organized as a building and loan association under the authority of any foreign state and complying with the provisions of the Nebraska statutes, (3) organized and incorporated under and in accordance with the provisions of sections 8-301 to 8-349, or (4)

having been in existence and doing business in Nebraska under its present name for a period of ten years prior to January 1, 1949, shall, after August 27, 1949, use in its name the words loan and building association, building and loan association, savings and loan association, loan and savings association, loan and building, building and loan, savings and loan, loan and savings, building and savings, or savings and building, in combination with any other word or words. Any person, firm, company, corporation, or association violating the provisions of this section shall be guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be fined in the sum of one hundred dollars for each offense.~~ Each day such person, firm, or corporation shall use any such prohibited words shall be deemed a separate and distinct offense in violation hereof.

Sec. 57. That section 8-333, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-333. Every person who shall willfully or knowingly subscribe, or make, or cause to be made, any false statement or any false entries in any book of any association organized for the purpose set forth in section 8-302, or exhibit any false paper with the intent to deceive any person authorized to examine into the affairs of such association, or shall make, state or publish any false statement of the financial condition of such association, shall be deemed guilty of a Class IV felony, ~~and upon conviction thereof shall be fined not exceeding ten thousand dollars and be imprisoned in the Nebraska Penitentiary and Correctional Complex not less than one, nor more than five years.~~

Sec. 58. That section 8-345, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-345. Any person, agent or company doing business or attempting to do business in this state for any foreign building and loan association, which shall not at the time be the holder of a valid certificate of approval and authorization as provided for in section 8-343, shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof, shall be fined in any sum not exceeding one thousand dollars, or imprisoned in the county jail not more than thirty days, or both.~~

Sec. 59. That section 8-403.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-403.04. Executive officers of an industrial loan and investment company shall be persons of good moral character, known integrity, business experience and responsibility, and be capable of conducting the affairs of the company on sound banking principles. No person shall act as an executive officer of any industrial loan and investment company until such company shall apply for and obtain from the Department of Banking and Finance a license for such person to so act. If the department, upon investigation, shall be satisfied that any acting executive officer of such a company is conducting business in an unsafe or unauthorized manner, or is endangering the interests of stockholders or depositors, the department shall have authority to revoke such license. Any person who shall act or attempt to act as an executive officer of any industrial loan and investment company, except under a license from the department, or anyone who shall permit or assist such person to act or attempt to act as such, shall be guilty of a Class IV felony, and shall, upon conviction thereof, be fined not more than five thousand dollars, or be imprisoned not more than ten years in the Nebraska Penitentiary and Correctional Complex. The Department of Banking and Finance may make and enforce reasonable regulations and prescribe forms to be used to carry out the intent of this section.

Sec. 60. That section 8-417.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-417.01. When no other punishment is provided in sections 8-401 to 8-450, any person violating any of the provisions of sections 8-401 to 8-450 shall be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, or by both such fine and imprisonment.

Sec. 61. That section 8-449, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-449. If any industrial loan and investment company shall willfully fail to comply with any of the provisions of sections 8-435 to 8-450 in the making or collection of any loan which is subject to the provisions of sections 8-435 to 8-450, the loan shall not on that account be void, but the lender shall have no right to collect or receive any interest or charges thereon whatsoever. If any interest or other charges have been

collected, the lender shall forfeit and refund to the borrower all interest and other charges collected on the loan involved; Provided, nothing in this section shall apply and there shall be no penalty in the case of clerical error or where interest is inadvertently charged for a period not to exceed one week. Any industrial loan and investment company, and any of the several members, officers, directors, agents and employees thereof, who shall willfully violate or participate in the willful violation of the provisions of sections 8-435 to 8-450 shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars and not less than one hundred dollars or by imprisonment for not less than thirty days nor more than six months.~~ Except as to those agreements on which an action at law or in equity has been reduced to a final judgment as of May 24, 1965, the provisions of sections 8-435 to 8-450 shall apply exclusively to all agreements made prior to May 24, 1965, as well as to all agreements made thereafter.

Sec. 62. That section 8-829, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-829. If a bank violates any provision of sections 8-820 to 8-823 in making or collecting any loan made under section 8-820, no charges of any kind shall be collected on such loan. If any charges have been collected, the bank shall forfeit to the borrower all interest collected on the loan involved and a sum equal thereto. The bank so offending shall be guilty of a Class V misdemeanor, ~~and, on conviction thereof, shall be fined in any sum not in excess of one hundred dollars.~~

Sec. 63. That section 8-904, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-904. Any company ~~which or individual who~~ willfully violates or participates in the violation of any provision of sections 8-901 to 8-904 ~~shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars for each day during which the violation continues. Any individual who willfully participates in a violation of any provision of sections 8-901 to 8-904 shall, upon conviction thereof, be fined not more than ten thousand dollars or imprisoned for not more than one year, or both~~ be guilty of a Class I misdemeanor.

Sec. 64. That section 8-1014, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

8-1014. If any person to whom sections 8-1001 to 8-1015 applies, or any agent or representative of such person, violates any of the provisions of sections 8-1001 to 8-1015 or attempts to transact the business of selling or issuing checks without having first obtained a license from the director pursuant to the provisions of sections 8-1001 to 8-1015, such person and each such agent or representative shall be guilty of a Class III misdemeanor, ~~and shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail for not more than ninety days, or both.~~ Each transaction in violation of sections 8-1001 to 8-1015 and each day that a violation continues shall be a separate offense.

Sec. 65. That section 8-1117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-1117. (1) Any person who willfully violates any provision of sections 8-1101 to 8-1124 except section 8-1113, or who willfully violates any rule or order under the provisions of sections 8-1101 to 8-1124, or who willfully violates the provisions of section 8-1113 knowing the statement made to be false or misleading in any material respect shall, ~~upon conviction thereof, be fined not more than five thousand dollars or imprisoned not more than three years, or both so fined and imprisoned; but no person may be imprisoned for the violation of any rule or order if he proves that he had no knowledge of the rule or order~~ be guilty of a Class IV felony. No indictment may be returned or information filed under sections 8-1101 to 8-1124 more than five years after the alleged violation.

(2) The director may refer such evidence as may be available concerning violations of sections 8-1101 to 8-1124 or of any rule or order under sections 8-1101 to 8-1124 to the Attorney General or the proper county attorney, who may in his discretion, with or without such a reference, institute the appropriate criminal proceedings under the provisions of sections 8-1101 to 8-1124.

(3) Nothing in sections 8-1101 to 8-1124 shall limit the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

Sec. 66. That section 8-1207, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

8-1207. Any company which or individual who willfully violates any provision of sections 8-1201 to 8-1207 shall, ~~upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars for each day during which the violation continues. Any individual who willfully participates in a violation of any provision of sections 8-1204 to 8-1207 shall, upon conviction thereof, be fined not more than ten thousand dollars, or be imprisoned for not more than one year, or be both so fined and imprisoned~~ be guilty of a Class I misdemeanor.

Sec. 67. That section 9-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-102. (1) No person, except a licensee operating pursuant to sections 9-101 to 9-120, shall conduct any game of bingo for which a charge is made or to the winner of which any money, property, or other prize is awarded. Any such game conducted in violation of this subsection is hereby declared to be a public nuisance. Any person violating the provisions of this subsection shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than two hundred dollars and not more than five hundred dollars.~~

(2) No person shall play at any game of bingo conducted in violation of subsection (1) of this section. Any person violating the provisions of this subsection shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars and not more than five hundred dollars.~~

Sec. 68. That section 9-122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-122. Any person violating any of the provisions of sections 9-101 to 9-121 for which a penalty is not otherwise provided shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be fined not less than fifty dollars nor more than one thousand dollars.~~

Sec. 69. That section 10-509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-509. If any person or officer, contrary to the provisions of sections 10-501 to 10-509, shall knowingly issue or deliver, or put in circulation, use, or in any manner dispose of, contrary to law, any warrant, order, certificate or audited account, intended to be redeemed or paid under the provisions of said sections, either before or after the same has been paid or canceled, and thereby defraud, or attempt to defraud, any corporation, county, state or person, he shall ~~upon conviction be fined not less than five hundred dollars and be imprisoned in the Nebraska Penal and Correctional Complex not less than six months nor more than three years~~ be guilty of a Class IV felony.

Sec. 70. That section 10-807, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-807. Any person who shall make any false statement to the county board or to the board provided for in sections 10-801 to 10-807, or to any of its assistants or employees, for the purpose of obtaining a loan or aid of any kind, as a sufferer from cyclone, tornado or destructive windstorm, shall be deemed guilty of a Class I misdemeanor, ~~and shall upon conviction thereof be fined in any sum not to exceed one thousand dollars, or be imprisoned in the county jail for a term not to exceed one year.~~

Sec. 71. That section 11-101.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

11-101.02. If any false statement is made in taking either of the oaths prescribed in sections 11-101 and 11-101.01, the person making such false statement shall be deemed guilty of ~~perjury as defined in section 28-704, and upon conviction thereof shall be punished as provided in section 28-704~~ a Class IV felony. No person convicted of perjury in taking the oath as prescribed in either section 11-101 or 11-101.01, shall hold any nonelective position, job, or office for the State of Nebraska, or any political subdivision thereof, where the remuneration of such position, job, or office is paid in whole or in part by public money or funds of the State of Nebraska, or of any political subdivision thereof.

Sec. 72. That section 12-512.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

12-512.07. Any person, firm or corporation violating any of the provisions of sections 12-512.01 to

~~12-512.08 shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars~~ be guilty of a Class IV misdemeanor.

Sec. 73. That section 12-519, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

12-519. Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument or gravestone, or other structure placed in any cemetery, or any fence, railing or other work for the protection or ornament of a cemetery, or tomb, monument or gravestone, or other structure aforesaid, or of any cemetery lot within a cemetery, or shall willfully destroy, cut, break or injure any tree, shrub or plant, within the limits of a cemetery, shall be deemed guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof before any court of competent jurisdiction, be punished by a fine of not less than five dollars nor more than five hundred dollars, and by imprisonment in the county jail for a term of not less than one day nor more than thirty days, according to the nature and aggravation of the offense.~~ Such offender shall also be liable, in an action of trespass in the name of the association, to pay all such damages as have been occasioned by his unlawful act or acts, which money, when recovered, shall be applied to the reparation and restoration of the property destroyed or injured as above. In all prosecutions and suits under this section, members of said association shall be competent witnesses.

Sec. 74. That section 12-617, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

12-617. Any person, firm, corporation, or association violating any of the provisions of this act shall, ~~upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars~~ be guilty of a Class IV misdemeanor.

Sec. 75. That section 13-116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-116. Any person who willfully fails to obey the terms of any order or decree for support rendered by a court having jurisdiction in the premises shall be deemed guilty of desertion, ~~and upon conviction thereof shall be punished to the extent and in the manner provided by sections 28-446 to 28-448~~ a Class I misdemeanor. The penalty for this offense is additional

to the other penalties and enforcement devices provided for in sections 13-101 to 13-116 and shall not be construed to be exclusive.

Sec. 76. That section 20-129, Revised Statutes Supplement, 1976, be amended to read as follows:

20-129. Any person, firm or corporation, or the agent of any person, firm or corporation who denies or interferes with admittance to or enjoyment of the public facilities enumerated in section 20-127 or otherwise interferes with the rights of a totally or partially blind or otherwise physically disabled person under section 20-127 or sections 20-131.01 to 20-131.04 shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment.~~

Sec. 77. That section 21-622, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-622. Any person who shall willfully wear, exhibit, display, print or use, for any purpose, the badge, motto, button, decoration, charm, emblem, rosette, or other insignia of any such association or organization mentioned in section 21-617, duly registered hereunder, unless he or she shall be entitled to use and wear the same under the constitution and by-laws, rules and regulations of such association or organization, shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be fined not exceeding one hundred dollars, and, in default of payment shall stand committed to the county jail for a period of not to exceed thirty days.~~

Sec. 78. That section 21-1306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-1306. No corporation, company, firm or association which shall not be incorporated as a cooperative corporation shall adopt or use the words cooperative or any abbreviation thereof as a part of its name. Any person or company violating the provisions of this section shall be deemed guilty of a Class V misdemeanor, ~~and for each day's continuance of the offense, fined in a sum not to exceed one hundred dollars.~~

Sec. 79. That section 21-1318, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-1318. No officer, director or committee member shall be permitted to borrow from the association or become surety for one borrowing from the association except with the approval of a majority of the members present at a meeting, which is attended by not less than a quorum and which is held after a notice of such meeting which stated that such loans or suretyships were to be considered. Except in the exercise of the powers of the association to make deposits and investments as provided in subdivisions (10) and (11) of section 21-1316, any officer, director or committee member, who knowingly permits a loan to be made to a nonmember, or to a member in excess of twenty times the par value of the share certificates actually owned by such member, shall be guilty of a Class III misdemeanor, and ~~upon conviction thereof shall be fined not more than one hundred dollars or imprisoned in the county jail for ninety days~~ and shall be personally liable to the association for the amount thus illegally loaned. ~~Provided, however, the~~ The illegality of the loan shall be no defense in an action by the association to recover from the borrower.

Sec. 80. That section 21-1332, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-1332. It shall be unlawful for any incorporator, officer, agent or employee of any cooperative credit association to pay, or cause to be paid, or agree to pay, either directly or indirectly, or for any person, firm or corporation to accept, either directly or indirectly, from the funds of such association any sum of money in excess of twenty-five dollars for promotion expenses. Any contract made in violation of this section shall be void, and any person, firm or corporation guilty of violating any of the provisions of this section shall be ~~finned in any sum not exceeding one hundred dollars or imprisoned in the county jail of the county for a period not exceeding six months~~ guilty of a Class II misdemeanor.

Sec. 81. That section 21-1771, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-1771. Any person, corporation, partnership or association, except credit unions organized under the provisions of sections 21-1760 to 21-17,120 or the Federal Credit Union Act or voluntary Association of

Credit Unions, using a name or title containing the words credit union shall, ~~upon conviction thereof, be fined not more than five hundred dollars, imprisoned not more than one year or both such a fine and such imprisonment~~ be guilty of a Class I misdemeanor and may be enjoined from using such words in its name.

Sec. 82. That section 22-303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

22-303. When any such county seat shall have been relocated it shall be the duty of all county officers to forthwith remove their respective offices and all county records and property in their charge to the place where said county seat shall have been relocated. Any county officer who shall refuse to comply with any of the provisions of sections 22-301 to 22-303 shall be deemed guilty of a Class II misdemeanor, ~~and on conviction thereof shall be fined in any sum not exceeding one thousand dollars~~, and a conviction of any such officer of such misdemeanor shall work a vacancy in his office.

Sec. 83. That section 23-114.05, Revised Statutes Supplement, 1976, be amended to read as follows:

23-114.05. The erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of any building, structure, automobile trailer, or land in violation of this act or of any regulation made by the county board under the provisions of this act shall be a misdemeanor. Any person, partnership, association, club or corporation violating the provisions of this act or of any regulation of the county board, or erecting, constructing, reconstructing, altering, or converting any structure without having first obtained a permit as required by the provisions of this act, shall, ~~upon conviction, be fined in any sum not exceeding two hundred and fifty dollars for each offense, and the costs of prosecution, or may be confined in the county jail for a term not to exceed thirty days~~ guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense. In addition to other remedies, the county board or the proper local authorities of the county, as well as any owner or owners of real estate within the district affected by the regulations, may institute any appropriate action or proceedings to prevent such unlawful construction, erection, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation, or to prevent

the illegal act, conduct, business, or use in or about such premises. Any taxpayer or taxpayers of the county may institute proceedings to compel specific performance, by the proper official or officials, of any duty imposed by the provisions of this act or in resolutions adopted pursuant to the provisions of this act.

Sec. 84. That section 23-135.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-135.01. Whoever shall file any claim against any county as provided in section 23-135, knowing said claim to contain any false statement or representation as to a material fact or whoever shall obtain or receive any money or any warrant for money from any county knowing that the claim therefor was based on a false statement or representation as to a material fact, if the amount claimed or money obtained or received, or if the face value of the warrant for money shall be one hundred thousand dollars or more shall; ~~upon conviction thereof; be imprisoned in the Nebraska Penit and Correctional Complex not more than five nor less than one year~~ be guilty of a Class IV felony. If the amount is less more than one hundred dollars but less than one thousand dollars, the person so offending shall; ~~upon conviction thereof; be fined in an amount not exceeding five hundred dollars or be imprisoned in the county jail not more than six months; or both such a fine and jail sentence~~ guilty of a Class II misdemeanor. If the amount is less than one hundred dollars, the person so offending shall be guilty of a Class III misdemeanor.

Sec. 85. That section 23-147, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-147. Any county officer, any person, any agent, official, or employee of such a firm or corporation, or any firm or corporation violating the provisions of section 23-146 shall be deemed guilty of a ~~felony; and upon conviction thereof shall be imprisoned in the Nebraska Penit and Correctional Complex for a period not exceeding five years; or fined in any sum not exceeding two thousand dollars; or both~~ Class IV felony and in addition thereto, if such a person is a member of a county board, he shall be ousted from public office by a court having jurisdiction.

Sec. 86. That section 23-343.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-343.09. No trustee shall have a direct or indirect personal pecuniary interest in the purchase of any material to be used or supplied for such facility or facilities as provided by section 23-343. Any trustee who shall have a direct or indirect personal pecuniary interest in the purchase of any material to be used or supplied for such facility or facilities shall, ~~upon conviction thereof, be fined in a sum not less than one hundred dollars nor more than one thousand dollars~~ be guilty of a Class II misdemeanor. Any member of such board may at any time be removed from office by the county board. Vacancies shall be filled in substantially the same manner as the original appointments are made. The person or persons appointed to fill such a vacancy or vacancies shall hold office for the unexpired term.

Sec. 87. That section 23-343.45, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-343.45. No member of the board of directors shall have any direct or indirect personal pecuniary interest in the purchase of any material to be used by or supplied to such district, or in any contract with such district. Any person violating the provisions of this section shall be guilty of a Class II misdemeanor and ~~shall, upon conviction thereof, be fined not less than one hundred dollars nor more than one thousand dollars~~ and his office shall be vacated.

Sec. 88. That section 23-343.94, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-343.94. No member of the board of trustees, or any person who shall have been a member of the board of trustees at any time during the immediately preceding period of two years, shall have any direct or indirect personal pecuniary interest in the purchase of any material to be used by or supplied to such authority, or in any contract with such authority. Any person violating the provisions of this section shall be guilty of a Class II misdemeanor, and ~~shall, upon conviction thereof, be fined not less than one hundred dollars nor more than one thousand dollars~~, and his office shall be vacated.

Sec. 89. That section 23-350, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-350. Any county officer, including any member of any county board, who shall fail to file such

inventory statements or who shall willfully make any false or incorrect statement therein, or who shall aid, abet or connive in the making of any false or incorrect statement therein shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than five hundred dollars, or shall be punished by imprisonment in the county jail for not less than ten days nor more than sixty days, or by both such fine and imprisonment, in the discretion of the court.~~ As part of the judgment of conviction, the court may decree said officer guilty of malfeasance in office for a palpable omission of duty and subject to removal under the provisions of section 28-724.

Sec. 90. That section 23-387, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-387. In the event of violation of any provision of sections 23-383 to 23-388 by any person or entity furnishing community antenna television service, the county having granted such permit shall immediately serve notice of such violation upon the permitholder with directions to correct such violation within ninety days or show cause why such violation should not be corrected at a public hearing held in conjunction with the next regularly scheduled meeting of the board. Continued violation of sections 23-383 to 23-388 may be enjoined by the district court. Any person who willfully violates any provision of sections 23-383 to 23-388 shall be guilty of a Class IV misdemeanor ~~and shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars~~ for each offense.

Sec. 91. That section 23-808, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-808. No person hereafter shall conduct or operate any pool or billiard hall or bowling alley outside the limits of any incorporated city or village without having first obtained a license from the county board of the county in which the same is to be operated. Any person, corporation or association violating the provisions of this section shall, ~~upon conviction thereof, be punished by a fine of not less than ten dollars nor more than fifty dollars for each offense~~ guilty of a Class V misdemeanor. Every day in which the pool or billiard hall or bowling alley shall be operated without said license shall constitute a new offense.

Sec. 92. That section 23-813, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-813. No person, association, firm or corporation shall conduct or operate any roadhouse, dance hall, carnival, show, amusement park or other place of public amusement, outside the limits of any incorporated city or village in the State of Nebraska, without first having obtained a license from the county board of the county in which the same is to be operated. Any person, corporation or association violating the provisions of this section shall upon conviction thereof be punished by a fine of not less than ten dollars nor more than fifty dollars for each offense. ~~Every day in which the roadhouse, dance hall, carnival, show, amusement park or other place of public amusement shall be operated without said license shall constitute a separate and distinct offense in violation of this section guilty of a Class V misdemeanor; Provided,~~ that no license shall be required for a dance in an inhabited private home to which no admission or other fee is charged.

Sec. 93. That section 23-817, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-817. Any person, association, firm or corporation licensed under the provisions of sections 23-813 to 23-816, who shall be convicted of the violation of any law regulating such places of amusement shall have his license revoked upon order of the county board after notice of such proposed action has been given by said board and the licensee has been afforded a reasonable opportunity to appear and show cause why such action should not be had. Any person, association, firm, or corporation violating any of the provisions of said sections, ~~for which penalty is not otherwise expressly provided,~~ shall be deemed guilty of a Class V misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars, and every day upon which this violation shall continue shall be deemed a separate and distinct offense.

