LEGISLATIVE BILL 615

Introduced by Erdman, 47.
Read first time January 20, 2021
Committee: Natural Resources

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-101 and 37-102, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2020; to provide for election of commission members as prescribed; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 32-101, Revised Statutes Cumulative Supplement, 2020, is amended to read:

32-101 Sections 32-101 to 32-1551 and section 4 of this act shall be known and may be cited as the Election Act.

Sec. 2. Section 37-101, Reissue Revised Statutes of Nebraska, is amended to read:

37-101 (1) (a) The Game and Parks Commission shall consist of nine members, one from each of the eight districts provided for by section 37-102 and one at-large member, and shall be appointed by the Governor with the consent of a majority of all members of the Legislature. (b) Members of the commission shall be legal residents and citizens of Nebraska and shall be well informed and interested in matters under the jurisdiction of the commission. A member shall be a bona fide resident of the district which such member represents.

(2) Until January 15, 2023:

(a) Members of the commission shall be appointed by the Governor with the consent of a majority of all members of the Legislature. If the Legislature is not in session when members are appointed by the Governor, they shall take office and act as recess appointees until the Legislature next thereafter convenes;

(b) At least three members of the commission shall be actually engaged in agricultural pursuits;

(c) Not more than five of the members of the commission shall be affiliated with the same political party. The political party affiliation of each prospective member shall be determined as of the statewide general election prior to such member's his or her appointment; and

(e) Members of the commission representing districts provided for by section 37-102 shall be bona fide residents of the district from which they are appointed.

(d) When a member of the commission ceases to be a member of the political party determined under subdivision (c) (d) of this subsection,
ceases to be a bona fide resident of the district, or ceases to be
actually engaged in agricultural pursuits if required to meet the
qualifications for his or her appointment, the office shall be
immediately vacated.

(3) Except as provided in section 4 of this act:
(a) When the term of a member of the commission appointed
pursuant to subsection (2) of this section and representing a district
provided for by section 37-102 expires, a successor shall be appointed as
provided in subsection (2)(1) of this section from the same district as
the member whose term has expired. Members The terms of the members
serving district numbers 4, 6, and 8 on January 1, 2009, shall be
extended to January 15 of the year following the expiration of their
current terms. Members appointed for terms expiring prior to January 1,
2012, shall be appointed for five-year terms. Members appointed for terms
expiring on or after January 1, 2012, shall be appointed for four-year
terms. The terms of all members shall begin on January 15; and the term
of the at-large member shall begin January 15, 2009.
(b) Each member of the commission shall serve until the appointment
and qualification of such member’s successor. In case of a
vacancy occurring prior to the expiration of the term of a member, the
appointment shall be made only for the remainder of the term. An
appointment made for the remainder of the term shall not be considered a
term;
(c) No person who has served two full terms shall be eligible for
reappointment as a member of the commission;
(d) If the Legislature is not in session when members of the
commission are appointed by the Governor, they shall take office and act
as recess appointees until the Legislature convenes; and
(e) A member of the commission appointed pursuant to subsection (2)
of this section may be removed by the Governor for
inefficiency, neglect of duty, or misconduct in office, but only after
delivering to the member a copy of the charges and affording an
opportunity of being publicly heard in person or by counsel in the
member's own defense, upon not less than ten days' notice. Such hearing shall be held before the Governor. If such member is
removed, the Governor shall file in the office of the Secretary of State
a complete statement of all charges made against such member and the
Governor's findings regarding such charges thereon, together
with a complete record of the proceedings.

Sec. 3. Section 37-102, Reissue Revised Statutes of Nebraska, is
amended to read:

37-102 For purposes of section 37-101 and section 4 of this act, the
state is hereby divided into eight districts. The limits and designations
of the eight districts shall be as follows:

(1) District No. 1. The counties of Richardson, Pawnee, Nemaha,
Johnson, Otoe, Cass, Sarpy, Saunders, Butler, Gage, Seward, Saline, and
Jefferson;

(2) District No. 2. Douglas County;

(3) District No. 3. The counties of Washington, Dodge, Colfax,
Platte, Merrick, Nance, Boone, Madison, Stanton, Cuming, Burt, Thurston,
Wayne, Pierce, Antelope, Knox, Cedar, Dixon, and Dakota;

(4) District No. 4. The counties of Thayer, Nuckolls, Webster,
Adams, Clay, Fillmore, York, Polk, Hamilton, Hall, Buffalo, Kearney, and
Franklin;

(5) District No. 5. The counties of Harlan, Furnas, Red Willow,
Hitchcock, Dundy, Chase, Hayes, Frontier, Gosper, Phelps, Dawson,
Lincoln, and Perkins;

(6) District No. 6. The counties of Howard, Greeley, Wheeler,
Sherman, Valley, Garfield, Holt, Boyd, Keya Paha, Rock, Brown, Loup,
Blaine, Custer, Logan, McPherson, Arthur, Grant, Hooker, Thomas, and
Cherry;
(7) District No. 7. The counties of Deuel, Garden, Keith, Sheridan, Cheyenne, Morrill, Box Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball; and

(8) District No. 8. Lancaster County.

Sec. 4. (1) Beginning in 2022, members of the Game and Parks Commission shall be nominated at the statewide primary election and elected at the statewide general election and shall take office on January 15, 2023. The terms of all appointed members shall expire on such date. Candidates for election from even-numbered districts listed in section 37-102 and the at-large member shall be elected for four-year terms. Candidates for election from odd-numbered districts listed in section 37-102 shall be elected for two-year terms. Their successors shall be elected to four-year terms. Members shall be elected on the nonpartisan ballot.

(2) The terms of all members shall begin on January 15 and shall continue until their successors are elected and qualified. Members elected to the commission shall meet the qualifications described in subsection (1) of section 37-101 and shall derive fifty percent or more of their income from agriculture. If a vacancy occurs prior to expiration of a term, the Governor shall appoint a successor with similar qualifications for the remainder of the unexpired term. No member shall serve more than two consecutive, full terms. If the Legislature is not in session when an appointment is made by the Governor, the member shall take office and act as a recess appointee until the Legislature convenes.

Sec. 5. The Revisor of Statutes shall assign section 4 of this act to Chapter 32, article 5.

Sec. 6. Original sections 37-101 and 37-102, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2020, are repealed.