

LEGISLATIVE BILL 836

Approved by the Governor April 5, 2010

Introduced by Lautenbaugh, 18; McCoy, 39.

FOR AN ACT relating to wildlife management; to amend sections 37-448 and 37-559, Reissue Revised Statutes of Nebraska, and sections 37-201 and 37-523, Revised Statutes Supplement, 2009; to authorize the extension of existing deer hunting seasons as prescribed; to change certain hunting and trapping restrictions; to provide for the destruction of mountain lions and other predators as prescribed; to define a term; to provide for permits and the use of certain fees; to harmonize provisions; and to repeal the original sections.

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 section 5 of this act shall be known and may be cited as the Game Law.~~

Sec. 2. Section 37-448, Reissue Revised Statutes of Nebraska, is amended to read:

~~37-448 (1) Subject to rules and regulations adopted and promulgated by the commission, the secretary of the commission may designate special deer depredation seasons or extensions of existing deer hunting seasons by executive order. The secretary may designate a depredation season or an extension of an existing deer hunting season whenever he or she determines that deer are causing excessive property damage. The secretary shall specify the number of permits to be issued, the species of deer allowed to be taken, the bag limit for such species, the beginning and ending dates for the depredation season or hunting season extension, shooting hours, the length of the depredation season or hunting season extension, and the geographic area in which hunting will be permitted. Each such permit shall give the holder the right to take one deer. Hunting during a special depredation season or hunting season extension shall be limited to residents, and the rules and regulations shall be restricted to firearms which are allow use of any weapon permissible for use during the regular deer season.~~

~~(2) The depredation season may commence not less than five days after the first public announcement that the depredation season has been established. Permits shall be issued beginning not less than three days after the first public announcement of the depredation season and shall be issued in an impartial manner at a location determined by the secretary. The commission shall, pursuant to section 37-327, establish and charge a fee of not more than twenty-five dollars for a special depredation season permit. Fifty percent of the fee shall be paid by the commission to a landowner or operator within the designated area upon satisfactory proof a deer was killed upon his or her farm or ranch during the special depredation season. The commission shall use the income from the sale of special depredation season permits for abatement of damage caused by deer. The commission shall also provide for an unlimited number of free permits for the taking of antlerless deer upon request to any person owning or operating at least twenty acres of farm or ranch land within the geographic area in which hunting will be permitted and to any member of the immediate family of any such person as defined in subdivision (2)(a) of section 37-455. A free permit shall be valid only within such area and only during the designated deer depredation season. Receipt of a depredation season permit shall not in any way affect a person's eligibility for a regular season permit.~~

Sec. 3. Section 37-523, Revised Statutes Supplement, 2009, is amended to read:

~~37-523 (1) It shall be unlawful to hunt with a rifle within a two-hundred-yard radius of an inhabited dwelling or livestock feedlot, to hunt without a rifle or trap any form of wild mammal or wild bird within a two-hundred-yard one-hundred-yard radius of an inhabited dwelling or livestock feedlot, or to trap within a two-hundred-yard radius of any passage used by livestock to pass under any highway, road, or bridge.~~

~~(2) This section shall not prohibit any owner, tenant, or operator or his or her guests from hunting or trapping any form of wild mammal or wild bird within such radius if the area is under his or her ownership or control. This section shall not prohibit duly authorized personnel of any county, city, or village health or animal control department from trapping with a humane live box trap or pursuing any form of wild mammal or wild bird, when conducting such activities within the scope of the authorization, within such~~

radius if the area is under the jurisdiction of the county, city, or village.

(3) Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least one hundred dollars upon conviction.

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. For purposes of this subsection, predator means a badger, bobcat, coyote, gray fox, long-tailed weasel, mink, opossum, raccoon, red fox, or skunk.

(2) Any farmer or rancher owning or operating a farm or ranch, 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 and the mountain lion is in the process of stalking, killing, or consuming livestock on the farmer's or rancher's property. The farmer or rancher or his or her agent 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 or his or her agent 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 37-448 and 37-559, Reissue Revised Statutes of Nebraska, and sections 37-201 and 37-523, Revised Statutes Supplement, 2009, are repealed.