Sec. 94. That section 23-919, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-919. Any official, employee or member of the county board violating the provisions of sections 23-901 to 23-918, shall be deemed guilty of a Class IV misdemeanor, ~~and upon conviction thereof shall be fined not less than one hundred dollars nor more than~~

~~five-hundred-dollars-for-each-offense.~~ As part of the judgment of conviction, the court shall forfeit the term and tenure of the office or the employment of the person so convicted and shall order his removal from his said office or employment. Any vacancy arising by reason of said forfeiture and removal shall be filled as provided by law in the case of a vacancy in said office for any other cause. Any member of the county board or any other official whose duty it is to allow claims and issue warrants therefor, or to make purchases, incur indebtedness, enter into contracts for or on behalf of the county, who issues warrants or evidences of indebtedness, or makes any purchase, incurs any indebtedness or enters into any contract for or on behalf of the county contrary to the provisions of said sections, shall be liable to the county for such violations in the full amount of such expenditures, and for the full amount which the county may be required to pay by reason of any purchase made, indebtedness incurred or contract made contrary to the provisions of said sections, whether the liability of the county to pay for such supplies, materials, merchandise, equipment or services is based upon said contract or upon quasi-contract, or upon an obligation arising by operation of law, and recovery may be had against the bondsman of such official for said amounts. Any county treasurer or other official whose duty it is to pay warrants and evidences of indebtedness, who shall pay such warrants and evidences of indebtedness contrary to the provisions of said sections, shall likewise be liable to the county for such violations in the full amount of such expenditures, and recovery may be had against his bondsman for said amount. Suit may be brought either by the county or by any taxpayer thereof for the benefit of the county for any amount for which any official, employee or member of the county board may be liable, as provided in this section.

Sec. 95. That section 23-928, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-928. Whenever during the current fiscal year it becomes apparent to a governing body that due to unforeseen emergencies there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, the governing body may by a majority vote, unless otherwise provided by state law, transfer money from other funds to such fund. No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget statement, except as authorized in section 23-929, or by state law. Any officer or officers of any

governing body who obligates funds contrary to the provisions of this section shall be guilty of a Class V misdemeanor, and shall, upon conviction thereof, be fined twenty-five dollars for each offense, together with costs of prosecution:

Sec. 96. That section 23-1507, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1507. Any register of deeds who shall neglect to perform any of the duties described in section 23-1506 shall be guilty of a Class IV misdemeanor, punishable by a fine, upon conviction, of not less than twenty-five nor more than two hundred dollars, at the discretion of the court:

Sec. 97. That section 23-1612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1612. Every county officer, his deputy and assistants, shall, on demand, exhibit to any examiner all books, papers, records, and accounts pertaining to his office and shall truthfully answer all questions that may be put to him by such examiner touching the affairs of his office. Any person who shall fail or refuse to comply with the provisions of this section shall be deemed guilty of a Class V misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars:

Sec. 98. That section 23-2325, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2325. Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records for the purpose of defrauding or attempting to defraud the Retirement System for Nebraska Counties shall be guilty of a Class II misdemeanor, and shall, upon conviction thereof, be fined not less than ten dollars nor more than one thousand dollars:

Sec. 99. That section 24-216, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-216. If the Clerk of the Supreme Court shall omit to comply with the provisions of sections 24-214 and 24-215, or shall fail or neglect to keep a correct account of the fees by him received, or shall fail or

neglect to make a report to the Governor of the state as herein provided by law, with intent to evade the provisions of said sections, he shall be deemed guilty of a Class V misdemeanor. ~~and upon conviction for the offense shall be fined a sum of not less than twenty-five dollars nor more than one hundred dollars.~~ If he shall intentionally make a false report under oath, he shall be guilty of perjury false swearing in official matters, and punished accordingly.

Sec. 100. That section 25-156J, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-156J. Any persons, firm, company, corporation or business institution guilty of a violation of section 25-1560 or 25-1561, shall be liable to the party injured through such violation thereof, for the amount of the debt sold, assigned, transferred, garnisheed or sued upon with all costs and expenses and reasonable attorney's fee, to be recovered in any court of competent jurisdiction in this state, and shall further be guilty of a Class IV misdemeanor. ~~liable by prosecution to punishment by a fine not exceeding the sum of two hundred dollars, and costs of prosecution.~~

Sec. 101. That section 25-1630, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1630. The jury commissioner shall, immediately after making such revised list of petit jurors, write the name of each person remaining upon the list upon a separate ticket, and place all the tickets thus remaining in the box or wheel to be kept for that purpose. The jury commissioner shall, immediately after making such list of grand jurors, write the name and address of each person upon the list upon a separate ticket, and place all the tickets in a separate box or wheel to be kept for that purpose until the next list of petit jurors is selected when those names remaining in the grand jury box shall have been destroyed and a new list of eighty names selected. If any person shall place or cause to be placed or ask to have placed in such box or wheel, any name of any person, except as provided in sections 25-1625 to 25-1638, ~~the same he shall be deemed a felony, and upon conviction thereof such person shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned in the Nebraska Penal and Correctional Complex for a term of not less than one year nor more than three years, or both~~ guilty of a Class IV felony.

Sec. 102. That section 25-1635, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1635. It shall be unlawful for a jury commissioner or the officer in charge of the election records, or any clerk or deputy thereof, or any person who may obtain access to any record showing the names of persons drawn to serve as grand or petit jurors to disclose to any person, except to other officers in carrying out official duties or as herein provided, the name of any person so drawn or to permit any person to examine such record or to make a list of such names, except under order of the court. The application for such an order shall be filed in the form of a motion in the office of the clerk of the district court, containing the signature and residence of the applicant or his attorney and stating all the grounds on which the request for such order is based. Such order shall not be made except for good cause shown in open court and it shall be spread upon the journal of the court. Any person violating any of the provisions of this section shall be deemed guilty of a felony and, upon conviction thereof, shall be fined in a sum of not less than one hundred dollars nor more than one thousand dollars, or imprisoned in the Nebraska Penitentiary and Correctional Complex for a term of not less than one year nor more than three years, or both Class IV felony. Notwithstanding the foregoing provisions of this section, the judge or judges in any district may, in his or their discretion, provide by express order for the disclosure of the names of persons drawn from the revised key number list for actual service as grand or petit jurors.

Sec. 103. That section 28-1020, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1020. Whoever, being a minor under the age of eighteen years, shall smoke cigarettes or cigars, or use tobacco in any form whatever, in this state, shall be fined in any sum not exceeding ten dollars guilty of a Class V misdemeanor. ;--Provided,--any Any minor so charged with the violation of this section may be free from prosecution when he shall have furnished evidence for the conviction of the person or persons selling or giving him the cigarettes, cigars or tobacco.

Sec. 104. That section 28-1021, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1021. Whoever shall sell, give or furnish, in any way, any tobacco in any form whatever, or any cigarettes, or cigarette paper, to any minor under eighteen years of age, shall be fined, guilty of a Class III misdemeanor for each offense, ~~not less than twenty dollars nor more than fifty dollars, or be imprisoned for not less than ten nor more than thirty days.~~

Sec. 105. That section 28-1022, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1022. It shall be unlawful for any person, partnership or corporation, to sell, keep for sale, or give away in course of trade, any cigars, tobacco, cigarettes or cigarette material, to anyone, without first obtaining a license as provided in sections 28-1023 and 28-1024. It shall also be unlawful for any wholesaler to sell or deliver any cigars, tobacco, cigarettes or cigarette material to any person, partnership or corporation who, at the time of such sale or delivery, is not the recipient of a valid tobacco license for the current year to retail the same, as provided in said sections. It shall also be unlawful for any person, partnership or corporation to purchase or receive, for purposes of resale, any cigars, tobacco, cigarettes or cigarette material if such person, partnership or corporation is not the recipient of a valid tobacco license to retail such tobacco products at the time the same are purchased or received. Whoever shall be found guilty of violating any provision of this section shall be fined guilty of a Class III misdemeanor for each offense, ~~not more than one hundred dollars or be imprisoned in the county jail not more than ten days.~~

Sec. 106. That section 28-1027, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1027. Any licensee who shall sell, give or furnish in any way to any person under the age of eighteen years, or who shall willingly allow to be taken from his place of business by any person under the age of eighteen years, any cigars, tobacco, cigarettes or cigarette material, shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be fined for each offense not less than fifty dollars nor more than one hundred dollars, or imprisoned in the county jail for not less than ten nor more than sixty days.~~ Any officer, director, or manager having charge or control either separately or jointly with others, of the business of any corporation which violates the provisions of sections 28-1022 to 28-1031, if he have knowledge of

the same, shall be subject to the penalties provided in this section. In addition to the penalties provided in this section, such licensee shall be subject to the additional penalty of a revocation and forfeiture of his, their, or its license, at the discretion of the court before whom the complaint for violation of said sections may be heard. If such license be revoked and forfeited, all rights under such license shall at once cease and terminate.

Sec. 107. That section 28-1029, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1029. Any person under the age of eighteen years who shall obtain cigars, tobacco, cigarettes or cigarette material from a licensee hereunder by representing that he is of the age of eighteen years or over, shall be guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than twenty-five dollars.~~

Sec. 108. That section 28-1109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1109. Whoever shall fail or refuse to comply with the provisions of section 28-1108 shall be ~~fin~~ed ~~in any sum not less than one hundred dollars nor more than one thousand dollars~~ guilty of a Class II misdemeanor.

Sec. 109. That section 28-1406, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1406. Any person so soliciting for himself or for any organization, corporation, association or institution that shall not previously have complied with the provisions of sections 28-1401 to 28-1407 shall be guilty of a Class I misdemeanor, ~~and upon conviction thereof, shall be fined in a sum not less than ten dollars nor more than one thousand dollars.~~

Sec. 110. That section 28-1508, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1508. Any person who willfully fails to make any report required by the provisions of sections 28-1501 to 28-1508, or knowingly releases confidential information other than as provided by sections 28-1501 to 28-1508, shall be guilty of a Class V misdemeanor, and

~~shall, upon conviction thereof, be fined not to exceed one hundred dollars;~~

Sec. 111. That section 28-1604, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1604. Any person violating the provisions of section 28-1601 or 28-1602 shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be fined not more than one thousand dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment;~~

Sec. 112. That section 29-739, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-739. Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the Governor's warrant, in willful disobedience to section 29-738, shall be guilty of a Class II misdemeanor, ~~and, on conviction, shall be fined not more than five hundred dollars or be imprisoned not more than six months, or both;~~

Sec. 113. That section 29-817, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-817. Sections 29-812 to 29-821 do not modify any act inconsistent with it relating to search warrants, their issuance, and the execution of search warrants and acts relating to disposition of seized property in circumstances for which special provision is made. The term property is used in sections 29-812 to 29-821 to include documents, books, papers, and any other tangible objects. Nothing in sections 29-812 to 29-821 shall be construed as restricting or in any way affecting the constitutional right of any officer to make reasonable searches and seizures as an incident to a lawful arrest nor to restrict or in any way affect reasonable searches and seizures authorized or consented to by the person being searched or in charge of the premises being searched, or in any other manner or way authorized or permitted to be made under the Constitution of the United States and the Constitution of the State of Nebraska.

All search warrants shall be issued with all practicable secrecy and the complaint, affidavit, or testimony upon which it is based shall not be filed with the clerk of the court or made public in any way until the warrant is executed. Whoever discloses, prior to its

execution, that a warrant has been applied for or issued, except so far as may be necessary to its execution, shall be guilty of a Class III misdemeanor, imprisoned not more than thirty days or fined not more than one hundred dollars, or both, or he may be punished as for a criminal contempt of court.

Sec. 114. That section 29-835, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-835. Any person who willfully refuses to permit, interferes with, or prevents any inspection authorized by inspection warrant shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment;~~

Sec. 115. That section 29-908, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-908. Whoever is charged with a felony and is released from custody under bail, recognizance, or a conditioned release and willfully fails to appear before the court granting such release when legally required or to surrender himself within three days thereafter, shall be guilty of a Class IV felony, ~~and shall, upon conviction thereof, be imprisoned in the Nebraska Penal and Correctional Complex or the Nebraska Center for Women for not more than three years;~~ in addition to any other penalties or forfeitures provided by law.

Whoever is charged with a misdemeanor or violation of city or village ordinance, conviction of which would carry a jail sentence of more than ninety days, who is released from custody under bail or recognizance or conditioned release and who willfully fails to appear before the court granting such release when legally required to surrender himself or within three days thereafter, shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment;~~ in addition to any other penalties or forfeitures provided by law.

Sec. 116. (1) Any person who uses a firearm, knife, brass or iron knuckles, or any other deadly weapon to commit any felony which may be prosecuted in a court of this state, or any person who unlawfully carries a

firearm, knife, brass or iron knuckles, or any other deadly weapon during the commission of any felony which may be prosecuted in a court of this state shall, in addition to the punishment prescribed for the crime of which he has been convicted, be imprisoned for three years.

(2) Sentences imposed under the provision of this section shall be consecutive to any other sentence imposed.

Sec. 117. That section 31-435, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-435. The officers of the district shall keep good, complete and business-like records of all receipts and disbursements, and the purpose thereof and of all business transacted, and all books, papers and vouchers shall at all times be subject to public inspection. The treasurer shall annually make detailed report in writing of all receipts and disbursements, which report shall contain a statement of the funds on hand belonging to the district, together with the amount if any in the hands of the county treasurer, and all money received during the preceding year from all sources, and shall show all items of disbursement, the person or persons to whom, and the object for which the same has been paid out, including all compensation paid to officers of said district, and all other expenses of administration. The statement shall be verified under oath, and a copy of the same shall be filed with the county clerk of each county having land within said district, April 1 of each year, and the treasurer shall have such report subject to inspection at each annual meeting. If any such treasurer shall fail or neglect to make out such report or to file the same with the county clerk, or if any officer of such drainage district shall neglect or refuse to submit for inspection any records or papers of said district upon demand of any person interested, or shall otherwise neglect to perform any duties imposed upon him by this section, he shall be guilty of a Class V misdemeanor, fined-not-less-than-five-nor-more-than-fifty-dollars.

Sec. 118. That section 31-828, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-828. (1) The board of directors shall annually elect a president, vice president, secretary, treasurer, and such other officers as may be necessary. The board shall cause to be kept accurate minutes of their meetings and accurate records and books of account,

conforming to approved methods of bookkeeping, clearly setting out and reflecting the entire operation, management, and business of the district, which shall be kept at the principal place of business of the district. All books, papers, and vouchers shall be subject to public inspection at reasonable hours.

(2) The treasurer of such district shall annually make a detailed report in writing of all receipts and disbursements. The report shall contain a statement of (a) the funds on hand belonging to the district, (b) the amount, if any, in the hands of the county treasurers, (c) all money received during the preceding year from all sources, and (d) all items of disbursement during such year and the purposes for which the same have been paid out, including all compensation paid to officers of said district and all other expenses of administration. The report shall be verified under oath. A copy of the same shall be filed annually with the county clerk of each county containing land within said district. Such report shall be subject to inspection at an annual meeting of the board, which shall be held within thirty days after the annual election on a date fixed by the board.

(3) The treasurer, and such other officers and employees as may be designated by the board of directors, shall furnish bonds in such amounts as may be fixed by the board of directors. Such bonds shall be conditioned upon the faithful performance of the duties of such officer or employee and the proper accounting for all funds or property coming into the hands of such officer or employee. Such bonds shall (a) run to the district, (b) be signed by a surety or sureties to be approved by the county clerk of the county where the petition was filed, and (c) be filed and recorded in the office of such county clerk.

(4) If any such treasurer shall fail or neglect to make out the report or to file the same with the county clerk, as required by subsection (2) of this section, or if any officer of such district shall neglect or refuse to submit for inspection any records or papers of said district upon demand of any person interested, or shall otherwise neglect to perform any duties imposed upon him by this section, he shall be guilty of a Class V misdemeanor. ~~fined-not-less-than-fifty-nor-more-than-one hundred-dollars-~~

Sec. 119. That section 32-415, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-415. If any person ordered to serve by the county clerk, or when elected by the other members of the election board, or the electors, as judge or clerk of election, fails, refuses or neglects to serve, unless excused, such person shall be guilty of a Class V misdemeanor, ~~and upon conviction thereof, shall be fined in any sum not less than five dollars nor more than fifty dollars.~~ The county clerk is authorized to file complaint therein against such person failing to appear.

Sec. 120. That section 32-416, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-416. If the county clerk in any county fails or neglects to perform his duties as provided for in sections 32-403 to 32-411, he shall be ~~subject to a fine of not less than ten dollars nor more than one hundred dollars and costs in the district court~~ guilty of a Class V misdemeanor.

Sec. 121. That section 32-430, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-430. No person other than the county or municipal clerk or election commissioner shall print or cause to be printed or distributed any ballot or ballots marked official ballot, nor shall any person except such officers print or cause to be printed or distributed any ballot or ballots upon white paper. Whoever shall violate any of the provisions of this section shall be guilty of a Class III misdemeanor. ~~and upon conviction thereof in any court of competent jurisdiction, be fined in a sum not less than two hundred dollars nor more than one thousand dollars, or be imprisoned not to exceed ninety days in the county jail.~~

Sec. 122. That section 32-461, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-461. Every elector receiving a ballot shall vote before leaving the polling room, or if he does not wish to then vote, he shall, before leaving the polling room, return the ballot so received to a member of the election board. No person receiving a ballot shall, under any pretext whatever, take the same from the polling room. Any person taking a ballot from the polling room shall forfeit and lose his right to vote at the election, and shall be guilty of a Class V misdemeanor, ~~and upon conviction thereof, shall be fined in a sum of not less than ten dollars nor more than~~

~~one-hundred-dollars:~~

Sec. 123. That section 32-493, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-493. Where the counting is conducted by the counting board as provided by law, watchers may be appointed to be present and watch the counting of ballots. Each political party shall be entitled to one watcher in each voting precinct, who shall be appointed and supplied with credentials by the county central committee of such political party. In addition to such watchers, other watchers may be appointed for one or more of the voting precincts in any county by any judge of the district court having jurisdiction over such county. The counting judges and their clerks and watchers must, in addition to the oath now prescribed for judges, clerks and watchers, take an oath administered by one of the counting judges, who are hereby empowered to administer oaths, that they will not in any manner make known to anyone other than duly authorized election officials the result of the votes as they are being counted until the polls have closed and the summary of votes cast is delivered to the county clerk or election commissioner. All other persons shall be excluded from the place where the counting and canvassing is being carried on.

Any judge, clerk or watcher, violating any of the provisions of this section, or any person obtaining or attempting to obtain election results before the polls have closed shall be guilty of a Class II misdemeanor, ~~and upon conviction thereof shall be liable to a fine of not more than five hundred dollars, to imprisonment in the county jail not more than six months, or to both such fine and imprisonment.~~ Any person so convicted shall be disfranchised for five years thereafter.

Sec. 124. That section 32-515, Revised Statutes Supplement, 1976, be amended to read as follows:

32-515. An elector of a political party must be one who generally supports the candidates of the party with which he affiliates, and the person proposed as a candidate, in the application referred to in subsection (1) of section 32-514, must be an elector of the political party named in the application, and must not be holding the same office for which the application proposed to nominate him, unless, when elected thereto, he was the candidate of the same party; Provided, that a change of registration to the political party named in the application less than ninety days prior to filing his application for nomination for any political office shall

be deemed to be a lack of compliance with this section. Any elector, candidate, or proposed candidate who certifies or swears falsely to such application or acceptance or that he affiliates with two or more political parties, shall be guilty of a Class I misdemeanor. ~~perjury, and shall, upon conviction thereof, be fined not to exceed five thousand dollars.~~ Any such candidate swearing falsely or that he affiliates with two or more political parties shall not be the candidate of such party and shall not be entitled to assume the office for which he was named in such application, although he may receive a majority or plurality of the votes therefor, at the following general election.

Sec. 125. That section 32-713, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-713. Every person who is a qualified elector of the State of Nebraska may sign an initiative or a referendum petition of any measure upon which he is legally entitled to vote; Provided, that no elector shall be qualified to sign or circulate any initiative or referendum petition unless he shall be registered as an elector at the time of signing, or unless he shall file with the petition an affidavit setting forth the fact that he is a qualified elector. Each signer shall at the time of signing, personally affix the date, his surname, and Christian or given name in full, except that the middle name or initial may be omitted, and if the Christian or given name is an initial only, the signer shall so state below the name at the time of signing. In addition to the date and his name, the signer shall personally affix the street and street number, or if no street or number exists then a designation of a rural route, or the voting precinct and city or village or post-office address. No signer shall use ditto marks as a means of personally affixing the date or address to any petition. A wife shall not use her husband's Christian or given name when she signs a petition, but rather, she shall personally affix her Christian or given name along with her surname. The express purposes of the provisions of this section are to aid and assist the Secretary of State and the county clerk or election commissioner in determining the validity of signatures, the electoral qualifications of the signers, and sufficiency of the petition, and to prevent fraud, deception and misrepresentation in the circulation and signing of a petition. Any person signing any name other than his own to any petition, or knowingly signing his name more than once for the same measure at one election, or who is not, at the time of signing or circulating the same, a legal

voter and qualified to sign or circulate the same, or any person who shall falsely swear to any signature upon any such petition, or any person who accepts money or other things of value for signing any petition, or any circulator who offers money or other things of value in exchange for a signature upon any petition, or any officer or person willfully violating any provision of sections 32-702 to 32-713, shall be deemed guilty of a Class IV felony, ~~and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the Nebraska Penitentiary and Correctional Complex not exceeding two years, or by both such fine and imprisonment.~~

Sec. 126. That section 32-821, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-821. (1) Whoever impersonates a disabled voter's agent, (2) whoever impersonates another or makes a false representation in order to obtain an absent or disabled voter's ballot, (3) whoever knowingly connives to help a person to vote an absent or disabled voter's ballot illegally, (4) whoever being a member of, officer or employee of any absent or disabled voters' election board or canvassing board, destroys, steals, marks, or mutilates any absent or disabled voter's ballot or aids or abets another to do so after the same has been voted, (5) whoever delays in delivering such ballot to the proper officials of election with a view to preventing the ballots from arriving in time to be counted, (6) whoever in any manner aids or attempts to aid any person to vote an absent or disabled voter's ballot unlawfully, or (7) whoever hinders or attempts to hinder a duly qualified elector from voting any absent voter's ballot or hinders or attempts to hinder any official from delivering or counting any absent or disabled voter's ballot shall be guilty of a Class IV felony, ~~and, upon conviction thereof, shall be sentenced to the Nebraska Penitentiary and Correctional Complex for not less than one year and not more than five years.~~

Sec. 127. That section 32-822, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-822. Any person who, having procured an official absent or disabled voter's ballot or ballots, shall willfully neglect or refuse to cast or return the same in the manner provided by law, or who shall willfully violate any provisions of Chapter 32, article 8, shall, unless otherwise provided, ~~upon conviction thereof, be guilty of a Class III misdemeanor, fined not~~

~~to exceed one hundred dollars, or imprisoned in the county jail not to exceed thirty days.~~ Any person who applies for an official absent or disabled voter's ballot and who willfully neglects or refuses to return the same, shall be deemed to have committed an offense in the county to which the ballot was returnable to the county clerk or election commissioner, as issuing officer.

