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

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

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

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

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

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

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

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

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

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

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

(2) To be eligible for a permit under this section, a farmer or rancher owning or operating a farm or ranch shall contact
the commission to confirm that livestock or poultry on his or her
property or property under his or her control has been subject
to depredation by a mountain lion. The commission shall confirm
that the damage was caused by a mountain lion prior to issuing
the permit. The farmer or rancher shall be allowed up to thirty
days, as designated by the commission, to kill the mountain lion
on such property and shall notify the commission immediately after
the killing of a mountain lion and arrange with the commission to
transfer the mountain lion to the commission.

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

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