

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 747**

Introduced by Louden, 49; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Fulton, 29; Haar, 21; Harms, 48; Langemeier, 23; Mello, 5; Schilz, 47; Wallman, 30.

Read first time January 06, 2010

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Game Law; to amend sections 37-202  
2 and 37-559, Reissue Revised Statutes of Nebraska, and  
3 section 37-201, Revised Statutes Supplement, 2009; to  
4 define predator; to provide for killing depredating or  
5 aggressive mountain lions; to provide for a permit;  
6 to provide powers and duties for the Game and Parks  
7 Commission; to harmonize provisions; and to repeal the  
8 original sections.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 37-201, Revised Statutes Supplement,  
2 2009, is amended to read:

3           37-201 Sections 37-201 to 37-811 and sections 3 and 5 of  
4 this act shall be known and may be cited as the Game Law.

5           Sec. 2. Section 37-202, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           37-202 For purposes of the Game Law, unless the context  
8 otherwise requires, the definitions found in sections 37-203 to  
9 37-247 and section 3 of this act are used.

10           Sec. 3. Predator means a badger, bobcat, coyote, gray  
11 fox, long-tailed weasel, mink, mountain lion, opossum, raccoon, red  
12 fox, or skunk.

13           Sec. 4. Section 37-559, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           37-559 (1) Any farmer or rancher owning or operating a  
16 farm or ranch may destroy or have destroyed any predator preying on  
17 livestock or poultry or causing other agricultural depredation on  
18 land owned or controlled by him or her without a permit issued by  
19 the commission.

20           (2) Any landowner or his or her agent may kill a  
21 mountain lion immediately without prior notice to or permission  
22 from the commission if he or she encounters a mountain lion in  
23 the process of stalking, killing, or consuming livestock on his or  
24 her property. The landowner shall be responsible for immediately  
25 notifying the commission and arranging with the commission to

1 transfer the mountain lion to the commission.

2 (3) Any person shall be entitled to defend himself or  
3 herself or another person without penalty if, in the presence of  
4 such person, a mountain lion stalks, attacks, or shows unprovoked  
5 aggression toward such person or another person.

6 ~~(2)~~ (4) This section shall not be construed to allow  
7 ~~such a~~ a farmer or rancher to destroy or have destroyed species  
8 which are protected by ~~the provisions of sections 37-314 and 37-501~~  
9 ~~to 37-503,~~ the Nongame and Endangered Species Conservation Act  
10 or rules and regulations adopted and promulgated under the act,  
11 the federal Endangered Species Act of 1973, as amended, 16 U.S.C.  
12 1531 et seq., the federal Fish and Wildlife Coordination Act, as  
13 amended, 16 U.S.C. 661 et seq., the federal Bald and Golden Eagle  
14 Protection Act, as amended, 16 U.S.C. 668 et seq., the federal  
15 Migratory Bird Treaty Act, as amended, 16 U.S.C. 703 et seq.,  
16 or rules and regulations adopted and promulgated pursuant to such  
17 provisions. federal regulations under such federal acts.

18 Sec. 5. (1) The commission may issue a permit for  
19 the killing of one or more mountain lions which are preying on  
20 livestock or poultry. The permit shall be valid for up to thirty  
21 days and shall require the commission to be notified immediately  
22 by the permitholder after the killing of a mountain lion and shall  
23 require the carcass to be transferred to the commission.

24 (2) To be eligible for a permit under this section, a  
25 farmer or rancher owning or operating a farm or ranch shall contact

1 the commission to confirm that livestock or poultry on his or her  
2 property or property under his or her control has been subject  
3 to depredation by a mountain lion. The commission shall confirm  
4 that the damage was caused by a mountain lion prior to issuing  
5 the permit. The farmer or rancher shall be allowed up to thirty  
6 days, as designated by the commission, to kill the mountain lion  
7 on such property and shall notify the commission immediately after  
8 the killing of a mountain lion and arrange with the commission to  
9 transfer the mountain lion to the commission.

10 (3) The commission may adopt and promulgate rules and  
11 regulations to carry out this section.

12 Sec. 6. Original sections 37-202 and 37-559, Reissue  
13 Revised Statutes of Nebraska, and section 37-201, Revised Statutes  
14 Supplement, 2009, are repealed.