Sec. 128. That section 32-823, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-823. If any county clerk, election commissioner, or municipal clerk, or any other election officer shall refuse or neglect to perform any of the duties prescribed in Chapter 32, article 8, or shall violate any of the provisions thereof, he shall upon conviction be guilty of a Class III misdemeanor, fined not less than one hundred dollars nor more than one thousand dollars, or be imprisoned in the county jail not to exceed ninety days.

Sec. 129. That section 32-1050, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1050. It shall be unlawful for any person or persons, firm, company, or corporation employing any person in the State of Nebraska to discharge or threaten to discharge or coerce, or in any way attempt to coerce, any such employee by reason of the service of the said employee as an election official on an election board in the State of Nebraska. Any person or persons, firm, company, or corporation in this state violating the provisions of this section shall, upon conviction thereof be guilty of a Class III misdemeanor, and be fined in a sum not less than fifty dollars nor more than two hundred dollars, or be imprisoned in the county jail not to exceed thirty days, or both such a fine and imprisonment.

Sec. 130. That section 32-1054, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1054. Any person who willfully interferes with or willfully refuses to cooperate with and comply with the requirements of the Secretary of State or his designated agent in the carrying out of the duties and powers prescribed in sections 32-1052 and 32-1053 shall be guilty of a Class III misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not

~~more--than--thirty--days,--or--by--both--such--fine--and imprisonment:~~

Sec. 131. That section 32-1202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1202. Any person who shall vote in any precinct, school district, village, or in any ward of a city in this state in which he does not actually reside, or into which he shall have come for temporary purposes merely, shall, upon conviction thereof be guilty of a Class III misdemeanor. ~~;-be-fined-in-a-sum-not-less-than twenty-five-dollars-nor-more-than-one-hundred-dollars;-or be-imprisoned-in-the-jail-of-the-proper-county--not--more than-three-months;-or-be-both-so-fined-and-imprisoned:~~

Sec. 132. That section 32-1203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1203. Any person who shall vote more than once at the same election shall, upon conviction thereof be guilty of a Class IV felony. ~~;-be-imprisoned--in--the Nebraska-Penal-and-Correctional-Complex--not--more--than five-years-nor-less-than-one-year:~~

Sec. 133. That section 32-1204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1204. Any resident of another state who shall vote in this state shall, upon conviction thereof, be guilty of a Class IV felony. ~~imprisoned-in-the--Nebraska Penal-and-Correctional-Complex-not-more-than-five-years:~~

Sec. 134. That section 32-1205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1205. Any person who shall vote who is not a resident of this state or registered in the county, precinct, township, or ward, or who, at the time of election, is not of the constitutionally prescribed age of an elector, knowing that he is not of the constitutionally prescribed age of an elector, who is not a citizen of the United States, or who, being disqualified by law by reason of his conviction of some infamous crime, shall not have been pardoned and restored to all the rights of a citizen, shall, upon conviction thereof, be guilty of a Class II misdemeanor. ~~imprisoned in-the-county-jail-of-the-proper-county-not-more-than-six months:~~

Sec. 135. That section 32-1206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1206. Any person who shall procure, aid, assist, counsel, or advise another to give his vote, knowing that such other person is not a resident of this state or a registered elector of the county, precinct, township, or ward as required by law at the time of election, and is not of the constitutionally prescribed age of an elector, or a citizen of the United States, or that he is not duly qualified as a result of other disability to vote at the place where, and the time when, the vote is to be given, shall, ~~upon conviction thereof, be guilty of a Class II misdemeanor, fined in a sum not exceeding five hundred dollars, and imprisoned in the county jail not more than six months.~~

Sec. 136. That section 32-1207, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1207. Any person being a resident of this state who shall go or come into any county and vote in such county, not being an actual resident thereof shall, ~~upon conviction thereof, be guilty of a Class IV felony, imprisoned in the Nebraska Penit and Correctional Complex not more than three years.~~

Sec. 137. That section 32-1208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1208. Any person who shall procure, aid, assist, counsel, or advise another to go or come into any county, for the purpose of giving his vote in such county, knowing that the person is not duly qualified to vote in such county, shall, ~~upon conviction thereof, be guilty of a Class IV felony, imprisoned in the Nebraska Penit and Correctional Complex not more than five years nor less than one year.~~

Sec. 138. That section 32-1209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1209. Any person who shall, by bribery, attempt to influence any elector of this state in giving his vote or ballot, use any threat to procure any elector to vote contrary to the inclination of such elector, or deter any elector from giving his vote or ballot, shall, ~~upon conviction thereof, be guilty of a Class II misdemeanor, fined in a sum not exceeding five hundred~~

~~dollars, and be imprisoned in the county jail not more than six months.~~

Sec. 139. That section 32-1210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1210. Any person who shall furnish an elector who cannot read with a ticket, informing him that it contains a name or names different from those which are written or printed thereon, with an intent to induce him to vote contrary to his inclination, or who shall fraudulently or deceitfully change a ballot of any elector, by which such elector shall be prevented from voting for such candidate or candidates as he intended, shall, ~~upon conviction thereof,~~ be guilty of a Class IV felony. ~~imprisoned in the Nebraska Penitentiary and Correctional Complex not more than three years.~~

Sec. 140. That section 32-1211, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1211. It shall be unlawful for any judge of the election to (1) knowingly receive or sanction the reception of a vote from any person not having all the qualifications of an elector prescribed by Chapter 32, (2) receive or sanction the reception of a ballot from any person who shall refuse to answer any question which shall be put to him in accordance with the requirements of Chapter 32, (3) refuse to take the oath prescribed by Chapter 32, (4) sanction the refusal by any other judge of the board to which he shall belong to administer any oath or affirmation required by Chapter 32, and in such case required to be administered, or (5) refuse to receive or sanction the rejection of a ballot from any person, knowing him to have the qualifications of an elector under the provisions of Chapter 32, at the place where such elector offers to vote.

It shall be unlawful for any judge or clerk of the election on whom any duty is enjoined by Chapter 32, to willfully neglect any such duty, or to engage in any corrupt conduct in the discharge of the same.

Any judge or clerk violating the provisions of this section shall, ~~upon conviction thereof,~~ be guilty of a Class II misdemeanor. ~~finned in a sum not more than one thousand dollars nor less than three hundred dollars, and be imprisoned in the jail of the county not more than six months nor less than three months; Provided, so~~ So much of the provisions of this section as may be superseded by Chapter 32, article 2, shall not be operative where such

laws are in force.

Sec. 141. That section 32-1212, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1212. Any person or persons, who shall, either before or after proclamation is made of the opening of the polls, fraudulently put a ballot or ticket into the ballot box, shall, ~~upon conviction thereof, be guilty of a Class IV felony. imprisoned in the Nebraska Penitentiary and Correctional Complex not more than three years nor less than one year.~~

Sec. 142. That section 32-1213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1213. Any judge or judges of the election who shall, after proclamation made of the opening of the polls, put a ballot or ticket into the ballot box, except his or their own ballot or ticket, or such as may be received in the regular discharge of his or their duties as such judge or judges, or who shall knowingly permit any ballot or ticket, fraudulently placed or deposited in such ballot box by any other person or persons, to remain therein or be counted with the legal votes cast at such election, shall, ~~upon conviction thereof, be guilty of a Class IV felony. imprisoned in the Nebraska Penitentiary and Correctional Complex not more than three years nor less than one year.~~

Sec. 143. That section 32-1214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1214. Any judge or clerk of any election as provided in Chapter 32, or any other person or persons who shall, at any time willfully, knowingly, and with fraudulent intent, inscribe, write, or cause to be inscribed or written, in or upon any list of voters book, the name or names of any person or persons not entitled to vote at such election, or not voting thereat, or any fictitious name, shall, ~~upon conviction thereof, be guilty of a Class IV felony. imprisoned in the Nebraska Penitentiary and Correctional Complex not more than three years nor less than one year.~~

Sec. 144. That section 32-1215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1215. Any person or persons who shall, at any time, have in his or their possession any falsely made, altered, forged, or counterfeited list of voters book, official summary of votes cast, or election returns of any election under the provisions of Chapter 32, knowing the same to be falsely made, altered, forged, or counterfeited, with intent to hinder, defeat, or prevent a fair expression of the popular will at any such election, shall, ~~upon conviction thereof,~~ be guilty of a Class IV felony. ~~imprisoned in the Nebraska Penitentiary and Correctional Complex not more than three years nor less than one year.~~

Sec. 145. That section 32-1216, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1216. If any person or persons, at any election held by virtue of the provisions of Chapter 32, in any ward of any city, or in any village or election precinct in any county of this state, shall unlawfully, by force, violence, fraud, or other improper means, obtain possession of any ballot box, or any ballot or ballots therein deposited, while the voting at such election is going on, or before the ballots shall have been duly taken out of such ballot box by the judges of election according to Chapter 32, such person or persons shall, ~~upon conviction thereof,~~ be guilty of a Class IV felony. ~~imprisoned in the Nebraska Penitentiary and Correctional Complex not more than three years nor less than one year.~~

Sec. 146. That section 32-1217, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1217. Whoever, from the time any ballots are cast or voted until the time has expired for using the same as evidence in any contest of an election, shall unlawfully destroy, or attempt to destroy, incite, or request another to destroy any ballot box or poll book used at any election, or shall within the same time unlawfully destroy, falsify, mark, or write on any ballot cast or voted, or shall within the same time change, alter, erase, or tamper with any name contained on any ballot cast or voted, shall, ~~upon conviction thereof,~~ be guilty of a Class IV felony. ~~imprisoned in the Nebraska Penitentiary and Correctional Complex not more than five years nor less than one year.~~

Sec. 147. That section 32-1218, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1218. If any person or persons, at any election held by virtue of the provisions of Chapter 32, in any ward of any city, or in any village or election precinct of any county in this state, shall unlawfully by force, violence, fraud or other improper means, attempt to obtain possession of any ballot box, or any ballot or ballots therein deposited, while the voting at such election is going on, or before the ballots shall all have been duly taken out of such ballot box by the judges of such election, according to Chapter 32; or if any person or persons shall unlawfully attempt to destroy any ballot or vote deposited, such person or persons shall, ~~upon conviction thereof, be guilty of a Class IV felony, imprisoned in the Nebraska Penal and Correctional Complex not less than one year nor more than three years.~~

Sec. 148. That section 32-1219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1219. Any person causing ballots to be printed with a designated heading containing a name or names not found on the regular ballot having such heading, or any person knowingly peddling or distributing any such ballot with intent to have such ballot voted at any election, shall be deemed guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, for each offense, be fined in a sum not less than fifty dollars nor more than two hundred dollars, and be imprisoned in the county jail not exceeding sixty days.~~

Sec. 149. That section 32-1220, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1220. Any judge or clerk of election, printer, or other person entrusted with the custody or delivery of ballots, blanks, list of voters book and official summary of votes cast, cards of instruction, or other required papers, who shall unlawfully open, or permit to be opened, any sealed packages containing ballots, or who shall give or deliver to any person not lawfully entitled thereto an official ballot, or unlawfully misplace or carry away, negligently lose, permit to be taken away from him, fail to deliver, or destroy any such package of ballots or any ballot, blank, list of voters book and official summary of votes cast, card of instructions, or required paper; or any printer employed to print the official ballots, or any person engaged in printing the same, who shall print, or cause or permit to be printed, any official ballots printed otherwise than the copy for the same furnished by the proper county clerk or election commissioner, print any

false or fraudulent ballots, or appropriate to himself, give, deliver, or knowingly permit to be taken, any of such ballots by any other person than the county clerk or election commissioner, or who knowingly or willfully seals up or causes or permits to be sealed up, or delivers to the county clerk or election commissioner a less number of ballots than the number endorsed thereon; or any person who shall knowingly have in his possession any official ballot illegally obtained, or attempt to vote any other than the official ballot lawfully obtained, shall be guilty of a Class I misdemeanor; ~~and, upon conviction thereof, be fined in a sum not less than fifty dollars nor more than three hundred dollars, or be imprisoned in the county jail not less than three months nor more than one year, or both;~~

Sec. 150. That section 32-1221, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1221. No officer of election shall do any electioneering on election day. No person whosoever shall do any electioneering on election day within any polling place, or any building in which an election is being held, or within one hundred feet thereof, nor obstruct the doors or entries thereto, or prevent free ingress to and egress from such building. Any election officer, sheriff, constable, or other peace officer, is hereby authorized and empowered, and it is hereby made his duty to clear the passageways and prevent such obstruction, and to arrest any person so doing. No person shall remove any ballot from the polling place before the closing of the polls. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof or the name of the candidate or candidates for whom he has marked his vote, nor shall any person solicit the elector to show the same. No person except a judge of election shall receive from any elector a ballot prepared for voting. No elector shall receive a ballot from any other person than one of the judges of election having charge of the ballots; nor shall any person other than the judges of election deliver a ballot to such elector. No elector shall vote or offer to vote any ballot except such as he received from the judges of election having charge of the ballots. No elector shall place any mark upon his ballot by which it may afterwards be identified as the one voted by him. Every elector who does not vote a ballot delivered to him by the judges of election having charge of the ballots shall, before leaving the polling place, return such ballot to the judges. Whoever shall violate any of the provisions of this section shall, ~~upon conviction thereof in any court or competent~~

jurisdiction; be guilty of a Class V misdemeanor, fined in-a-sum-not-less-than-twenty-five-dollars-nor-more-than one-hundred-dollars; and adjudged--to--pay--the--cost--of prosecution:

Sec. 151. That section 32-1222, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1222. Every public officer upon whom any duty is imposed by the provisions of Chapter 32 relating to elections who shall willfully do or perform any act or thing prohibited by the provisions of Chapter 32 for which no other penalty is provided, or neglect or omit to perform any duty as imposed upon him by the provisions of Chapter 32, shall, ~~upon conviction thereof, be guilty of a Class I misdemeanor and shall~~ forfeit his office, ~~and shall be punished by a fine in a sum not less than fifty dollars and not more than three hundred dollars; or by imprisonment in the county jail for a term of not less than three months nor more than one year; or by both.~~ 7

Sec. 152. That section 32-1223, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1223. It shall be unlawful for any person or persons, firm, company, or corporation employing any voter in the State of Nebraska to coerce or in any way attempt to coerce any voter in his voting or any other political action at any caucus, convention, or election held or to be held in this state or to attempt to influence the political action of such voter by threatening to discharge him because of his political action, or by threats on the part of such person or persons, firm, company, or corporation to close his or its place of business in the event of the election of any candidate for public office, or in the event of the success of any political party at any election. Any person or persons, firm, company, or corporation in this state found guilty of a violation of this section shall; ~~upon conviction thereof, be guilty of a Class III misdemeanor, fined in a sum not more than one hundred dollars or be imprisoned not to exceed thirty days in the county jail.~~

Sec. 153. That section 32-1224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1224. If at any registration of voters, or at any meeting of supervisors of registration held for such purposes or for a revision thereof as provided in Chapter

32, article 2, any person shall (1) falsely impersonate an elector or other person, and register or attempt or offer to register in the name of such elector or other person; (2) knowingly or fraudulently register, or offer, attempt or make application to register, in or under the name of any other person, or in or under any false, assumed, or fictitious name, or in or under any name not his own; (3) knowingly or fraudulently register in two election districts; (4) having registered in one district, fraudulently attempt or offer to register at any election district not having a lawful right to register therein; (5) knowingly or willfully do any unlawful act to secure registration for himself or any other person; (6) knowingly, willfully, or fraudulently, by false impersonation or otherwise, or by any unlawful means, cause or procure, or attempt to cause or procure, the name of any qualified voter in any election precinct to be erased or stricken from any register of the voters of such precinct, made in pursuance of Chapter 32, article 2, or otherwise provided; (7) by force, threat, menace, intimidation, bribery, reward, or offer or promise thereof, or other unlawful means, prevent, hinder, or delay any person having a lawful right to register, or to be registered, from duly exercising such right; (8) knowingly, willfully, or fraudulently compel or induce, or attempt or offer to compel or induce, by such means, or any unlawful means, any supervisor of registration, or other officer of registration, to register any person not lawfully entitled to registration in such precinct, or to register any false, assumed or fictitious name, or any name of any person, except as provided in Chapter 32, article 2; or (9) knowingly, or willfully, or fraudulently interfere with, hinder or delay any supervisor of registration, or other officer of registration, in the discharge of his duties or counsel, advise, or induce, or attempt to induce any such supervisor or other officer to refuse, or neglect to comply with, or to perform his duties, or to violate any of the provisions of Chapter 32, or shall aid, counsel, procure or advise any voter, person, supervisor, or other officer of registration, to do any act forbidden by this section, or to omit to do any act by law directed to be done, every such person shall be guilty of a Class IV felony, ~~and upon conviction thereof, be punished by imprisonment in the Nebraska Penitentiary and Correctional Complex not less than one nor more than five years.~~

Sec. 154. That section 32-1225, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1225. Any supervisor of registration, or revision of registration, who shall be guilty of any

willful neglect of his duty, or of any corrupt or fraudulent conduct or practice in the execution of the same, shall, ~~upon conviction thereof,~~ be guilty of a Class III misdemeanor, ~~punished by imprisonment in the county jail for not less than ten days nor more than sixty days, or by a fine in a sum not less than one hundred dollars nor more than two hundred dollars, or both.~~

Sec. 155. That section 32-1226, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1226. Every supervisor of registration, clerk or other officer, having the custody of any records, registers, or copy thereof, oaths, certificates, or any paper, document or evidence of any description by law directed to be made, filed, or preserved, who is guilty of stealing, willfully destroying, mutilating, defacing, falsifying, or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make an entry, erasure or alteration therein, except as allowed and directed by Chapter 32, or who permits any other person to do so, shall be guilty of a Class III misdemeanor, and, ~~upon conviction thereof, shall be punished for each and every offense by imprisonment in the county jail for not less than ten days nor more than sixty days, and shall, in addition thereto, forfeit his office.~~

Sec. 156. That section 32-1227, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1227. Every person not an officer, such as is mentioned in section 32-1226, who is guilty of any of the acts specified in section 32-1226, or who advises, procures, or abets the commission of the same, or any of them, shall be guilty of a Class III misdemeanor, ~~and for each and every such offense, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than ten days nor more than sixty days, or by fine in a sum not less than fifty dollars nor more than five hundred dollars, or both.~~

Sec. 157. That section 32-1228, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1228. Any person who shall be guilty of willful or corrupt false swearing or affirming in taking an oath or affirmation prescribed by or upon any examination provided for in Chapter 32, article 2, or

upon being challenged as unqualified upon offering to register, shall be guilty of willful and corrupt perjury, and, upon conviction thereof, shall be guilty of a Class III felony, punished by imprisonment in the Nebraska Penal and Correctional Complex for not less than one year and not more than ten years.

Sec. 158. That section 32-1229, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1229. Every person who shall willfully and corruptly instigate, advise, induce, or procure any person to swear or affirm falsely, as set forth in section 32-1228, or who shall attempt or offer to do so, shall be guilty of subornation of perjury, and shall, upon conviction thereof, be guilty of a Class III felony, punished by imprisonment in the Nebraska Penal and Correctional Complex for not less than one year and not more than ten years.

Sec. 159. That section 32-1230, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1230. Any supervisor of registration who shall willfully neglect, or when called upon, shall willfully decline to exercise the powers conferred on him by Chapter 32, article 2, shall be deemed guilty of a Class II misdemeanor, and, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than thirty days nor more than six months, or by a fine in a sum not less than two hundred and fifty dollars nor more than one thousand dollars, or by both.

Sec. 160. That section 32-1231, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1231. If in any election precinct at any general registration of voters, or revision thereof, in any city or county governed by the provisions of Chapter 32, article 2, any supervisor of registration shall knowingly or willfully admit any person to registration, or make any entry upon any register of voters, or shall consent thereto, unless a majority of all supervisors of registration in such election precinct are present and concur, he shall be guilty of a Class III misdemeanor, and, upon conviction thereof, shall be punished by imprisonment in the county jail not less than thirty nor more than sixty days, or be fined in a sum not less than one hundred dollars nor more than one thousand dollars, or by both. And if any supervisor of registration in any

election district shall, without urgent necessity, absent himself from the place of registration in such precinct upon any day of registration, whereby less than a majority of all the supervisors in such election precinct shall be present during the hours of registration or revision of registration, he shall be guilty of a Class II misdemeanor, ~~and upon conviction thereof, shall be punished by imprisonment in a county jail not less than thirty days nor more than six months, or shall be fined in a sum not less than one hundred dollars nor more than one thousand dollars, or both.~~

Sec. 161. That section 32-1232, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1232. If at any general registration of voters, or revision thereof as provided in Chapter 32, article 2, any person shall cause any breach of the peace, or use any disorderly violence, or threats of violence, whereby any such registration or revision shall be impeded or hindered, or whereby the lawful proceedings of any supervisor of registration or challenger are interfered with, every such person shall be guilty of a Class III misdemeanor, ~~and upon conviction thereof, shall be punished by imprisonment in the county jail not less than ten days nor more than six months, or by a fine in a sum not less than fifty dollars nor more than five hundred dollars, or both.~~

Sec. 162. That section 32-1233, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1233. If any person shall knowingly or willfully obstruct, hinder, assault, or by bribery, solicitation or otherwise interfere with any supervisor of registration or other person designated, as provided by Chapter 32, article 2, to be present at any registration, in the performance of any duty required of him, which he may by law be authorized or permitted to perform; or if any person, by any of the means before mentioned or otherwise unlawfully, shall, on the day of registration, or revision of registration, hinder or prevent any supervisor of registration or any person designated, as provided by Chapter 32, article 2, to be present at such registration, in his free attendance at the place of registration in and for which he is appointed or designated to serve, or in his full and free ingress and egress to and from any such place of registration or revision of registration or to and from any room in which any such registration or revision of registration may be had; or shall unlawfully molest,

interfere with, remove or eject from any such place of registration or revision of registration any such supervisor of registration or person designated, as provided by Chapter 32, article 2, or shall unlawfully threaten or attempt or offer to do so, every such person shall be guilty of a Class II misdemeanor, ~~and upon conviction thereof, shall be punished by imprisonment in the county jail for not less than thirty days nor more than six months or shall be fined in a sum not less than two hundred dollars nor more than one thousand dollars, or both, and shall stand committed until the fine and costs are paid:~~

Sec. 163. That section 32-1234, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1234. Whoever during the sitting of any board of supervisors of registration in any election precinct in any city, whether held for the purpose of registration or revision of registration, shall bring, take, order or send into, or shall cause to be taken, brought, ordered or sent into, or shall attempt to bring, take or send into any place of registration, or revision of registration, any intoxicating liquors whatever, or shall at any such time or place drink or partake of any such liquor, shall be guilty of a Class II misdemeanor, ~~and upon conviction thereof, shall be punished by imprisonment in the county jail not less than thirty days nor more than six months, or by a fine in a sum not less than one hundred dollars nor more than five hundred dollars, or both, and shall stand committed until the fine and costs are paid:~~

Sec. 164. That section 32-1237, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1237. It shall be unlawful for any person (1) to falsely impersonate and vote under the name of any other person or intentionally vote without the right to do so; (2) to willfully or wrongfully obstruct or prevent others from voting, who have the right to do so, at any election; (3) to fraudulently or wrongfully deposit in the ballot box, or take therefrom, any official ballot, or commit any other fraud or wrong tending to defeat the result of any election; (4) to give or agree to give to any qualified voter, at any election held under the provisions of Chapter 32, any money or valuable thing as a consideration for his vote for any person to be voted for at any election; (5) to accept or receive any valuable thing as a consideration for his vote for any person to be voted for at any election; (6) to offer to

accept and receive, or accept and receive, any money or valuable thing in consideration of his filing or agreeing to file, or not filing or agreeing not to file, nomination papers for himself as a candidate for nomination at any primary election; (7) to offer to accept or receive any money, or accept or receive money or any valuable thing, in consideration of his withdrawing his name as a candidate for nomination at a primary election; (8) to offer or, with knowledge of the same, permit any person to offer for his benefit any bribe to a voter to induce him to sign any election or nomination paper, or accept any such bribe or promise of gain of any kind in the nature of a bribe as a consideration for signing the same, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after such signing; or (9) to sign more nomination petitions than there are positions to fill in any kind of offices.

Any person committing any of the acts by this section declared unlawful shall be deemed guilty of a Class II misdemeanor, ~~and upon conviction thereof, be punished by imprisonment in the county jail not less than one nor more than six months.~~

Any act declared an offense by the provisions of Chapter 32 concerning caucuses and elections shall also, in like manner, be an offense in all elections, and shall be punished in the same form and manner as therein provided, and all the penalties and provisions of Chapter 32, as to such caucuses and elections, except as otherwise provided, shall apply in such case with equal force and to the same extent as though fully set forth in this section.

Sec. 165. That section 32-1238, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1238. Any person who shall forge any nomination paper shall be ~~deemed guilty of forgery, and upon conviction, be~~ guilty of a Class III felony, punished as provided by section 28-604.

Sec. 166. That section 32-1239, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1239. Any person who, being in possession of nomination papers entitled to be filed under the provisions of Chapter 32, article 5, or any act of the Legislature, shall wrongfully suppress, neglect, or willfully fail to cause to be filed at the proper time in

the proper office, shall upon conviction be guilty of a Class II misdemeanor, punished by ~~imprisonment in the county jail not to exceed six months; or by a fine in a sum not to exceed five hundred dollars; or both:~~

Sec. 167. That section 32-1240, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1240. No person shall falsely make, or make oath to, or fraudulently deface, or fraudulently destroy any certificate of nomination or any part thereof; file, or receive for filing any certificate of nomination, knowing the same or any part thereof to be falsely made; or suppress any certificate of nomination which has been duly filed, or any part thereof, or forge or falsely make the official endorsement on any ballot. Every person violating any of the provisions of this section shall be deemed guilty of a Class IV felony, ~~and upon conviction thereof; shall be punished by imprisonment in the Nebraska Penal and Correctional Complex for a period of not less than one year nor more than five years:~~

Sec. 168. That section 32-1310, Revised Statutes Supplement, 1976, be amended to read as follows:

32-1310. Any new resident willfully making a false statement or affidavit required by sections 32-1302 to 32-1314 shall be guilty of a Class III misdemeanor, ~~fined not less than fifty dollars nor more than one hundred dollars; or punished by imprisonment in the county jail for a period of not more than thirty days; or both such fine and imprisonment:~~ If any public official willfully refuses or neglects to perform any of the duties prescribed by sections 32-1302 to 32-1314 or violates any of its provisions, he shall be guilty of a Class II misdemeanor, ~~fined not less than one hundred dollars nor more than one thousand dollars or punished by imprisonment in the county jail for a period not more than ninety days; or both such fine and imprisonment:~~

Sec. 169. That section 33-132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-132. Any officer who shall fail to comply with the provisions of sections 33-130 and 33-131, or shall fail or neglect to keep correct account of the fees by him received, or shall fail and neglect to make a report to the county board as herein provided, or shall willfully or intentionally omit to charge the fees provided by law, with intent to evade the provisions of said sections, shall be deemed guilty of a Class V

~~misdeameanor, and upon conviction shall for each offense be fined in any sum not less than twenty-five dollars, nor more than one hundred dollars. Any such officer who shall make a false report under oath shall be guilty of perjury, and punished accordingly.~~

Sec. 170. That section 35-520, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

35-520. Whoever willfully or maliciously shall raise a false alarm or false report of a fire in any rural fire protection district or any rural area within the State of Nebraska shall, upon conviction thereof, be guilty of a Class III misdemeanor, ~~punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail not less than five days nor more than thirty days, or by both such fine and imprisonment.~~

Sec. 171. That section 36-213.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

36-213.01. Any person, firm, corporation, company, partnership, or business institution that shall violate any of the provisions of section 36-213, shall (1) be liable to the party injured through such violation thereof for the amount of the wages withheld by any employer under such void assignment, or notice of such void assignment, with all costs and expenses and a reasonable attorney's fee, to be recovered in any court of competent jurisdiction in this state, and (2) be deemed guilty of a Class IV misdemeanor, ~~and upon conviction thereof, shall for each offense be fined in any sum not exceeding two hundred dollars and be adjudged to stand committed until said fine and costs of prosecution be paid, secured, or otherwise discharged according to law.~~

Sec. 172. That section 37-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-103. Any person violating any of the provisions of any section of Chapter 37, or any amendments thereof, or any provisions of the rules or regulations, established by the Game and Parks Commission pursuant thereto, where a penalty is not otherwise fixed, shall be guilty of a Class III misdemeanor, ~~and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars, be imprisoned not exceeding thirty days, or both.~~

Sec. 173. That section 37-208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-208. It shall be unlawful (1) for any person holding a permit under this act to lend or transfer his certificate to another or for any person to borrow or use the permit of another, (2) for any person to procure a permit under an assumed name, to falsely state the place of his legal residence or make any other false statement in securing a permit, (3) for any person to knowingly issue or aid in securing a permit, under the provisions of this act, for any person not legally entitled thereto, (4) for any person disqualified for a permit to hunt, fish, or trap with or without a permit during any period when such right has been forfeited or for which his permit has been revoked by the commission, or (5) for anyone under the age of sixteen years to receive a permit to trap or otherwise take or attempt to take any fur-bearing animal under this act without presenting a written request therefor signed by his father, mother, or guardian. All children who are residents of the State of Nebraska and are under sixteen years of age shall not be required to have a permit to hunt or fish. Any violation of this section shall constitute a Class V misdemeanor, ~~and conviction thereof shall subject the offender to a fine of not less than ten dollars nor more than fifty dollars,~~ and any permits purchased or used in violation of this section shall be confiscated by the court.

Sec. 174. That section 37-211, Revised Statutes Supplement, 1976, be amended to read as follows:

37-211. (1) It shall be unlawful for any person, firm, or corporation dealing in raw furs to conduct such business without first obtaining from the Game and Parks Commission a fur buyers permit. The fee of this permit shall be fifty dollars per annum for residents. No person, except a 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 or be issued a permit as such 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 three hundred dollars per annum for such nonresidents. Before any such permit shall be issued to a nonresident of this state, the applicant therefor shall execute and deliver to the secretary of the commission a corporate surety bond, running to the State of Nebraska, in the penal sum of one thousand dollars to be approved by the commission, conditioned that the permittee shall faithfully comply with all the laws of this state.

Dealers sending buyers into the field, away from their place of business, will provide each such buyer with a separate permit. Every nonresident buyer entering the state or who has buyers in this state shall carry a nonresident permit.

(2) Every buyer, both resident and nonresident, shall keep complete records of all furs bought or sold in a record book to be provided by the Game and Parks Commission. Such record shall include 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 buyer.

(3) It shall be unlawful for any buyer to have raw furs in his, her, or its possession, unless the record, referred to in subsection (2) of this section, gives positive evidence of the origin of such furs, and unless such record of raw furs bought and sold balances at all times. Such record books 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 subsection (1), (2), or (3) of this section shall constitute a Class V misdemeanor, ~~and the offender shall, upon conviction thereof, be fined not less than twenty-five nor more than one hundred dollars;~~ and as a part of the penalty the court shall require the offender to purchase the required permit.

Sec. 175. That section 37-211.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-211.01. (1) It shall be unlawful for any person to perform taxidermy services on any game, as defined in section 37-101, for any person other than himself without first obtaining a taxidermist permit from the Game and Parks Commission. The permit must be conspicuously posted at the location where taxidermy services are performed. The fee for such permit will be five dollars per annum. 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 Game and Parks Commission upon such form and containing such information as may be prescribed by the commission but including 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 Game and

Parks Commission not later than thirty days preceding the expiration date of the permit.

(3) A permit shall authorize a taxidermist to: (a) Receive, transport, hold in custody or possession, mount, or otherwise prepare game fish, game animals, fur-bearing animals, raptors, and all other birds and creatures protected by Chapter 37, and return them to the legal owner or his agent from whom received; and (b) sell captive-reared game fish, game animals, game birds, or other birds and mammals which he has lawfully acquired and mounted. Such mounted specimens may be placed on consignment by the taxidermist for sale and may be held by such consignee for the purpose of sale.

(4) Permittees must keep accurate records of operations, on a calendar-year basis, showing the names and addresses of persons from and to whom specimens of game fish, game animals, fur-bearers, game birds, raptors, or other birds or creatures protected by Chapter 37, or their nests or eggs were received or delivered, the number and species of such, and the dates of receipt and delivery. In addition to other records required by this subsection, the permittee must maintain in his file proper invoices or other documents confirming his lawful acquisition of captive-reared game fish, game animals, fur-bearing animals, game birds, or other birds or mammals being held by him including those which are on consignment for sale. Permittees must 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 Game and Parks Commission during normal business hours.

(5) Any violation of this section shall constitute a Class III misdemeanor, ~~and upon conviction thereof shall subject the offender to a fine of not less than twenty-five dollars nor more than one hundred dollars, or to imprisonment in the county jail for thirty days.~~

Sec. 176. That section 37-213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-213. Unless holding a permit as in this act required, it shall be unlawful (1) for any person to trap or otherwise take or attempt to take, or have in possession any fur-bearing animal or raw fur, (2) for any person who is a resident of the State of Nebraska and is sixteen years old or older or who is a nonresident of this state to hunt for, kill, shoot at, pursue, take, or

possess any kind of game birds, game animals, or crows, (3) for any person of the age of sixteen years or older to hunt or take or attempt to hunt or take any migratory waterfowl without first obtaining and affixing to his hunting permit a federal migratory bird hunting stamp. All such stamps affixed to hunting permits must be signed by the holder of the hunting permit. The term migratory waterfowl shall mean any ducks, geese, coots, or brant upon which an open season has been established by the Game and Parks Commission, or (4) for any person who is sixteen years of age or older to take, angle for, or attempt to take any kind of fish, bullfrog, snapping turtle, tiger salamander, mussel, or minnow from the waters of this state or possess the same except that the owner or invitee of the owner of any body of water (a) located entirely upon privately-owned land, (b) which is entirely privately stocked, (c) which does not connect by inflow or outflow with other water outside said land, and (d) when such owner does not operate such body of water on a commercial basis for profit shall not be required to hold a permit before fishing from or possessing fish or minnows taken from such waters; Provided, that no fishing permit shall be required for fishing in any duly licensed commercial put and take fishery operating under rules and regulations prescribed by the Game and Parks Commission. The fee for licensing such put and take commercial fishery shall be fifty dollars per year, payable in advance, and no person shall operate such an establishment without first obtaining such permit from the commission. Before issuing such permit the commission shall investigate each such establishment annually and be satisfied that the same is a bona fide commercial put and take fishery operating within all applicable state and federal laws. It shall be unlawful for a nonresident to hunt for, kill, shoot at, pursue, take, or possess any kind of game birds or game animals, mussel, turtle, or amphibian or to angle for or take or attempt to angle for or take any kind of fish while in the possession of a resident permit illegally obtained. It shall also be unlawful for anyone to do or attempt to do any other thing for which a permit is herein provided without first obtaining such permit and paying the fee required. Any violation of the provisions of this section shall constitute a Class II misdemeanor, ~~and upon conviction thereof shall subject the offender to the following penalties:~~

If the offense shall be failure to hold a hunting, fishing, deer, turkey, or antelope permit as required, ~~the penalty shall be a fine of not less than twenty dollars or twice the original cost of the required permit, whichever is greater, nor more than one hundred dollars, and in addition,~~ unless issuance of the required

permit is restricted so that permits are not available, the court shall require the offender to purchase the required permit and exhibit the same to the court.

~~If the offense be for trapping in violation of this section, the penalty shall be a fine of not less than ten dollars nor more than five hundred dollars or imprisonment not exceeding six months, or both such fine and imprisonment.~~

~~Any other violation of this section shall subject the offender, upon conviction, to a fine of not less than ten nor more than fifty dollars.~~

Sec. 177. That section 37-213.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-213.01. Whenever an invitee, who angles for fish in any body of water which is entirely upon privately-owned land and which is entirely privately stocked, catches fish which he wishes to remove from the premises, the owner or operator by consent of the owner shall furnish to such invitee a written statement setting forth the name of the owner, the name of the invitee, the number of fish taken, and that such fish were caught in a body of water which is entirely upon privately-owned land and which is entirely privately stocked. Any person who makes or exhibits to a law enforcement officer a false statement of the facts required by the provisions of this section shall, upon conviction thereof, be guilty of a Class V misdemeanor. ~~fined not less than ten dollars nor more than fifty dollars.~~

Sec. 178. That section 37-213.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-213.06. Any person violating the provisions of sections 37-213.02 to 37-213.06 shall be guilty of a Class III misdemeanor. ~~punished as provided in section 37-549.~~

Sec. 179. That section 37-215.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-215.07. Any person who violates the provisions of sections 37-215.05 to 37-215.07 shall be guilty of a Class V misdemeanor. ~~fined not less than five dollars and not more than twenty-five dollars.~~

Sec. 180. That section 37-235, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-235. Any person violating the provisions of sections 37-232 to 37-234 shall be guilty of a Class V misdemeanor, ~~and shall, upon conviction thereof, be fined five dollars:~~

Sec. 181. That section 37-306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-306. Except as herein provided, it shall be unlawful for any person other than licensed fur farmers, dealers and owners of lands holding permits for taking beaver (and this exemption applies only to pelts of beaver taken pursuant to such permits) and officers and employees of the Game and Parks Commission to have in possession the raw fur or pelt of any fur-bearing animal protected by this act at any time other than during the open season for such fur-bearing animal and ten days immediately thereafter; Provided, that any person who by trapping or other lawful means has become the owner of the raw furs or pelts of such fur-bearing animals during the open season thereon, and who during the ten days immediately after the close of such open season has been unable to obtain a satisfactory price for said furs or otherwise has been prevented from lawfully disposing of the same, may, during said ten-day period ensuing immediately after the close of the open season on such animals, obtain from the commission a permit to retain possession of such furs for such further period of time as the commission may by rule designate. All applications for such permits must be verified under oath, must state the number and kind of green pelts on hand which it is desired to carry over, must be filed with the commission before the expiration of said ten-day period, and must be accompanied by the certificate of an employee of the commission or the county sheriff that the applicant, to the personal knowledge of such officer, then has on hand the number and kinds of furs for which the permit is applied for. Any person knowingly making or assisting in making a false certificate in connection with such an application shall be guilty of a Class V misdemeanor, ~~and upon conviction shall be fined in the sum of one hundred dollars:~~

Sec. 182. That section 37-308, Revised Statutes Supplement, 1976, be amended to read as follows:

37-308. (1) Any person who shall, at any time except during an open season ordered by the commission as

herein authorized, unlawfully take, kill, trap, destroy, attempt to take, kill, trap, destroy, or have in his or her possession any buffalo, elk, deer, antelope, swan, whooping crane, or wild turkey shall, upon conviction, be guilty of a Class III misdemeanor, fined one hundred dollars or be imprisoned for not to exceed thirty days. Any person who shall at any time, except during an open season ordered by the commission as herein authorized, unlawfully take, trap, kill, destroy, attempt to take, kill, trap, or destroy, or have in his or her possession any quail, pheasant, partridge, Hungarian partridge, wood duck, eider duck, curlew, grouse, mourning dove or sandhill crane shall, upon conviction, be guilty of a Class III misdemeanor, fined in the sum of twenty-five dollars or be imprisoned in the county jail for not to exceed thirty days. Any person who shall unlawfully take, catch, trap, kill, destroy, or attempt to take, catch, trap, kill, or destroy any other game bird, game or fur-bearing animal, or game fish, or unlawfully have in his or her possession any such game, fish, or raw fur, except as specified and permitted by order of the commission, shall upon conviction thereof be guilty of a Class V misdemeanor, fined in the sum of not less than ten dollars nor more than twenty-five dollars for each offense. Any person who shall, in violation of this act, kill, take, trap, destroy, attempt to take, kill, trap, or destroy, or shoot at any mourning dove that is not flying, or have in his possession any nongame, song, or insectivorous bird, or destroy or take the eggs or nest of any such bird, shall upon conviction thereof be guilty of a Class V misdemeanor, fined not less than ten dollars nor more than twenty-five dollars for each offense.

(2) The provisions of subsection (1) of this section shall not render it unlawful for anyone operating a game, fur, or fish farm, pursuant to the laws of this state, to at any time kill game or fish actually raised thereon or lawfully placed thereon by such person. Persons holding special permits, under the laws of this state, for the taking or killing of game or other birds or game animals shall not be liable under subsection (1) of this section while acting under the authority of such permits.

Sec. 183. That section 37-309, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-309. Any person other than the owner thereof, who shall knowingly shoot, kill, maim, or injure any Antwerp or homing pigeon, commonly called Carrier Pigeon, or who shall entrap, catch, detain, or shall remove any

mark, band or other means of identification from such pigeon, shall be guilty of a Class V misdemeanor, and shall, upon conviction thereof, be fined for each offense not less than ten dollars and not more than twenty-five dollars:

Sec. 184. That section 37-406.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-406.02. Any person, firm or corporation violating any of the provisions of section 37-406, shall be deemed guilty of a Class V misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than one hundred dollars for each offense:

Sec. 185. That section 37-410, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-410. Anyone who takes or attempts to take any fish from waters closed by the commission, as herein provided, who kills or takes or attempts to kill or take any game upon any reserve or sanctuary, who goes thereon with a gun or dog, who permits a dog to run thereon, who otherwise intentionally disturbs game or birds thereon and causes them to depart from such reserve or sanctuary, who goes upon any wild fowl sanctuary to fish or for any other purpose during the open season on wild fowl or who violates any provision of sections 37-401 to 37-411 or any rule of the Game and Parks Commission relating to game reserves or sanctuaries adopted by authority of law, shall be guilty of a Class III misdemeanor; and upon conviction shall be fined in a sum not to exceed one hundred dollars or be imprisoned for not exceeding thirty days; Provided, nothing herein shall render unlawful the keeping at farm homes, located on the sanctuaries provided for in this act, such dogs as ordinarily are kept on farms or render unlawful the possession of firearms by residents on such sanctuaries where not used to disturb or molest wild fowl or game thereon, or prevent such residents from shooting crows, hawks, wolves or other carnivorous predatory animals thereon; provided further, nothing herein shall prevent members, officers or employees of the commission from going upon sanctuaries at any time to enforce this act, obtain evidence to enforce it or otherwise to protect game and fish thereon; and provided further, nothing herein contained shall make it unlawful to retrieve game birds lawfully killed, from said reserve or sanctuary.

Sec. 186. That section 37-414, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-414. Any person who shall violate any of the provisions of sections 37-412 and 37-413 shall be deemed guilty of a Class I misdemeanor, ~~and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than one hundred dollars for each offense, together with the costs of prosecution, or shall be imprisoned in the county jail for a period of not less than three months nor more than one year, or both such fine and imprisonment in the discretion of the court.~~

Sec. 187. That section 37-421, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-421. Any person who shall violate any of the provisions of sections 37-418 to 37-420, shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than one hundred dollars for each offense, or be imprisoned in the county jail for a period of not less than three months.~~

Sec. 188. That section 37-437, Revised Statutes Supplement, 1976, be amended to read as follows:

37-437. (1) Any person who violates the provisions of subsection (3) of section 37-433, or any regulations issued in implementation thereof, or whoever fails to procure or violates the terms of any permit issued pursuant to section 37-433 shall be guilty of a Class II misdemeanor. ~~and upon conviction thereof, be fined not more than five hundred dollars or imprisoned not more than six months, or be both so fined and imprisoned.~~

(2) Any person who violates the provisions of subsection (8) of section 37-434 or any regulations issued pursuant to subsection (7) of section 37-434, or whoever fails to procure any permit required by subsection (11) of section 37-434 or violates the terms of any such permit shall be guilty of a Class I misdemeanor. ~~and upon conviction thereof, be fined one thousand dollars or imprisoned not more than one year, or be both so fined and imprisoned.~~

(3) Any conservation officer or any peace officer of this state or any municipality or county within this state shall have authority to conduct searches as provided by law, and to execute a warrant to search for

and seize any equipment other than equipment owned or operated by any common or contract motor carrier under the jurisdiction of the Public Service Commission or the Interstate Commerce Commission, business records, wildlife, wild plants, or other contraband taken, used, or possessed in connection with any violation of sections 37-430 to 37-438. Any such officer or agent may, without a warrant, arrest any person whom he has probable cause to believe is violating, in his presence or view, sections 37-430 to 37-438 or any regulation or permit provided for in sections 37-430 to 37-438. Any officer or agent who has made an arrest of a person in connection with any such violation may search such person or business records at the time of arrest and may seize any wildlife, wild plants, records, or property taken or used in connection with any such violation.

(4) Equipment other than equipment owned or operated by any common or contract motor carrier under the jurisdiction of the Public Service Commission or the Interstate Commerce Commission, wildlife, wild plants, records, or other contraband seized under the provisions of subsection (3) of this section shall be held by an officer or agent of the commission pending disposition of court proceedings, and thereafter be forfeited to this state for destruction or disposition as the commission may deem appropriate. Prior to forfeiture, the commission may direct the transfer of wildlife or wild plants so seized to a qualified zoological, botanical, educational, or scientific institution for safekeeping, with the costs thereof to be assessable to the defendant. The commission shall issue regulations to implement this subsection.

Sec. 189. That section 37-503.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-503.06. The Game and Parks Commission may, by regulation, authorize the taking of fish by any means and in any number whenever the secretary of the commission determines, pursuant to standards imposed by such regulations, that such action is necessary for proper fish management as a result of an emergency created by the drying up of any waters inhabited by fish. Such determination shall specify the waters in which such emergency action is desirable and the authorization so granted shall extend to such waters and to no others. The taking of any fish in violation of such regulations shall be a misdemeanor in violation of this section and any person convicted of such violation shall be guilty of a Class V misdemeanor, punished by a fine of not less than ten dollars nor more than one hundred dollars.

Sec. 190. That section 37-506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-506. Every express company, bus line or other common carrier, their officers, agents and servants, and every shipper by any such transportation agency, who shall transfer or carry from one point to another within the state or take out of the state or who shall receive, for the purpose of transferring from this state, any of the wild game birds, fur-bearing animals, game animals, game or fish enumerated in this act, except as herein permitted, shall be guilty of a misdemeanor. It shall be lawful for any express company, bus line, railroad or other common carrier to receive for transportation any of the game birds, fur-bearing animals, game or game fish enumerated in this act, and to transport them from one point to another by express or baggage during the open season on such game, when said game birds, fur-bearing or game animals or game fish are tagged, as required by the regulations of the Game and Parks Commission, and a statement of the shipper is forwarded to the commission that the same are not shipped for sale or profit and were not taken contrary to law. Such statement shall state the number of the shipper's license and describe and give the number of each kind of game birds, fur-bearing animals, game or game fish. A copy thereof shall be attached to said shipment while in transit from one point to another. Any person who transports game or fish, in violation of any of the provisions of this section, shall be guilty of a Class III misdemeanor.

Sec. 191. That section 37-516, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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

Any person, association, or corporation violating the provisions of this section shall, upon conviction thereof, be guilty of a Class II misdemeanor, ~~fin~~~~ed~~ ~~not~~ ~~less~~ ~~than~~ ~~one~~ ~~hundred~~ ~~dollars~~ ~~nor~~ ~~more~~ ~~than~~ ~~one~~ ~~thousand~~ ~~dollars~~.

Sec. 192. That section 37-517, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-517. It shall be unlawful for any person, association or corporation to place the carcass of any dead animal, fish or fowl in or near any of the waters of this state, or leave such carcass where the whole or any part thereof may be washed or carried into any of the waters of this state. Any person, association or corporation guilty of violating this section or any provision of sections 37-515 and 37-516, except as therein otherwise provided, shall be guilty of a Class II misdemeanor ~~punished upon conviction by a fine of not more than one thousand dollars for each offense~~; and every day that any such unlawful act continues or is permitted to continue shall constitute a separate offense, and be punishable as such.

Sec. 193. That section 37-518, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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

Sec. 194. That section 37-519, Revised Statutes Supplement, 1976, be amended to read as follows:

37-519. Anyone violating any of the provisions of sections 37-501 to 37-518, where penalties are not otherwise fixed therein, shall be guilty of a Class III misdemeanor, ~~and upon conviction be fined not to exceed one hundred dollars nor less than twenty-five dollars, or be imprisoned in the county jail not to exceed thirty days~~.

Sec. 195. That section 37-520, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-520. It shall be unlawful for any person, association or corporation to place, run or drain any matter harmful to fish into any of the waters of this state where same have been stocked by the Game and Parks Commission. Any person violating the provisions of this section shall be guilty of a Class IV misdemeanor. ~~punished-upon-conviction-by-a-fine-of-not-more-than-five hundred-dollars-for-each-offense;~~

Sec. 196. That section 37-523, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-523. It shall be unlawful, except as provided in section 37-524, to set or place any explosive trap or device, operated by the use of poison gas or by the explosion of gunpowder or other explosives, for the purpose of taking, stunning or destroying wild animals. Any person who sets or places any such trap or device, except as is permitted in section 37-524, shall, ~~upon conviction thereof,~~ be guilty of a Class III misdemeanor. ~~punished-by-a-fine-of-not-less-than-ten-dollars-nor-more than-five-hundred-dollars,-or-by-imprisonment-for-not less-than-five-days-nor-more-than-ninety-days,-or-both such-fine-and-imprisonment;~~

Sec. 197. That section 37-525, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-525. Any person, who at any time, intentionally captures, kills, or destroys any fish, or game bird or animal, in this state and who at any time after capturing or killing any such fish, or game bird or animal, leaves or abandons or allows such fish, or game bird or animal or edible portion thereof to be wantonly or needlessly wasted, or who fails to dispose thereof in a reasonable and sanitary manner shall be deemed guilty of a Class III misdemeanor, ~~and-upon-conviction--thereof be-subject-to-a-fine-of-not-less-than-ten-nor--more--than one-hundred-dollars,-or-be-imprisoned-for--not--exceeding thirty-days,-or-both-such-fine-and-imprisonment;~~

Sec. 198. That section 37-527, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-527. Any person violating the provisions of section 37-526 shall be guilty of a Class V misdemeanor.

~~and shall, upon conviction thereof, be punished by a fine of not less than ten dollars nor more than fifty dollars:~~

Sec. 199. That section 37-604, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-604. It shall be unlawful for any person to resist or obstruct any officer or any employee of the Game and Parks Commission in the discharge of his lawful duties. Any person willfully resisting such officer or employee shall be guilty of a Class V misdemeanor, ~~and be fined not exceeding one hundred dollars:~~

Sec. 200. That section 37-605, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-605. It shall be unlawful for any person to falsely represent himself to be an officer or employee of the Game and Parks Commission, or to assume to so act without having been duly appointed or employed as such. Any person willfully representing himself to be such officer or employee shall be guilty of a Class V misdemeanor, ~~and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars:~~

Sec. 201. That section 37-610, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-610. Every device, net and trap, and every ferret possessed, used, or attempted to be used by any person in hunting, taking, catching, killing, or destroying any game or fish contrary to law, is hereby declared to be a public nuisance, and subject to seizure and confiscation by any conservation officer, deputy conservation officer, or other person charged with the enforcement of this act. Ferrets and every trap, net, and device, the use of which is wholly prohibited, shall be destroyed upon seizure. All guns and nets while being used illegally shall be seized upon the arrest of the person so using them, but all guns, legal fish nets, or other hunting or fishing equipment, used illegally which are seized for evidence upon arrest, shall be returned by the court to the person from whom said guns, legal fish nets, or other hunting or fishing equipment were seized following disposition of the case. The possession of any and all nets, except minnow nets, shall be construed as illegal possession, and render such nets subject to confiscation and destruction by the state, and any person or persons possessing the same shall be guilty of a Class

~~y misdemeanor, and fined not less than ten dollars nor more than one hundred dollars;--Provided;--the~~ The provisions of this section shall not apply to the possession and legal use of seines or nets as provided in section 37-502.

Sec. 202. That section 37-706, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-706. Game and fish propagated or raised under a permit issued under sections 37-702 to 37-712 may be sold or offered for sale and transported at any time, subject to regulations adopted by the Game and Parks Commission.

(1) Before any live game of any kind raised under authority of any propagation permit is shipped out of the state, it must be offered to the commission for propagating purposes. The secretary of such commission shall, within ten days, advise the licensee whether it desires to purchase the same. If not purchased by the commission, it may be exported if properly tagged as hereinafter provided. Game so raised, when slaughtered, may be shipped anywhere if tagged as herein required.

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

(3) It is unlawful for any holder of a permit, or his agent or employee, to neglect to return to the commission any tag with the information thereon required, or to kill, sell, give away, remove, or ship any game bred or raised under the authority of any propagating permit, except in compliance with the provisions of this section.

(4) It is unlawful for any person to willfully or wantonly remove, mutilate, or destroy any tag attached to any bird or animal, according to the provisions of this section, except in the manner and the time and place provided for in this section.

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

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

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

Any person violating the provisions of this section shall, ~~upon conviction thereof, be guilty of a Class IV misdemeanor, fined not more than five hundred dollars for each offense.~~

Sec. 203. That section 37-712, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-712. Any person willfully violating any of the provisions of sections 37-701 to 37-712 shall be guilty of a Class V misdemeanor, ~~and subject to a fine not exceeding one hundred dollars for each offense, except as otherwise provided in section 37-706.~~

Sec. 204. That section 37-718, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-718. Any person violating the provisions of sections 37-713 to 37-718 shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than five hundred dollars.~~

Sec. 205. That section 37-719, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-719. It shall be unlawful for any person, partnership, association, or corporation to import into the state or possess the animal known as the San Juan rabbit or any other species of wild vertebrate animal declared by the Game and Parks Commission following public hearing to constitute a serious threat to economic or ecologic conditions; Provided, that the Game and Parks Commission may authorize by specific written permit the acquisition and possession of such species for educational or scientific purposes. It shall also be unlawful to release to the wild any nonnative bird, nonnative mammal, reptile or amphibian or to release any nonnative fish to streams and other waters or to release in public waters in this state any fish not taken therefrom, without written authorization from the Game and Parks Commission. Any person, partnership, association, or corporation violating the provisions of this section shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than five hundred dollars;~~

Sec. 206. That section 37-726, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-726. Any person violating any provision of sections 37-101, 37-713, and 37-720 to 37-726 shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars;~~ and, in addition, the court shall require that any raptor or raptors in the possession of the offender be confiscated and the license of the offender be revoked.

Sec. 207. That section 39-6,112, Revised Statutes Supplement, 1976, be amended to read as follows:

39-6,112. Any person who is found guilty of a traffic infraction in violation of Chapter 39, article 6, or of Chapter 39, article 7, for which a penalty has not been specifically provided shall be fined: (1) Not more than one hundred dollars for the first offense, (2) not more than two hundred dollars for a second offense within a one-year period, and (3) not more than three hundred dollars for a third and subsequent offense within a one-year period.

Sec. 208. That section 39-806, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-806. If any person shall knowingly, willfully, and maliciously demolish, cut down or destroy any private, public or toll bridge, cut, fell, deface, alter, remove or destroy any landmark, corner or bearing tree, witness trench and pits or witness pits, properly established, the person so offending shall be guilty of a Class III misdemeanor, fined in any sum not exceeding five hundred dollars, or imprisoned in the jail of the county not exceeding thirty days, or both:

Sec. 209. That section 39-808, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-808. If any person or persons, whether for himself or themselves or as the agent, servant, or employee of any firm, association, corporation or copartnership, shall be found ~~guilty of violating any of the provisions of section 39-807, such person or persons shall be guilty of a Class V misdemeanor, he, she or they shall be fined in any sum not exceeding one hundred dollars and shall stand committed to the county jail until said fine and the costs of prosecution are paid or otherwise disposed of according to law:~~

Sec. 210. That section 39-1012, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1012. Any person who violates the provisions of section 39-1010 shall be guilty of a Class V misdemeanor, and shall, upon conviction thereof, be fined not less than ten dollars nor more than twenty-five dollars:

Sec. 211. That section 39-1320.10, Revised Statutes Supplement, 1976, be amended to read as follows:

39-1320.10. Any person, firm, company, or corporation, violating any of the provisions of this act shall be deemed guilty of a Class V misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than one hundred dollars: In addition to any other available remedies, the Director-State Engineer, for the department and in the name of the State of Nebraska, may apply to the district court having jurisdiction for an injunction to force compliance with any of the provisions of this act or rules and regulations promulgated thereunder. When any

person, firm, company, or corporation deems its property rights have been adversely affected by the application of the provisions of this act, such person, firm, company, or corporation shall have the right to have damages ascertained and determined pursuant to the provisions of Chapter 76, article 7.

Sec. 212. That section 39-1335, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1335. Any person who shall construct, use, or permit to be used on property owned or occupied by such person any private entrance or exit, approach road, facility, thing, or appurtenance upon or connected to a highway right-of-way without a permit from the department, when a permit is required, or who shall construct, use, or permit to be used a private entrance or exit, approach road, facility, advertising, advertising signs, displays, or other advertising devices, thing, or appurtenance upon or connected to any highway right-of-way without complying with the rules and regulations prescribed by the department or with the conditions of a permit issued by the department to such person, shall be deemed to be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not to exceed three months, or by both such a fine and imprisonment. Each and every day that such violation continues after the department issues written notification to the violator, may constitute a separate offense.

Sec. 213. That section 39-1362, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1362. Any person, who shall dig up, cross, or otherwise use any portion of the state highway system or drainage facilities of the state highway system for laying or relaying pipe lines, ditches, flumes, sewers, railways, for constructing, or installing any new pole line, underground conduit, buried cable, or new guy wires, or for any other similar purpose without obtaining a written permit from the department or without complying with the regulations of the department shall be deemed to be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not to exceed three months, or by both such a fine and imprisonment. Each and every day that such a violation continues, after the

department issues written notification to the violator, may constitute a separate offense.

Sec. 214. That section 39-1412, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1412. Any person driving across or going upon any county bridge with a greater weight than the carrying capacity or weight posted or attached thereupon as provided in section 39-1411, shall recover no damages from the county because of any accident or injury which may happen to him upon such bridge. Such person shall, for entering upon any such bridge with a greater weight than the carrying capacity or weight posted thereupon as provided in section 39-1411, be deemed guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined not to exceed one hundred dollars, or be imprisoned in the county jail not to exceed thirty days, or both such a fine and imprisonment.

Sec. 215. That section 39-1801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1801. Whenever a county or township road or a part of such road is impassable or unusually dangerous to travel, whenever it becomes necessary because of construction or maintenance work to suspend all or part of the travel on such road, or whenever justified by necessity in order to provide for the public safety, such road or part of a road may be temporarily closed, and when feasible a suitable detour provided, or the weight limitations of wheel and axle loads as defined in subsections (2), (4), and (5) of section 39-6,180 may be restricted to the extent deemed necessary for a reasonable period where the subgrade or pavement of such roads are weak or materially weakened by climatic conditions, by the county board as to county roads within the county and by the township board as to township roads within the township or by the person to whom the county board or township board has delegated the authority to temporarily close roads within the particular county or township. Whenever such road or part of a road is temporarily closed, the person, board, or contractor therefor shall erect, at both ends of the portion of the road so closed, suitable barricades, fences, or other enclosures and shall post signs warning the public that the road is closed by authority of law. Such barricades, fences, enclosures and signs shall serve as notice to the public that such road is unsafe and that anyone entering such closed road, without permission, does so at his own peril. Whenever a road or part of a road is undergoing

construction, repair, or maintenance, while the public use thereof is permitted, traffic thereon may be regulated, limited, or controlled under the same authority as such road may be temporarily closed. Any person who violates any provision of this section, or who removes or interferes with any barricade, fence, enclosure, or warning sign required by this section, shall be deemed guilty of a Class V misdemeanor, and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars:

Sec. 216. That section 39-1806, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1806. Any person who shall refuse to allow an agent or employee of the county board access to any lands for the purpose of installing, maintaining or removing any snow fences, or any person who shall violate any other provision of section 39-1805, or any person who shall willfully or maliciously damage or destroy any snow fence installed and erected, as provided for by law, shall be deemed guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not more than thirty days:

Sec. 217. That section 39-1810, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1810. Any person who shall drive or assist in driving any cattle or livestock over a public road where such lane or driveway has been established as provided in section 39-1808 shall be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined not more than one hundred dollars, or imprisoned in the county jail not more than ninety days:

Sec. 218. That section 39-1815, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1815. It shall be unlawful for any person traveling upon a road provided for in section 39-1814 to leave the gates open when he shall have passed through the same. Any person who violates the provisions of this section shall be guilty of a Class III misdemeanor, convicted of a violation of this section shall, upon conviction thereof, be fined in a sum not more than fifty dollars, or be imprisoned in the county jail not more than thirty days:

Sec. 219. That section 39-1816, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1816. In order to promote safety, power is conferred upon the county board of any county to prohibit or restrict the parking of motor vehicles on the right-of-way of county highways outside the corporate limits of any city or village, and to erect and maintain appropriate signs thereon giving notice of no parking or restricted parking.

Any person, firm, association, copartnership, or corporation who shall park a motor vehicle in the right-of-way of a county highway where no parking or restricted parking signs have been erected or maintained, in violation of such signs, shall be guilty of a Class V misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than five dollars and not more than fifty dollars.~~ Whenever any peace officer shall find a vehicle parked in violation of this section, he may move such vehicle at the expense of the registered owner or request the driver or person in charge of such vehicle to move such vehicle.

If any motor vehicle is found upon the right-of-way of any county highway in violation of this section and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be prima facie responsible for such violation.

Sec. 220. That section 39-2612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-2612. Any person who shall be found in violation of section 39-2603 shall be guilty of a Class II misdemeanor, ~~and shall be fined not less than one hundred dollars nor more than five hundred dollars, or shall be sentenced to imprisonment in the county jail for no more than six months, or be both so fined and imprisoned; Provided, each~~ Each day's violation shall constitute a separate offense.

Sec. 221. That section 41-121, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

41-121. Any person violating any of the provisions of sections 41-101 to 41-120 shall be guilty of a Class III misdemeanor, fined in a sum not exceeding one hundred dollars or imprisoned in the county jail not

~~exceeding three months.~~

Sec. 222. That section 41-127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

41-127. Any person who shall obtain food, lodging, or any other accommodation at any hotel, restaurant, apartment house, tourist camp, motel, or rooming house with intent to defraud the owner or keeper thereof, shall, if the value of such food, lodging, or other accommodation is thirty-five dollars or less, be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail not more than three months.~~

Sec. 223. That section 41-127.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

41-127.01. Any person who violates the provisions of section 41-127 shall, if the value of the food, lodging, or other accommodations obtained exceeds thirty-five dollars, be guilty of a Class IV felony, ~~and shall, upon conviction thereof, be punished by a fine of not less than one thousand dollars nor more than five thousand dollars or by imprisonment in the Nebraska Penal and Correctional Complex not less than one year nor more than three years.~~

Sec. 224. That section 41-130, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

41-130. Any hotelkeeper or innkeeper violating the provisions of sections 41-122 to 41-129 shall be guilty of a Class V misdemeanor, ~~finned not less than ten dollars or not to exceed one hundred dollars.~~

Sec. 225. That section 42-113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-113. If any justice, minister, or other person whose duty it is to make and transmit to the county judge such certificate, shall neglect to make and deliver the same; or if the county judge shall neglect to record such certificate; or if any person shall undertake to join others in marriage, knowing that he is not legally authorized so to do, or knowing of any legal impediment to the proposed marriage; or if any person authorized to solemnize any marriage shall willfully and

knowingly make a false certificate of any marriage to the county judge; or if the county judge shall willfully and knowingly make a false record of any certificate of marriage to him made, he shall be deemed guilty of a Class I misdemeanor, ~~and shall be punished by a fine not exceeding five hundred dollars, or imprisonment for a period not exceeding one year.~~

Sec. 226. That section 42-126, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-126. Any applicant for a marriage license, any physician or other person authorized by the laws of Nebraska to make such a certificate, any person in charge of or authorized to make such reports or statements for a laboratory who shall misrepresent his identity or any of the facts called for by the certificate form prescribed by sections 42-121 to 42-128, any person who shall issue a marriage license without having received the certificate form or who shall have reason to believe that any of the facts on the certificate form have been misrepresented, and shall nevertheless issue a marriage license, or any person who shall otherwise fail to comply with the provisions of sections 42-121 to 42-128, shall be guilty of a Class V misdemeanor, ~~and upon conviction shall be fined a sum not more than one hundred dollars.~~

Sec. 227. That section 42-127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-127. Certificates, laboratory statements or reports, applications and orders, in sections 42-121 to 42-128 referred to, and the information therein contained, shall be confidential and shall not be divulged to or open to inspection by any person other than state or local health officers or their duly authorized representatives. Any person who shall divulge such information or open to inspection such certificates, statements, reports, applications or orders, without authority, to any person, not by law entitled to the same, shall be guilty of a Class V misdemeanor, ~~and upon conviction thereof, shall be fined in a sum not more than one hundred dollars.~~

Sec. 228. That section 43-205.04, Revised Statutes Supplement, 1976, be amended to read as follows:

43-205.04. Whenever a minor under the age of eighteen years is detained under the provisions of section 43-205.03, such minor shall be released within

forty-eight hours after having been taken into custody, excluding nonjudicial days, unless within such period of time (1) a petition has been filed alleging that such minor has violated an order of the juvenile court, (2) a petition has been filed pursuant to the provisions of section 43-205, or (3) a criminal complaint against him has been filed in a court of competent jurisdiction and, except when a criminal complaint is filed, an order continuing detention until the adjudication hearing, after a reasonable showing that the necessity for detention still exists, is entered by the juvenile court. When the court enters an order continuing detention, upon request of the child, his parents, guardian, or attorney, the court shall hold a hearing within a reasonable time at which hearing the burden of proof shall be upon the state to show probable cause that such child is within the jurisdiction of the court. Strict rules of evidence shall not apply at the probable cause hearing. The child shall be released if probable cause is not shown. At the option of the court, it may hold the adjudication hearing provided in section 43-206.03 as soon as possible instead of the probable cause hearing if held within a reasonable period of time.

This section shall not apply to a minor who has escaped from a commitment, or to a child who has been taken into custody for his own protection pursuant to subdivision (3) of section 43-205.01, in which latter case the child shall be held for a reasonable time. Any person who knowingly holds a child in detention in violation of any of the provisions of this section shall be guilty of a Class III misdemeanor, ~~and shall upon conviction thereof, be fined in any sum not exceeding one hundred dollars, or be imprisoned in the county jail for a period not to exceed thirty days:~~

Sec. 229. That section 43-709, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-709. Any person or agency who or which shall violate any of the provisions of sections 43-701 to 43-709 shall be guilty of a Class III misdemeanor, ~~and upon conviction thereof, shall be punished by imprisonment in the county jail for not more than thirty days, or by a fine of not less than fifty dollars nor more than two hundred dollars, or both such a fine and imprisonment;~~ and this penalty shall apply to officers and employees of agencies.

Sec. 230. That section 44-147, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-147. Every agent or broker, transacting business under the provisions of sections 44-139 to 44-145, shall ascertain the financial condition of each insurer before he procures a policy of insurance therefrom or places any insurance with such insurer. No such agent or broker shall knowingly, or without proper investigation, place any insurance with or procure any insurance from any nonadmitted foreign insurer that does not have surplus, capital, and reserves in amounts equal to or greater than the aggregate requirements of surplus, capital, and reserves placed on companies admitted to do business in this state which write the same kinds of insurance; or, place any insurance with or procure any insurance from nonadmitted alien insurers who do not maintain in the United States adequate guaranty deposits for the protection of policyholders in the United States. Any person violating the provisions of this section shall be guilty of a Class V misdemeanor. ~~and shall upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.~~

Sec. 231. That section 44-333.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-333.02. (1) Examination of an applicant for a resident agent's license shall be in the form of a true-false or multiple choice test and shall be of such scope as the Director of Insurance deems reasonably necessary to test the applicant's general knowledge of (a) the duties and responsibilities of a resident agent, and (b) his competence with respect to the particular insurance coverages for which the applicant has applied to be licensed, as constituted by any one or more of the following classifications of insurance coverages: (1) Life insurance and annuity contracts; (2) variable annuity contracts; (3) sickness, accident and health insurance; (4) credit life insurance and credit accident and health insurance; (5) fire and allied lines; (6) automobile liability and automobile physical damage insurance; (7) comprehensive personal liability coverages; (8) general liability insurance; (9) marine and transportation insurance; (10) workmen's compensation; (11) credit insurance; (12) burglary and theft insurance; (13) crop insurance; (14) fidelity and surety insurance; (15) homeowners' multiple peril insurance; (16) farmowners' multiple peril insurance; (17) commercial multiple peril insurance; (18) plate glass insurance; (19) boiler and machinery insurance; and (20) other miscellaneous coverages.

(2) The Director of Insurance shall prepare and make available upon request study material, covering each kind of insurance specified in subsection (1) of this section, except variable annuities, from which the examination questions will be taken. The director shall charge a fee for such material in such amount as shall be reasonably necessary to defray the expense of preparation thereof.

(3) Examinations shall be given by the Department of Insurance at the times and places set forth in the rules and regulations adopted pursuant to section 44-333.06, but an examination shall be held at least once each two weeks.

(4) The director shall permit the applicant to take, on the same day and at the same place, all examinations required for the license for which the applicant has applied, and for which the examination fee has been paid.

(5) The applicant shall pay an examination fee of ten dollars in advance, which fee shall cover all of the examinations given to the applicant at the same time and place. If the applicant applies for a series of examinations, the director may allow a schedule of not fewer than four examinations per day to be taken on any scheduled day without requiring the payment of an additional fee. The fee shall not be refunded to the applicant. It shall be unlawful for any person other than the applicant, directly or indirectly, to pay the examination fee. Examination fees so collected shall be deposited in the Insurance Supervision Fund. Any money in the Insurance Supervision Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

(6) The director may designate any person, to conduct such examination, but such examination shall be graded only by such personnel of the Department of Insurance as the director shall specify. It shall be the duty of the director to require that all such examinations are fairly and impartially prepared, conducted, and graded promptly and without unfair discrimination as between individuals examined.

(7) Any person who shall impersonate any other person or permit or aid in any manner any other person to impersonate him, in connection with any examination held in accordance with the provisions of this chapter shall, ~~upon conviction thereof, be deemed guilty of a Class V misdemeanor, and fined not more than one hundred dollars~~

~~for each offense:~~

(8) The director may require a reasonable waiting period, not to exceed sixty days, before reexamination of an applicant who has taken and failed to pass a previous examination covering the same kind or kinds of insurance coverages; Provided, that an applicant who has failed to pass two or more previous examinations covering the same kind or kinds of insurance shall be required to wait a minimum of sixty days before reexamination.

(9) If, after approval of the application for a license, the director shall find that the applicant has taken and passed any examination specified by this section, and that the applicant has fully met the requirements of this chapter, the director shall issue a resident agent's license authorizing the applicant to solicit the kinds of insurance covered by the examinations successfully completed by the applicant; otherwise, the director shall refuse to issue the license and shall promptly notify the applicant and the requisitioning insurer of such refusal and the grounds therefor.

Sec. 232. That section 44-361.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-361.02. Any agent who is found to have obtained a license or renewal primarily to circumvent enforcement of section 44-361 shall, in addition to any other penalty imposed by law, be deemed guilty of a Class V misdemeanor, ~~and upon conviction thereof; shall be fined not less than fifty dollars nor more than one hundred dollars;~~

Sec. 233. That section 44-368, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-368. Any insurance company found guilty of violating sections 44-363 to 44-365 shall be deemed guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars;~~ The license of any insurance company, agent or broker found by the Director of Insurance, after hearing, to have been twice convicted of the violation of said sections, may be revoked or suspended. Appeal may be taken from the decision of the Director of Insurance pursuant to Chapter 44.

Sec. 234. That section 44-390, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-390. If any officer, or agent of any such fidelity or surety company, shall exact, charge or receive any greater rate of premium for any bond, contract, recognizance, stipulation or undertaking than that fixed by the Department of Insurance, he shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or be confined in the county jail for a period of not less than thirty days, nor more than three months, or both.~~

Sec. 235. That section 44-391, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-391. Whoever, knowing it to be such, presents or causes to be presented, a false or fraudulent claim, or any proof in support of a false or fraudulent claim for the payment of a loss upon a contract of insurance, or prepares, makes or subscribes to a false or fraudulent account, certificate, affidavit, proof of loss, or other document in writing, with intent that the same be presented or used in support of such a claim, shall be guilty of a Class IV misdemeanor, fined in any sum not exceeding five hundred dollars.

Sec. 236. That section 44-392, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-392. It shall hereafter be unlawful for any bank, trust company, investment company, bank affiliate, or corporation, partnership or association, owned or controlled by any bank located in any incorporated city of this state having a population of two hundred thousand or over, to sell, write or solicit any kind or form of insurance, either directly or indirectly, through any officer, agent, employee or representative thereof. Any such bank, trust company, investment company, bank affiliate, or corporation, partnership or association, owned or controlled by any bank, or any officer, agent, employee or representative thereof, who shall violate the provisions of this section shall be deemed guilty of a Class II misdemeanor, ~~and upon conviction thereof shall be punished for each offense by a fine in any sum not less than five hundred dollars nor more than one thousand dollars or by imprisonment in the county jail not more than six months, or both, in the discretion of the court.~~

Sec. 237. That section 44-394, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-394. Any company or person who knowingly violates any provision of this chapter for which no penalty is provided, shall be deemed guilty of a Class III misdemeanor, ~~and shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding three months:~~

Sec. 238. That section 44-3,101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-3,101. Any person, firm, corporation, trustee, director, officer, agent, or employee violating the provisions of section 44-3,100 shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be fined not more than five hundred dollars:~~

Sec. 239. That section 44-3,106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-3,106. Any person, firm, corporation, trustee, director, officer, agent, or employee violating the provisions of sections 44-3,104 and 44-3,105 shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be fined not more than five hundred dollars:~~

Sec. 240. That section 44-3,121, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-3,121. Any person convicted for violation of section 44-3,119 or 44-3,120 shall be guilty of a Class IV felony, ~~punished by imprisonment in the Nebraska Penal and Correctional Complex not more than seven years, or by a fine of not more than ten thousand dollars, or by both such fine and imprisonment:~~

Sec. 241. That section 44-624, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-624. Except as provided by sections 44-1443 to 44-1486, any combination or agreement made or entered into by or between two or more fire insurance companies insuring property against casualties from the elements, transacting business within this state, or between the officers, agents or employees of any such companies,

relating to the rates to be charged for insurance, the amount of commissions to be allowed agents for procuring insurance, or the manner of transacting the business of fire insurance within this state, is hereby declared to be unlawful. Any such company, officer or agent violating this provision shall be guilty of a Class IV misdemeanor, ~~and upon conviction thereof in any court having jurisdiction, shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.~~

Sec. 242. That section 44-1068, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-1068. Any person, officer, member or examining physician of any society authorized to do business under sections 44-1001 to 44-1071, who shall knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for membership, or for the purpose of obtaining money from or benefit in any society transacting business under said sections, shall be guilty of a Class I misdemeanor, ~~and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both, in the discretion of the court.~~

Sec. 243. That section 44-1070, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-1070. Any person who shall solicit membership for, or in any manner assist in procuring membership in any fraternal benefit society not licensed to do business in this state, or who shall solicit membership for, or in any manner assist in procuring membership in any such society not authorized to do business in this state, shall be guilty of a Class IV misdemeanor, ~~and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars.~~

Sec. 244. That section 44-1209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-1209. Any attorney who shall exchange any contracts of indemnity of the kind and character specified in section 44-1201, or any attorney, agent, or any person representing him, who shall solicit or

negotiate any application for same without the attorney first complying with the foregoing provisions, shall be deemed guilty of a Class II misdemeanor, ~~and upon conviction thereof shall be subject to a fine of not less than one hundred dollars nor more than one thousand dollars:~~

Sec. 245. That section 44-1438, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-1438. The Director of Insurance may, if he finds that any person or organization has violated any provision of sections 44-1401 to 44-1442, report the facts to the Attorney General for prosecution. Any person, firm, or corporation violating any of the provisions of sections 44-1401 to 44-1442 shall be deemed guilty of a Class IV misdemeanor, ~~and shall upon conviction thereof, be fined in a sum not less than fifty dollars, or not more than five hundred dollars for each such violation:~~

The director may also suspend the license of any rating organization or insurer which fails to comply with an order of the director within the time limited by such order, or any extension thereof which the director may grant. The director shall not suspend the license of any rating organization or insurer for failure to comply with an order until the time prescribed for an appeal therefrom has expired or, if an appeal has been taken, until such order has been affirmed. The director may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by him, unless he modifies or rescinds such suspension, or until the order upon which such suspension is based is modified, rescinded or reversed. No license shall be suspended or revoked except upon a written order of the director, stating his findings, made after a hearing held upon not less than ten days' written notice to such person or organization specifying the alleged violation.

Sec. 246. That section 44-1482, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-1482. The Director of Insurance may, if he finds that any person or organization has violated any provision of sections 44-1443 to 44-1486, report the facts to the Attorney General for prosecution. Any person, firm, or corporation violating any of the provisions of sections 44-1443 to 44-1486 shall be deemed guilty of a Class IV misdemeanor, ~~and shall, upon~~

~~conviction thereof, be fined in a sum not less than fifty dollars or not more than five hundred dollars for each such violation.~~ The director may suspend the license of any rating organization or insurer which fails to comply with an order of the director within the time limited by such order, or any extension thereof which the director may grant. The director shall not suspend the license of any rating organization or insurer for failure to comply with an order until the time prescribed for an appeal therefrom has expired, or if an appeal has been taken, until such order has been affirmed. The director may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by him unless he modifies or rescinds such suspension or until the order upon which such suspension is based is modified, rescinded or reversed. No license shall be suspended or revoked except upon a written order of the director, stating his findings, made after a hearing held upon not less than ten days' written notice to such person or organization specifying the alleged violation.

Sec. 247. That section 44-2007, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-2007. Any unauthorized insurer who transacts any unauthorized act of an insurance business as set forth in sections 44-2001 to 44-2008 shall be guilty of a Class I misdemeanor. ~~be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than ten thousand dollars;~~

Sec. 248. That section 45-128, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-128. Any firm or individual members thereof, partnership or individual members thereof, association or individual members thereof, or corporation or officers thereof, or person, who by any device, subterfuge or pretense whatsoever, shall engage in or continue any of the kinds of business or enterprise permitted to licensees by sections 45-114 to 45-155 without having obtained the license therein required, with intent to evade the provisions of said sections, shall be deemed guilty of a Class I misdemeanor. ~~and upon conviction thereof shall be fined in any sum not less than one hundred dollars or not more than one thousand dollars, or shall be imprisoned in the county jail for not less than ninety days or not more than one year, or both;~~

Sec. 249. That section 45-136, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-136. Any person convicted of making a false statement to secure a loan shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall pay a fine of not more than twenty-five dollars; or shall be imprisoned in the county jail not exceeding ten days; Provided, such~~ Such punishment shall not be exacted where such a loan is made after the moneylender is aware of the falsity of the statement.

Sec. 250. That section 45-153, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-153. Any person, firm, partnership, corporation or association, or officer or employee thereof, violating any of the provisions of sections 45-138 to 45-145, shall be deemed guilty of a Class II misdemeanor, ~~and upon conviction thereof shall be fined not less than one hundred dollars nor more than one thousand dollars; or shall be imprisoned in the county jail for not less than thirty days nor more than six months; or both;~~

Sec. 251. That section 45-154, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-154. Any contract of loan, in the making or collection of which any act is done which constitutes a Class II misdemeanor under section 45-153, shall not on that account be void, but the lender shall have no right to collect or receive any interest or charges whatsoever. If any interest or other charges have been collected, the lender shall forfeit and refund to the borrower all interest and other charges collected on the loan involved.

Sec. 252. That section 45-162, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-162. Every licensed loan agency, its agents, employees or servants, who shall violate or refuse or neglect to comply with any of the provisions of sections 45-159 to 45-161 shall be guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than one hundred dollars for each offense;~~

Sec. 253. That section 45-208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-208. Any person who willfully and knowingly violates any provisions of section 45-207 shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be fined in a sum of not more than five hundred dollars or imprisoned for six months, or both such a fine and imprisonment.~~ In addition the seller shall forfeit all time price differential paid and cancel the outstanding indebtedness.

Sec. 254. That section 45-343, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-343. Any person who shall violate any provision of sections 45-334 to 45-353 or engage in the business of a sales finance company in this state without a license therefor as provided in sections 45-334 to 45-353 shall be guilty of a Class II misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.~~

Sec. 255. That section 46-155, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-155. No director or any officer named in sections 46-101 to 46-1,111 shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom, nor shall receive any bonds, gratuity or bribe. For any violation of this provision, such officer shall be deemed guilty of a Class IV felony, ~~and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the Nebraska Penal and Correctional Complex not exceeding five years nor less than one year;~~ and conviction thereof shall work a forfeiture of his office.

Sec. 256. That section 46-213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-213. Under the direction of the Department of Water Resources, managers or operators of interstate ditches shall construct and maintain a suitable measuring device at or near the state line in Nebraska. Thirty days after receipt of notice from the department shall be the time allowed for the construction and completion of

such measuring device, and daily gauge height reports of water passing through such measuring device shall be furnished to the department from the beginning to the end of the irrigation season, in such form and manner as shall be recommended by the department. Failure of any person or persons operating or in control of such canals to comply with the provisions of this section shall be deemed a Class V misdemeanor, ~~and such person or persons upon conviction thereof shall each be fined in the sum of not less than twenty-five dollars nor more than one hundred dollars.~~

Sec. 257. That section 46-254, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-254. Any person owning or in control of any ditch, reservoir or other device for appropriating or using water who shall willfully open or close, change or interfere with any headgate or controlling gate, or by any method or means take any water from any natural stream, reservoir or other source, through any ditch or canal to any land or lands, or allow the same to be done, or use or allow to be used any water upon any land or lands, or for any other purpose whatsoever, without authority from the Department of Water Resources, or who shall store water in or release water from a reservoir other than in compliance with orders of the Director of Water Resources or his representative, shall be deemed guilty of a Class II misdemeanor, ~~and upon conviction thereof shall be fined in any sum not less than one hundred dollars and not more than one thousand dollars, or imprisoned in the county jail for a term not exceeding six months, with an additional fine of five hundred dollars for each Each day that the water is allowed to run without authority from the department shall constitute a separate offense.~~

Sec. 258. That section 46-257, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-257. (1) Any person intending to construct any dam for reservoir purposes or across the channel of any natural stream, except as provided by subsection (2) of this section, shall, before beginning such construction, submit detailed engineering plans of the same to the Department of Water Resources for examination and approval, and no dam shall be constructed until the same shall have been so approved.

(2) Any person intending to construct a dam for reservoir purposes across an ordinarily dry watercourse

for flood control, erosion control, and water for livestock, or for any of such purposes, having a height of not to exceed thirty feet, having a total storage capacity of not to exceed fifty acre-feet below the crest of the emergency spillway, including detention storage, and having not to exceed twenty-five acre-feet of permanent storage capacity below the lowest open reservoir outlet shall, before beginning construction, file in the office of the Department of Water Resources on a duplicate form provided by the department, a description of such proposed dam which shall show its location, dimensions, storage capacity, and such other information as the department may reasonably require. The Director of Water Resources shall collect a fee of two dollars for filing each description. The director shall examine such description immediately upon its receipt and, if he finds that said proposed dam will not adversely affect the rights of existing water appropriators or constitute a hazard, he shall endorse the same as approved and forward the duplicate copy, so endorsed, to the owner who shall then be authorized to begin construction. If the director finds that the proposed dam will adversely affect the rights of existing appropriators or constitute a hazard, he shall so endorse the description and return the duplicate copy to the owner. Such owner may submit a revised description for a proposed dam in the same location. Any person intending to construct a dam on an ordinarily dry watercourse for storing water for livestock purposes or for erosion control with an impounding capacity of not to exceed fifteen acre-feet shall be exempt from the provisions of this section; Provided, that where the impounded water is to be used for irrigation, detailed plans of such dam, prepared by an engineer, must be submitted to the department for examination and approval before start of construction.

(3) Any person constructing a dam for reservoir purposes or across the channel of any natural stream without having complied with the provisions of subsection (1) or (2) of this section, shall be deemed guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars~~, and every day such dam is maintained shall be considered a separate offense.

(4) Whenever the Director of Water Resources determines that a dam has been constructed for reservoir purposes or across any channel of a natural stream without the provisions of subsection (1) or (2) of this section having been complied with, he may order the immediate removal of such dam and, if necessary, he shall institute legal proceedings to obtain compliance with

such order.

Sec. 259. That section 46-263, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-263. Any superintendent or other person having charge of a ditch or canal used for irrigation purposes, who shall neglect or refuse to deliver water as herein provided, or any person or persons who shall prevent or interfere with the proper delivery of water to the person or persons having the right thereto, shall be guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be fined in any sum not more than one hundred dollars for each and every such offense, or shall be imprisoned in the county jail not more than thirty days.~~

Sec. 260. That section 46-263.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-263.01. Any person, or persons, who shall molest, tamper with, break into or damage in any way any device used for the measuring and recording of the water flowing in any stream, canal or reservoir in this state shall be guilty of a Class II misdemeanor, ~~and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail of the county for a term of not less than thirty days nor more than six months, or by both such fine and imprisonment.~~

Sec. 261. That section 46-266, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-266. No owner of any water power or irrigation ditch, canal or lateral shall so construct, maintain or operate the same as to permit any water to escape therefrom upon any public road or highway. No person in the application of water in the irrigation of lands shall permit the same to escape from such lands and to flow upon any public road or highway. Any person violating any of the provisions of this section shall be deemed guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be fined in the sum of ten dollars for each offense so committed.~~ Each day water is permitted to flow or escape upon any public road or highway in violation of the foregoing prohibitions shall be deemed a separate and distinct offense. The overseer of highways or other officer in charge of road work in the area in which a violation occurs shall make complaint

therefor, but no other person shall be precluded from making complaint.

Sec. 262. That section 46-278, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-278. Any owner or owners of such dam who shall neglect or refuse to repair such dam within three months after receiving written notice from the Director of Water Resources so to do, shall be deemed guilty of a Class V misdemeanor, ~~and shall be fined in any sum not exceeding one hundred dollars and the cost of prosecution;~~ and every day that such owner or owners neglect or refuse to repair such dam after the expiration of three months from date of receiving notice so to do shall be considered a separate offense.

Sec. 263. That section 46-280, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-280. Anyone violating the provisions of section 46-279 shall be guilty of a Class V misdemeanor. ~~fined for the first offense not less than five dollars nor more than fifty dollars, and for the second offense not less than fifty dollars nor more than one hundred dollars, and may be confined to the county jail until such fine is paid;~~

Sec. 264. That section 46-282, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-282. Any person or persons who own, occupy or have control of any farm, town lot or other real estate in the State of Nebraska, who fail or refuse to close or shut off any wastage of artesian water to the amount that section 46-281 allows on any farm, town lot or other real estate which they own, occupy or have control of, after being notified in writing by any person having the benefit of such mutual artesian water supply, within forty-eight hours after such notification, shall be subject to arrest, and ~~upon conviction shall be guilty of a Class V misdemeanor; fined in any sum not less than ten dollars nor more than twenty-five dollars, and pay the costs of such arrest and prosecution for each offense;~~ and if such wastage be not abated within twenty-four hours after such arrest and conviction, it shall be deemed a second offense against the provisions of section 46-281 and be subject to the same fine as for the first offense. Every like offense or neglect of each twenty-four hours thereafter shall be ~~deemed~~ and

considered an additional offense against the provisions of section 46-281.

Sec. 265. That section 46-607, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-607. Any person violating any of the provisions of sections 46-601 to 46-606, or knowingly furnishing false information hereunder, shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars.~~

Sec. 266. That section 46-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-612. Any person violating the provisions of sections 46-608 to 46-611 shall be guilty of a Class IV misdemeanor ~~and shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars~~ and shall be required to plug any well drilled in violation of sections 46-608 to 46-611.

Sec. 267. That section 46-612.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-612.01. Any person who shall place or permit any fertilizer material as defined in section 81-2, 162.02, in an irrigation well without a mechanical device on such well to protect the underground water supply from contamination in the event such well pump ceases to operate shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be fined not less than one thousand dollars nor more than five thousand dollars or be confined in the county jail for not more than six months, or be both so fined and imprisoned.~~

Sec. 268. That section 46-807, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-807. Any person violating the provisions of sections 46-801 to 46-807 shall be deemed guilty of a Class II misdemeanor, ~~and upon conviction thereof shall be fined for each offense in any sum not exceeding two hundred dollars or imprisoned in the county jail not to exceed six months, or both.~~

Sec. 269. That section 47-206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

47-206. The officer in charge of any municipal prison or jail who shall fail to comply with the provisions of sections 47-201 to 47-205 or the rules laid down by the district judge or judges under such provisions, shall be guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be fined in a sum not less than ten dollars and not more than one hundred dollars:~~

Sec. 270. That section 48-125.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-125.01. Any employer who knowingly transfers, sells, encumbers, assigns, or in any manner disposes of, conceals, secretes, or destroys any property or records belonging to such employer, after one of his employees has been injured within the purview of Chapter 48, article 1, and with intent to avoid the payment of compensation under Chapter 48, article 1, to such employee or his dependents, shall be guilty of a Class I misdemeanor, ~~and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or by both such fine and imprisonment:~~ In any case where such employer is a corporation, any officer or employee thereof, if knowingly participating or acquiescing in the act with intent to avoid the payment of compensation under Chapter 48, article 1, shall be also individually guilty of a Class I misdemeanor liable to such penalty of imprisonment as well as jointly and severally liable with such corporation for such any fine imposed upon the corporation.

Sec. 271. That section 48-144.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-144.04. Any employer or insurance carrier who fails, neglects, or refuses to file any report required of him by the compensation court shall be ~~subject to a penalty not to exceed one thousand dollars~~ guilty of a Class II misdemeanor for each such failure, neglect, or refusal. It shall be the duty of the Attorney General to act as attorney for the state. In addition to the penalty, where an employer or insurance carrier has been given notice, or the employer or the insurance carrier has knowledge, of any injury or death of an employee and fails, neglects, or refuses to file a report thereof, the

limitations in sections 48-137 and 48-128 shall not begin to run against the claim of the injured employee or his dependents entitled to compensation or against the State of Nebraska on behalf of the Second Injury Fund, or in favor of either the employer or the insurance carrier until such report shall have been furnished as required by the compensation court.

Sec. 272. That section 48-145.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-145.01. Any employer required to secure the payment of compensation under this act who willfully fails to secure the payment of such compensation shall be guilty of a Class I misdemeanor, ~~and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.~~ In any case where the employer is a corporation any officer or employee of the corporation who had authority to secure payment of compensation on behalf of the corporation and willfully failed to do so shall be individually guilty of a Class I misdemeanor ~~liable to a similar fine and imprisonment~~ and such officer or employee shall be personally liable jointly and severally with such corporation for any compensation which may accrue under Chapter 48, article 1, in respect to any injury which may occur to any employee of such corporation while it shall so fail to secure the payment of compensation as required by section 48-145. If an employer who is subject to the Workmen's Compensation Act does not carry workmen's compensation insurance nor qualify as a self-insurer, he may also be enjoined from doing business in this state until he complies with the provisions of subsection (1) of section 48-145; Provided, that if a temporary injunction is granted at the request of the State of Nebraska, no bond shall be required to make the injunction effective.

Sec. 273. That section 48-147, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-147. Nothing in this act shall affect any existing contract for employer's liability insurance, or affect the organization of any mutual or other insurance company, or any arrangement existing between employers and employees, providing for payment to such employees, their families, dependents or representatives, sick, accident or death benefits in addition to the compensation provided for by this act; but liability for compensation under this act shall not be reduced or

affected by any insurance of the injured employee, or any contribution or other benefit whatsoever, due to or received by the person entitled to such compensation, and the person so entitled shall, irrespective of any insurance or other contract, have the right to recover the same directly from the employer, and in addition thereto, the right to enforce in his own name in the manner provided in section 48-146 the liability of any insurer who may, in whole or in part, have insured the liability for such compensation; Provided, payment in whole or in part of such compensation by either the employer or the insurer, as the case may be, shall, to the extent thereof, be a bar to recovery against the other, of the amount so paid. No agreement by an employee to pay any portion of premium paid by his employer or to contribute to a benefit fund or department maintained by such employer for the purpose of providing compensation as required by this act shall be valid, and any employer who makes a deduction for such purpose from the pay of any employee entitled to the benefits of this act shall be guilty of a Class II misdemeanor, ~~and upon conviction thereof shall be punished by a fine of not more than one thousand dollars.~~

Sec. 274. That section 48-211, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-211. If any superintendent, manager or contractor shall fail or refuse to issue such letter to such employee upon request, or willfully fail or negligently refuse to give such letter, or fail to state the facts therein correctly, he shall upon conviction be guilty of a Class I misdemeanor, punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, for each offense, or by imprisonment in the county jail for a period of not less than one month and not more than one year.

Sec. 275. That section 48-213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-213. Any person, firm or corporation violating any of the provisions of section 48-212 shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not to exceed thirty days, or both such fine and imprisonment.~~

Sec. 276. That section 48-216, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-216. Any person, firm or corporation, violating any of the provisions of this act, shall be deemed guilty of a Class III misdemeanor, ~~and, upon conviction thereof, shall be subject to a fine of not less than five hundred dollars nor more than one thousand dollars and such person so offending may in addition be imprisoned in the county jail not less than thirty days nor more than ninety days.~~ Each violation of this act shall be deemed a separate offense.

Sec. 277. That section 48-219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-219. Any individual, corporation or association that enters into a contract after September 7, 1947, in violation of the provisions of section 48-217, shall be deemed guilty of a Class IV misdemeanor, ~~and upon conviction thereof shall be fined in a sum of not less than one hundred dollars nor more than five hundred dollars.~~

Sec. 278. That section 48-222, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-222. Any employer who violates the provisions of section 48-221 shall be guilty of a Class V misdemeanor, ~~and shall, upon conviction thereof, be fined in a sum not to exceed one hundred dollars.~~ Each violation shall constitute a separate offense. It shall be the duty of the Commissioner of Labor to enforce the provisions of sections 48-220 to 48-223.

Sec. 279. That section 48-230, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-230. Any person who violates the provisions of sections 48-225 to 48-231 and 55-161 shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and~~ Such person shall be prohibited from receiving any compensation from public funds until he complies with the provisions of sections 48-225 to 48-231 and 55-161.

Sec. 280. That section 48-311, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

48-311. Whoever employs a child under sixteen years of age and whoever, having under his control a child under such age, permits such child to be employed in violation of sections 48-302 to 48-313, shall be guilty of a Class V misdemeanor, for each offense be fined not more than fifty dollars, and whoever whoever continues to employ any child in violation of any of said sections, after being notified by an attendance officer, or by the Department of Labor or by its assistants or employees, shall, for every day thereafter that such employment continues, be guilty of a Class V misdemeanor, fined not less than five dollars nor more than twenty dollars. The failure of an employer of child labor to produce, upon request of a person authorized to demand the same, any employment certificate or list required by said sections shall be prima facie evidence of the illegal employment of any child whose employment certificate is not produced or whose name is not listed. Any corporation or employer retaining employment certificates in violation of said sections shall be guilty of a Class V misdemeanor, fined ten dollars. Every person authorized or required to sign any certificate or statement prescribed by said sections, or who knowingly certifies or makes oath to any material false statement therein or who violates any of the provisions of said sections, shall be guilty of a Class V misdemeanor, fined not to exceed fifty dollars. Every person, firm or corporation, agent or manager, superintendent or foreman of any person, firm or corporation, who shall refuse admittance to any officer or person authorized to visit or inspect any premises or place of business under the provisions of said sections, and to produce all certificates and lists he may have when demanded, after such person shall have announced his name and the office he holds and the purpose of his visit, or shall otherwise obstruct such officers in the performance of their duties prescribed by said sections, shall be guilty of a Class III misdemeanor, and upon conviction shall be fined in any sum not exceeding fifty dollars, or be imprisoned not to exceed thirty days.

Sec. 281. That section 48-313, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-313. No child under the age of sixteen years shall be employed in any work which by reason of the nature of the work, or place of performance, is dangerous to life or limb, or in which its health may be injured or its morals may be depraved. Any parent, guardian or other person, who, having under his control any child,

causes or permits such child to work or be employed in violation of this section, shall be guilty of a Class III misdemeanor, ~~and upon conviction shall be fined not more than fifty dollars or be imprisoned not exceeding ten days:~~

Sec. 282. That section 48-414, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-414. It shall be the duty of the Commissioner of Labor to make or cause to be made periodic inspections of all places of employment for the purpose of enforcing the provisions of such safety codes as have been adopted, and any inspector or employee of the commissioner may order the discontinuance of the use or operation of any machine or device, or the discontinuance of work at any location, which does not conform to the provisions of the code or codes pertaining thereto. The commissioner shall adopt a suitable label to be attached to any such machine or device stating that the use or operation of such machine or device is dangerous and has been ordered discontinued. The commissioner shall adopt a similar label or sign to be posted at any location where work has been ordered discontinued. Such label shall not be removed except upon authority from the commissioner. Any employer or employee who uses or operates, or causes to be used or operated, any machine or device so labeled, or who continues work at any location where work has been ordered discontinued, shall be deemed guilty of a Class II misdemeanor, ~~and upon conviction thereof shall be fined for each offense in any sum not less than fifty dollars, nor more than one thousand dollars.~~ Railroad companies engaged in interstate or foreign commerce are not within the provisions of sections 48-412 to 48-416.

Sec. 283. That section 48-418.11, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-418.11. Any person, persons, corporations and the directors, managers, superintendents and officers of such corporations violating any of the provisions of sections 48-418 to 48-418.12, shall be guilty of a Class V misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine in any sum of not less than twenty-five dollars nor more than one hundred dollars.~~ Each violation shall be a separate offense.

Sec. 284. That section 48-424, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-424. Every person who shall violate any of the provisions of sections 48-401 to 48-423 shall be guilty of a Class II misdemeanor, ~~and shall upon conviction thereof be fined in any sum not less than fifty nor more than one thousand dollars.~~

Sec. 285. That section 48-433, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-433. All architects or draftsmen in preparing plans, specifications or drawings to be used in the erection, repairing, altering or removing of any building or structure within the terms and provisions of sections 48-425 to 48-435, shall provide in such plans, specifications and drawings for all the permanent structural features or requirements specified in said sections. Any person violating the provisions of this section shall be guilty of a Class IV misdemeanor, upon conviction be fined not less than twenty-five dollars nor more than two hundred dollars for each offense.

Sec. 286. That section 48-434, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-434. (1) Any person violating any of the provisions of sections 48-425 to 48-432 shall upon conviction thereof be guilty of a Class II misdemeanor, fined not less than fifty dollars nor more than one thousand dollars, or imprisoned for not more than six months, or both.

(2) All prosecutions for offenses relating to health and safety laws and regulations under sections 48-401 to 48-435 shall be brought in the name of the State of Nebraska before any court having jurisdiction thereof. It shall be the duty of all county attorneys in their respective counties to prosecute all persons charged with offenses against the health and safety laws and regulations of this state.

Sec. 287. That section 48-442, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-442. Any person, firm, or corporation, or any employee thereof violating any provisions of sections 48-436 to 48-442 shall be guilty of a Class V misdemeanor, ~~and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars.~~ Each day's failure to comply with any of the provisions of sections 48-436 to 48-442 shall constitute a separate

violation.

Sec. 288. That section 48-511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-511. Any licensed agency, or agent thereof, who shall be guilty of dividing fees with any superintendent, manager, foreman or other employees of any person, company, corporation or association, for whom employees are furnished shall be guilty of a Class III misdemeanor, ~~and shall be fined not less than fifty dollars or be imprisoned in the county jail for a period not exceeding three months at the discretion of the court.~~ Upon conviction, his license shall be revoked at once by the Commissioner of Labor.

Sec. 289. That section 48-513, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-513. It shall be the duty of the Commissioner of Labor to enforce sections 48-501 to 48-514. When informed of any violation thereof it shall be his duty to investigate the same, as hereinbefore provided, and he may institute criminal proceedings for enforcement of its penalties before any court of competent jurisdiction. Any person convicted of a violation of the provisions of said sections, not otherwise provided for, shall be guilty of a Class III misdemeanor, ~~and shall be fined not less than fifty dollars nor more than one hundred dollars or be imprisoned in the county jail for a period not to exceed three months.~~ For a conviction of a second offense his license shall be revoked; Provided, that any person or persons who shall knowingly send any female help or servant to any place of bad repute, house of ill fame or assignation house, or to any house or place of amusement kept for immoral purposes, shall be guilty of a Class III misdemeanor punished by imprisonment for not less than thirty days nor more than three months and no license to operate an employment agency shall be issued to such party and any such existing license shall be permanently canceled.

Sec. 290. That section 48-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-612. Each employer, whether or not subject to sections 48-601 to 48-668, shall keep true and accurate work records containing such information as the Commissioner of Labor may prescribe. Such records shall be open to inspection and be subject to being copied by

the commissioner or his authorized representatives at any reasonable time and as often as may be necessary. The commissioner and the chairman of any appeal tribunal may require from any such employer any sworn or unsworn reports, with respect to persons employed by it, which he or it deems necessary for the effective administration of said sections. Information thus obtained or obtained from any individual pursuant to the administration of said sections, shall be held confidential, except to the extent necessary for the proper presentation of the contest of a claim, and shall not be published or be open to public inspection, other than to public employees in the performance of their public duties, in any manner revealing the individual's or employing unit's identity, but any claimant, or his legal representative, at a hearing before an appeal tribunal or court shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee of the commissioner who violates any provision of sections 48-606 to 48-616, shall be guilty of a Class III misdemeanor, fined not less than twenty dollars nor more than two hundred dollars, or imprisoned for not longer than ninety days, or both. All letters, reports, communications or any other matters either oral or written, from an employer or his workers to each other, or to the commissioner or any of his agents, representatives or employees which shall have been written or made in connection with the requirements and administration of sections 48-601 to 48-668, or the regulations thereunder, shall be absolutely privileged and shall not be made the subject matter or basis for any suit for slander or libel in any court of this state, unless the same be false in fact and malicious in intent.

Sec. 291. That section 48-614, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-614. In case of contumacy by, or refusal to obey a subpoena issued to any person, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commissioner of Labor, the chairman of an appeal tribunal or any duly authorized representative of any of them shall have jurisdiction to issue to such person an order requiring such person to appear before the commissioner, the chairman of an appeal tribunal or any duly authorized representative of any of them, there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by said

court as a contempt thereof. Any person who shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if it is in his power so to do, in obedience to a subpoena of the commissioner, the chairman of an appeal tribunal, or any duly authorized representative of any of them, shall be guilty of a Class III misdemeanor, punished by a fine of not less than two hundred dollars or by imprisonment for not longer than sixty days, or by both such fine and imprisonment; and each Each day such violation continues shall be ~~deemed to be~~ a separate offense.

Sec. 292. That section 48-645, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-645. Any agreement by an individual to waive, release or commute his rights to benefits or any other rights under sections 48-601 to 48-668 shall be void. Any agreement by an individual in the employ of any person or concern to pay all or any portion of an employer's contributions required under said section from such employer, shall be void. No employer shall directly or indirectly make or require or accept any deduction from wages to finance the employer's contributions required from him, or require or accept any waiver of any right hereunder by any individual in his employ, or discriminate in regard to the hiring, rehiring or tenure of work of any individual on account of any claim made by such individual for benefits under said sections, or in any manner obstruct or impede the filing of claims for benefits. Any employer, officer or agent of an employer who violates any provision of this section shall, be guilty of a Class II misdemeanor, for each offense, be fined not less than one hundred dollars nor more than one thousand dollars, or be imprisoned for not more than six months, or both;

Sec. 293. That section 48-646, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-646. No individual claiming benefits shall be charged fees of any kind in any proceeding under sections 48-601 to 48-668 except as provided herein. Any individual claiming benefits in any proceeding before the commissioner or an appeal tribunal or his or its representative or a court may be represented by counsel or other duly authorized agent, and such counsel may either charge or receive for such services a reasonable fee to be approved by the commissioner. The commissioner

may, in special cases, pay such fee from the Employment Security Administration Fund. Any person who violates any provision of this section shall be guilty of a Class II misdemeanor, upon conviction thereof, for each such offense, ~~be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned for not more than six months, or both.~~

Sec. 294. That section 48-663, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-663. Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under sections 48-623 to 48-626, or under an employment security law of any other state, or of the federal government or of a foreign government, either for himself or for any other person, shall be guilty of a Class III misdemeanor, ~~upon conviction thereof, be (1) fined not less than twenty dollars nor more than fifty dollars, (2) imprisoned in the county jail not more than thirty days, or (3) both such fine and imprisonment.~~ Each such false statement or representation or failure to disclose a material fact shall constitute a separate offense. Prosecution under this section may be instituted within two years from the time the offense was committed.

Sec. 295. That section 48-664, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-664. Any employer, whether or not subject to sections 48-601 to 48-669, or any officer or agent of such an employer or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto, or to obtain benefits for an individual not entitled thereto, or to avoid becoming or remaining subject to said sections or to avoid or reduce any contribution or other payment required from an employer under sections 48-648 and 48-649, or who willfully fails or refuses to make any such contributions or other payment or to furnish any reports required hereunder or to produce or permit the inspection or copying of records as required hereunder, shall be guilty of a Class III misdemeanor, ~~punished by (1) a fine of not less than twenty dollars nor more than two hundred dollars, (2) imprisonment for not longer than sixty days, or (3) both such a fine and imprisonment.~~ Each such false statement or representation or failure to disclose

a material fact, and each day of such failure or refusal shall constitute a separate offense.

Sec. 296. That section 48-666, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-666. Any person who shall willfully violate any provision of sections 48-601 to 48-668 or any order, rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of said sections, and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be guilty of a Class III misdemeanor, ~~punished by a fine of not less than twenty dollars nor more than two hundred dollars, or by imprisonment for not longer than sixty days, or by both such fine and imprisonment, and each~~ Each day such violation continues shall be ~~deemed to be~~ a separate offense.

Sec. 297. That section 48-716, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-716. Any person, persons, corporations and the directors, managers, superintendents and officers of such corporations violating any of the provisions of sections 48-701 to 48-718, shall be guilty of a Class V misdemeanor, ~~and upon conviction thereof, shall be punished by a fine in a sum of not more than one hundred dollars:~~

Sec. 298. That section 48-821, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-821. It shall be unlawful for any person:

(1) To hinder, delay, limit or suspend the continuity or efficiency of any governmental service or any governmental service in a proprietary capacity, or the service of any public utility, by lockout, strike, slowdown, or other work stoppage;

(2) To coerce, instigate, induce, conspire with, intimidate or encourage any person to participate in any lockout, strike, slowdown or other work stoppage, which would hinder, delay, limit or suspend the continuity or efficiency of any governmental service or governmental service in a proprietary capacity, or the service of any public utility; or

(3) To aid or assist any such lockout, strike, slowdown, or other work stoppage by giving direction or guidance in the conduct of any such lockout, strike, slowdown or other work stoppage or by providing funds for the conduct or direction thereof, or for the payment of strike, unemployment or other benefits to those participating therein.

Any person who willfully violates any of the provisions of this section, shall be guilty of a Class I misdemeanor, upon conviction thereof, shall be subject to a fine of not less than ten dollars nor more than five thousand dollars, or to imprisonment not less than five days nor more than one year, or to both fine and imprisonment.

Sec. 299. That section 48-910, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-910. Any individual, association, or corporation that shall violate any of the provisions of sections 48-901 to 48-912 shall, upon conviction thereof, be guilty of a Class II misdemeanor, fined not less than one hundred dollars nor more than one thousand dollars, and if the violation is by an individual he may be imprisoned not to exceed six months, or both fined and imprisoned.

Sec. 300. That section 48-1005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1005. Any person who violates any provision of sections 48-1001 to 48-1009 or who forcibly resists, opposes, impedes, intimidates, or interferes with such commission or any of its duly authorized representatives while engaged in its or his duties under sections 48-1001 to 48-1009 shall be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined in a sum not to exceed one hundred dollars or be imprisoned in the county jail for a period of not more than thirty days, or be both so fined and imprisoned; Provided, that no person shall be imprisoned under this section except for a second or subsequent conviction.

Sec. 301. That section 48-1118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1118. (1) Whenever it is charged in writing under oath by or on behalf of a person claiming to be aggrieved, and such charge sets forth the facts upon

which it is based, that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the commission shall furnish such employer, employment agency, or labor organization with a copy of such charge within ten days, including a statement of the date, place, and circumstances of the alleged unlawful employment practice, and shall make an investigation of such charge, but such charge shall not be made public by the commission. If the commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the commission, who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a Class III misdemeanor, ~~and upon conviction thereof shall be fined not more than one hundred dollars or imprisoned not more than thirty days.~~

(2) A written charge of violation of sections 48-1101 to 48-1125 shall be filed within one hundred eighty days after the occurrence of the alleged unlawful employment practice and notice of the charge, including a statement of the date, place, and circumstances of the alleged unlawful employment practice, shall be served upon the person against whom such charge is made within ten days thereafter.

(3) In connection with any investigation of a charge filed under this section, the commission or its authorized agents shall have at all reasonable times access to, for the purposes of examination, and the right to copy, any evidence or records of any person being investigated or proceeded against that relates to unlawful employment practices covered by sections 48-1101 to 48-1125 and is relevant to the charge under investigation.

Sec. 302. That section 48-1123, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1123. Any person, employer, labor organization or employment agency who or which shall willfully resist, prevent, impede or interfere with the commission or any of its members or representatives in the performance of duty under sections 48-1101 to 48-1125, or shall willfully violate an order of the

commission shall, upon conviction thereof, be guilty of a Class III misdemeanor, imprisoned in the county jail for not more than thirty days, or be fined not more than one hundred dollars, or be both so fined and imprisoned. Procedure for the review of the order shall not be deemed to be such willful conduct.

Sec. 303. That section 48-1206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1206. (1) The Commissioner of Labor shall have the authority to subpoena records and witnesses related to the enforcement of the provisions of this act. He or his agent may inspect all related records and gather testimony on any matter relative to the enforcement of sections 48-1201 to 48-1209.

(2) Any employer who violates any of the provisions of sections 48-1203 and 48-1204 shall be deemed guilty of a Class IV misdemeanor, and shall, upon conviction thereof, be fined not less than fifty dollars nor more than five hundred dollars.

(3) It shall be the duty of the county attorney for the county wherein any violation of sections 48-1201 to 48-1209 occurs to prosecute the same in the district court in the county where the offense occurred.

(4) Any employer who violates any provision of section 48-1203 shall be liable to the employees affected in the amount of their unpaid minimum wages, as the case may be.

(5) Action to recover unpaid minimum wages as provided in subsection (4) of this section may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of himself or themselves and other employees similarly situated or such employee or employees may designate an agent or representative to maintain such action for and in behalf of all employees similarly situated.

The court in which any action is brought under this subsection shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow costs of the action and reasonable attorney's fees to be paid by the defendant. In any proceedings brought pursuant to the provisions of this subsection, the employee shall not be required to pay any filing fee or other court costs necessarily incurred in such proceedings.

Sec. 304. That section 48-1227, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1227. (1) Any person who violates any provision of sections 48-1219 to 48-1227, or who discharges or in any other manner discriminates against any employee because such employee has made any complaint to his employer, the commission, or any other person, or has instituted, or caused to be instituted any proceeding under or related to sections 48-1219 to 48-1227, or has testified or is about to testify in any such proceeding, shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.~~

(2) Any employer who violates the provisions of sections 48-1219 to 48-1227 by failing to keep the records required hereunder, or to furnish such records to the commission upon request, or who falsifies such records, or who hinders, delays, or otherwise interferes with the commission in the performance of its duties in the enforcement of the provisions of sections 48-1219 to 48-1227, or refuses official entry into any place of employment which it is authorized by the provisions of sections 48-1219 to 48-1227 to inspect, shall be guilty of a Class V misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars.~~

Sec. 305. That section 49-211, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-211. Should the officers of election of any election precinct refuse or fail to make return of the votes cast for and against any proposition or proposed amendment to the Constitution, they shall be deemed guilty of a Class V misdemeanor, ~~and be fined in any sum not less than twenty-five dollars and not exceeding one hundred dollars.~~

Sec. 306. That section 49-231, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-231. It shall be the duty of every state, county, and political subdivision officer to promptly transmit any information at his command which either the convention or preliminary survey committee may require of him. If any officer shall fail or refuse to comply with

any of the provisions of this section, he shall be guilty of a Class III misdemeanor, and shall, upon conviction thereof, be fined in a sum not more than one hundred dollars, be imprisoned in the county jail for not more than three months, or by both such fine and imprisonment.

Sec. 307. That section 51-109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

51-109. If any person not authorized by the regulations made by the directors shall take a book from the library, either with or without the consent of the librarian, he shall be guilty of a Class V misdemeanor, upon conviction thereof be fined in any sum not more than fifty dollars for every book so taken.

Sec. 308. That section 52-124, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

52-124. Any person, firm, or corporation, the members of any firm, or the officers of any corporation, violating the provisions of section 52-123 shall be guilty of a Class II misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than one hundred dollars nor more than one thousand dollars, or be imprisoned in the county jail for any period of time not exceeding six months, or be both so fined and imprisoned.

Sec. 309. That section 52-503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

52-503. Any person for whom threshing, combining, hulling, picking, husking or shelling has been done, who shall have refused to pay for such services of threshing, combining, hulling, picking, husking or shelling, and shall sell, secrete or dispose of property covered by the lien or notice provided for by sections 52-501 and 52-502 without the written consent of the lienholder, shall be deemed guilty of a Class III misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars or imprisoned in the county jail not exceeding thirty days, or both.

Sec. 310. That section 53-111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-111. No commissioner, secretary or person appointed or employed by the commission shall solicit or

accept any gift, gratuity, emolument or employment from any person subject to the provisions of this act, or from any officer, agent or employee thereof, nor solicit, request from or recommend, directly or indirectly, to any such person or to any officer, agent or employee thereof, the appointment of any person to any place or position; and every such person, every officer, agent or employee thereof, is hereby forbidden to offer to any commissioner, secretary, or to any person appointed or employed by the commission, any gift, gratuity, emolument or employment. If any commissioner, secretary or any person appointed or employed by the commission shall violate any of the provisions of this section, he shall be removed from the office or employment held by him. Every person violating the provisions of this section shall be deemed guilty of a Class II misdemeanor, ~~and upon conviction thereof shall be fined not more than five hundred dollars, or shall be imprisoned in the county jail not less than sixty days nor more than six months, or be both fined and imprisoned.~~

Sec. 311. That section 53-122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-122. The commission may issue licenses for the sale of alcoholic liquors, except beer, by the drink, subject to all the terms and conditions of this act, in all cities and villages in this state and outside of cities and villages as provided in subdivision (5) G. of section 53-124 and section 53-127, except in those cases where it shall affirmatively appear that the issuance thereof will render null and void prior conveyances of land thereto for public uses and purposes by purchase, gift or devise under the conditions and in the manner hereinafter provided. If a sufficient petition shall be signed by the electors of any such city or village of such number as shall equal twenty per cent of the votes cast at the last general election held therein, which shall request that the question of licensing the sale of alcoholic liquors, except beer, therein by the drink be submitted to the electors thereof, at a special election to be called for that purpose, as hereinafter provided, and shall be presented to the municipal clerk thereof, the municipal clerk shall cause to be published one time in a legal newspaper published in or of general circulation in such city or village a notice of a special election to be held not less than ten days nor more than twenty days from the date of such publication. The notice shall state therein the proposition to be submitted to the electors at such special election. The question of licensing the sale of such alcoholic liquors either by the drink or in the original package, or both

by the drink and in the original package, as the case may be, may also be submitted at any general municipal election, except as otherwise provided in section 53-121, in any city or village in this state subject to the following conditions or procedure: Upon the filing with the municipal clerk of such city or village of a petition signed by electors of such city or village of such number as shall equal twenty per cent of the votes cast at the last general election held therein, such proposition or propositions shall be submitted. Each sheet of each petition shall contain not more than thirty signatures of electors with their personal signatures, addresses, and the date of signatures, all in their own handwriting. The signature shall be the same as it appears upon the registration records. At the top of each sheet shall be stated the proposition or propositions to be submitted and the date of the general municipal election at which it is proposed to be submitted. No signature on such petition shall be valid unless appended to the petition within the last ninety days prior to the date of filing the petition with the municipal clerk of the city or village. At the bottom of each sheet of such petition shall be the affidavit of the person who circulated same, stating that the signatures to the petition were made in his presence, that he has reasonable cause to believe that they are qualified electors of the particular city or village, and that they are the persons they represent themselves to be. Such petition shall be filed thirty days prior to the day of the general municipal election at which the proposition is to be submitted, and during such thirty-day period no signature shall be withdrawn and no signature shall be added. Whoever signs any proposal or petition contemplated under this section, knowing that he is not a qualified elector in the place where such proposal or petition is made, or who aids or abets any other person in doing any of the acts mentioned, or whoever bribes, gives or pays any money or thing of value to any person directly or indirectly, to induce him to sign such proposal or petition, shall be guilty of a Class III misdemeanor, upon conviction thereof be punished by a fine of not exceeding three hundred dollars or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court.

Upon the ballot either at the special election hereinbefore provided or at any general municipal election, the proposition or propositions shall be stated as follows:

Shall the sale of alcoholic liquors except beer by the drink be licensed in (here insert the name of the city or village)?

... For license to sell by drink.

... Against license to sell by drink.

Shall the sale of alcoholic liquors except beer by the package be licensed in (here insert the name of the city or village)?

... For license to sell by the package.

... Against license to sell by the package.

The provisions of the statutes of this state relating to election officers, voting places, election apparatus and blanks, preparation and form of ballots, information to voters, delivery of ballots, calling of elections, conduct of elections, manner of voting, counting of votes, records and certificates of elections, and recounts of votes, so far as applicable, shall apply to voting on the proposition or propositions under the provisions of this act; and a majority vote of those voting on the question shall be mandatory upon the commission.

An election may not be held in the same city or village under the provisions of this section more often than once each two years.

The provisions of subdivision (5) H. or (9) of section 53-124, shall not be subject to the provisions of this section.

If the question is to be submitted at a statewide primary or general election, such petitions shall be filed with the municipal clerk not less than sixty days prior to the election. The provisions for the required number of signers and the form of petition shall be the same as for a special election. The city clerk shall verify the signatures on the petitions with the voters registration in the office of the county clerk or election commissioner. During the ten-day period while the petitions are being checked, no signatures shall be withdrawn and no signatures shall be added.

If the city clerk finds the petitions to be valid, he shall, not less than fifty days prior to the statewide primary or general election, give notice in writing to the county clerk or election commissioner that the question is to be submitted at the time of the statewide primary or general election. The election notices, issuing of the official ballots on election day, issuing of the official absent disabled voters ballots, and the counting and canvassing of the same shall be

conducted by the county clerk or election commissioner as provided in Chapter 32, and the official results certified to the city clerk.

Sec. 312. That section 53-124.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-124.07. Any person violating any provision of sections 53-124.02 to 53-124.07 or of any rule or regulation issued pursuant to sections 53-124.02 to 53-124.07 shall be guilty of a Class IV misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars and not more than two hundred fifty dollars and by the revocation of any license issued in violation of sections 53-124.02 to 53-124.07, in accordance with Chapter 53. Any license issued in violation of sections 53-124.02 to 53-124.07 shall be revoked in accordance with Chapter 53.

Sec. 313. That section 53-155, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-155. The commission is hereby authorized to measure, gauge or check such liquors in bond in any bonded warehouse, and if the amount of liquor on hand does not correspond with the reports of the manufacturer or distributor filed with the commission, the proprietor of such warehouse shall have his license revoked, and in addition thereto shall be deemed guilty of a Class IV felony, and upon conviction thereof shall be fined in any sum not exceeding five thousand dollars or be imprisoned in the Nebraska Penal and Correctional Complex not exceeding ten years. Any storekeeper, inspector or other person in the employ of the commission having charge of such bonded liquor warehouse who removes or allows to be removed any cask or other package of such liquor, except on order or permit from the commission, or which has not been marked or consigned as provided by law, or who removes or allows to be removed any part of the contents of any cask or package of liquor deposited therein, shall be immediately dismissed from his office or employment, and in addition thereto shall be deemed guilty of a Class IV felony, and upon conviction thereof shall be fined for each offense not exceeding one thousand dollars, and shall be imprisoned in the Nebraska Penal and Correctional Complex not more than three years.

Sec. 314. That section 53-157, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-157. It shall be unlawful for any person (1) to evade, or attempt to evade, the payment of tax on any such liquor, in any manner whatever, and upon conviction thereof, in addition to the penalty prescribed for the violation of this act, such person shall forfeit and pay, as a part of costs in such action, double the amount of the tax so evaded or attempted to be evaded; or (2) to remove from any bonded warehouse at any time other than after sunrise and before sunset any such liquors, or any original package containing such liquors. Any person who shall violate any of the provisions of this section shall be deemed guilty of a Class II misdemeanor, ~~and upon conviction thereof shall be fined not exceeding five hundred dollars or shall be imprisoned in the county jail not exceeding six months, or both, in the discretion of the court; and in~~ In proper cases, the trial court may order and direct the confiscation of the liquor involved in such transaction as part of the judgment of conviction.

Sec. 315. That section 53-180.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-180.05. (1) Any person, except a person licensed pursuant to Chapter 53 or an employee of such licensee, violating any of the provisions of section 53-180 shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be fined not less than two hundred fifty dollars nor more than five hundred dollars or imprisoned in the county jail for fifteen days or be both so fined and imprisoned.~~ Any person violating any of the provisions of sections 53-180.01 to 53-180.04 not involving the use of false or altered identification shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be fined not less than one hundred dollars nor more than two hundred fifty dollars, or imprisoned in the county jail or detention home not to exceed sixty days, or both so fined and imprisoned.~~ and any Any person violating any of the provisions of sections 53-180.01 to 53-180.04 involving the use of false or altered identification shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars and not more than two hundred fifty dollars and by imprisonment for not less than three days nor more than five days; and any~~ Any person violating subsection (2) of section 53-186.01 shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be fined not less than one hundred dollars nor more than two hundred fifty dollars, or imprisoned in the county jail for a period not to exceed sixty days, or both so fined and imprisoned.~~ Any person violating any

of the provisions of section 53-180.02 shall be guilty of a Class III misdemeanor, and in lieu of the above penalties, the court may sentence such person to work on public streets, parks, or other public property for a period not exceeding ten working days. Such work shall be under the supervision of the county sheriff. Upon the written certification by the county sheriff of the performance of such work, the sentence shall be deemed to be satisfied.

(2) Any licensee or employee thereof who violates any of the provisions of section 53-180 shall be guilty of a Class III misdemeanor, ~~and, upon conviction thereof, shall be punished by a fine of not less than two hundred fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for fifteen days, or by both such fine and imprisonment.~~ Prosecution pursuant to this subsection shall be limited to the person who is alleged to have been involved in the actual transaction with a minor, and there shall be no prosecution of a licensee as the result of actions by an employee without the knowledge of the licensee.

Sec. 316. That section 53-195, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-195. Every railroad, express or transportation company, or other common carrier or contract hauler, their agents, employees or servants, shall furnish to the commission a duplicate bill of lading or receipt, showing the name of the consignor and the consignee, date, place received, destination, and quantity of alcoholic liquors received by them for shipment to any point within this state. Upon failure to comply with the provisions herein, such railroad, express or transportation company, or other common carrier or contract hauler, their agents, employees or servants, shall be deemed guilty of a Class V misdemeanor, ~~and upon conviction thereof shall be fined in the sum of fifty dollars for each offense. Each violation of this section shall constitute a separate offense.~~

Sec. 317. That section 53-196, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-196. If any person shall be found in a state of intoxication, or under the influence of alcoholic liquor, he shall be deemed guilty of a Class III misdemeanor, and any peace officer shall without warrant take such person into custody and detain him until a complaint can be filed before a judge and a warrant be

issued for his arrest. Upon arrest, if found guilty, he shall for the first offense pay a fine of not more than fifty dollars and the costs of prosecution, or shall be imprisoned in the county jail not more than thirty days; and for a second or any subsequent offense, he shall be imprisoned in the county jail for not more than sixty days:

Sec. 318. That section 53-197, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-197. Every sheriff, deputy sheriff, police officer, marshal, deputy marshal or constable who shall know, or who shall be credibly informed, that any offense has been committed against the provisions of any law of this state relating to the sale of alcoholic liquors, shall make complaint against the person so offending within their respective jurisdictions to the proper court, and for every neglect or refusal so to do, every such officer shall be deemed guilty of a Class V misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars:

Sec. 319. That section 53-1,100, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-1,100. Any person (1) who manufactures, imports for distribution as a distributor at wholesale, or distributes or sells alcoholic liquor at any place within the state without having first obtained a valid license to do so under the provisions of this act, (2) who shall make any false statement or otherwise violates any of the provisions of this act in obtaining any license hereunder, (3) who, having obtained a license hereunder, shall violate any of the provisions of this act with respect to the manufacture, possession, distribution, or sale of alcoholic liquor, or with respect to the maintenance of the licensed premises, or (4) who shall violate any other provision of this act, for which a penalty is not otherwise provided, shall for a first offense be guilty of a Class IV misdemeanor fined not more than five hundred dollars, and for a second or subsequent offense shall be guilty of a Class II misdemeanor fined not more than one thousand dollars or be imprisoned in the county jail for not more than six months or be both so fined and imprisoned, except where other penalties are specifically provided. Each day any person engages in business as a manufacturer, distributor, or retailer in violation of the provisions of this act shall constitute a separate offense. In any prosecution wherein a person is charged with an offense

arising out of the failure to obtain a valid license as provided in subdivision (1) of this section, evidence of the failure of the accused to produce such license upon demand shall constitute prima facie proof that a license has not been issued by the Nebraska Liquor Control Commission to such person.

Sec. 320. That section 53-1,104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-1,104. Any person who shall violate any of the provisions of sections 53-141 to 53-147 shall be guilty of a Class II misdemeanor ~~; upon conviction by a court of competent jurisdiction, be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail for not more than six months, or both fine and imprisonment, in the discretion of the court;~~ and, in case of a beer licensee, his license shall be revoked. If any beer licensee shall willfully violate the regulations duly issued and promulgated by the commission or any lawful ordinance of the local governing body, the commission may, after proper hearing, revoke the beer license. In case any beer licensee is convicted of a violation of the terms of this act, the court shall immediately declare his license revoked and notify the local governing body and the commission accordingly. Any beer licensee who shall sell or permit the sale of any alcoholic liquors not authorized under the terms of his license on his premises or in connection with his business or otherwise, shall be guilty of a Class I misdemeanor. ~~The licensee shall also forfeit his license, upon conviction forfeit his beer license and shall, in addition thereto, be fined not exceeding one thousand dollars or shall be imprisoned in the county jail for not to exceed one year, or both fined and imprisoned, in the discretion of the court.~~

Sec. 321. This act shall become operative on July 1, 1978.

Sec. 322. That original sections 1-166, 2-219, 2-220, 2-220.03, 2-1007, 2-1036, 2-1042, 2-1045, 2-1052, 2-1059, 2-1215, 2-1218, 2-1806, 2-1807, 2-1811, 2-1825, 2-2319, 2-2409, 2-2446, 2-2607, 2-2710, 2-3008, 2-3109, 3-152, 3-330, 3-408, 3-613, 4-106, 7-101, 7-111, 8-109, 8-113, 8-114, 8-118, 8-119, 8-127, 8-133, 8-138, 8-139, 8-142, 8-145, 8-147, 8-154, 8-175, 8-189, 8-1,119, 8-225, 8-226, 8-305, 8-333, 8-345, 8-403.04, 8-417.01, 8-449, 8-829, 8-904, 8-1014, 8-1117, 8-1207, 9-102, 9-122, 10-509, 10-807, 11-101.02, 12-512.07, 12-519, 12-617, 13-116, 21-622, 21-1306, 21-1318, 21-1332, 21-1771, 22-303, 23-135.01, 23-147, 23-343.09, 23-343.45,

23-343.94, 23-350, 23-387, 23-808, 23-813, 23-817,  
23-919, 23-928, 23-1507, 23-1612, 23-2325, 24-216,  
25-1563, 25-1630, 25-1635, 28-1020, 28-1021, 28-1022,  
28-1027, 28-1029, 28-1109, 28-1406, 28-1508, 28-1604,  
29-739, 29-817, 29-835, 29-908, 31-435, 31-828, 32-415,  
32-416, 32-430, 32-461, 32-493, 32-713, 32-821 to 32-823,  
32-1050, 32-1054, 32-1202 to 32-1234, 32-1237 to 32-1240,  
33-132, 35-520, 36-213.01, 37-103, 37-208, 37-211.01,  
37-213, 37-213.01, 37-213.06, 37-215.07, 37-235, 37-306,  
37-309, 37-406.02, 37-410, 37-414, 37-421, 37-503.06,  
37-506, 37-516 to 37-518, 37-520, 37-523, 37-525, 37-527,  
37-604, 37-605, 37-610, 37-706, 37-712, 37-718, 37-719,  
37-726, 39-806, 39-808, 39-1012, 39-1335, 39-1362,  
39-1412, 39-1801, 39-1806, 39-1810, 39-1815, 39-1816,  
39-2612, 41-121, 41-127, 41-127.01, 41-130, 42-113,  
42-126, 42-127, 43-709, 44-147, 44-333.02, 44-361.02,  
44-368, 44-390 to 44-392, 44-394, 44-3, 101, 44-3, 106,  
44-3, 121, 44-624, 44-1068, 44-1070, 44-1209, 44-1438,  
44-1482, 44-2007, 45-128, 45-136, 45-153, 45-154, 45-162,  
45-208, 45-343, 46-155, 46-213, 46-254, 46-257, 46-263,  
46-263.01, 46-266, 46-278, 46-280, 46-282, 46-607,  
46-612, 46-612.01, 46-807, 47-206, 48-125.01, 48-144.04,  
48-145.01, 48-147, 48-211, 48-213, 48-216, 48-219,  
48-222, 48-230, 48-311, 48-313, 48-414, 48-418.11,  
48-424, 48-433, 48-434, 48-442, 48-511, 48-513, 48-612,  
48-614, 48-645, 48-646, 48-663, 48-664, 48-666, 48-716,  
48-821, 48-910, 48-1005, 48-1118, 48-1123, 48-1206,  
48-1227, 49-211, 49-231, 51-109, 52-124, 52-503, 53-111,  
53-122, 53-124.07, 53-155, 53-157, 53-180.05, 53-195 to  
53-197, 53-1,100, and 53-1,104, Reissue Revised Statutes  
of Nebraska, 1943, and sections 2-963, 2-1207, 2-1506.12,  
2-3223.01, 2-3324, 3-504, 8-140, 20-129, 23-114.05,  
32-515, 32-1310, 37-211, 37-308, 37-437, 37-519,  
39-6,112, 39-1320.10, and 43-205.04, Revised Statutes  
Supplement, 1976, are repealed.