

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 533

Introduced by Fischer, 43.

Read first time January 18, 2011

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Niobrara Scenic River Act; to amend
2 section 72-2007, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to the council membership; and
4 to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 72-2007, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 72-2007 (1) The Niobrara Council is created. The council
4 membership shall include:

5 (a) A ~~representative of~~ commissioner from each of the
6 county boards of Brown, Cherry, Keya Paha, and Rock counties chosen
7 by the county board of the respective county;

8 (b) A representative of the Middle Niobrara Natural
9 Resources District and the Lower Niobrara Natural Resources District
10 chosen by the board of the respective district;

11 (c) The secretary of the Game and Parks Commission or his
12 or her designee;

13 (d) ~~A representative of the United States Fish and~~
14 ~~Wildlife Service and a representative of the National Park Service~~
15 ~~chosen by the Governor from lists of at least three individuals, or~~
16 ~~fewer if there are not at least three qualified individuals,~~
17 ~~submitted by the federal services. The regional director for the~~
18 ~~National Park Service or his or her designee and the United States~~
19 ~~Fish and Wildlife Service regional director or his or her designee.~~
20 The appointments under this subdivision shall be nonvoting members
21 unless and until the agencies represented by these appointees
22 formally ~~authorize such appointees to vote on all matters before the~~
23 ~~council;~~ notify the Niobrara Council and the Governor in writing that
24 such appointees may vote on all matters before the council;

25 (e) An individual from each of Brown, Cherry, Keya Paha,

1 and Rock counties who resides in the Niobrara River drainage area and
2 owns land in the Niobrara scenic river corridor chosen by the
3 Governor from a list of at least three individuals, or fewer if there
4 are not at least three qualified individuals, from each county
5 submitted by the county board representatives on the council;

6 (f) A representative from a recreational business
7 operating within the Niobrara scenic river corridor chosen by the
8 Governor from a list of at least three individuals, or fewer if there
9 are not at least three qualified individuals, submitted by the county
10 board representatives on the council;

11 (g) A timber industry representative operating within the
12 Niobrara scenic river corridor chosen by the Governor from a list of
13 at least three individuals, or fewer if there are not at least three
14 qualified individuals, submitted by the county board representatives
15 on the council; and

16 (h) A representative ~~of~~ designated by a recognized,
17 nonprofit environmental, conservation, or wildlife organization
18 chosen by the Governor from a list of at least three individuals, or
19 fewer if there are not at least three qualified individuals,
20 submitted by the county board representatives on the council.

21 ~~The council members shall be selected within ninety days~~
22 ~~after July 13, 2000.~~ The council members shall hold office for three-
23 year terms ~~and~~ or until a successor is appointed and qualified. The
24 council members shall serve at the pleasure of the appointing board
25 or the Governor.

1 (2) The council shall elect a chairperson, a vice-
2 chairperson, a secretary, and a treasurer who shall jointly serve as
3 the executive committee for the council. The council shall meet on a
4 regular basis, ~~preferably once a month~~, with a minimum of six
5 meetings per year. Special meetings may be called by any member of
6 the executive committee or at the request of a simple majority of the
7 members of the council.

8 (3) A quorum shall be present at a meeting before any
9 action may be taken by the council. A quorum shall be a majority of
10 the members who are selected and serving and who vote on issues
11 before the council. All actions of the council require a majority
12 vote of the quorum present at any meeting, except that any vote to
13 reject or adopt any zoning regulation or variance under section
14 72-2010 requires a vote of two-thirds of all the council members who
15 are selected and serving and who vote on issues before the council. ~~A~~
16 ~~council member may not participate or vote on any matter on which he~~
17 ~~or she participated or voted as a member of a county board, county~~
18 ~~planning commission, or natural resources district board, and in such~~
19 ~~a case such council member shall not be counted for purposes of~~
20 ~~determining whether quorum or vote requirements have been satisfied.~~

21 (4) Members shall be reimbursed for actual and necessary
22 expenses incurred in carrying out their duties on the council as
23 provided in sections 81-1174 to 81-1177.

24 Sec. 2. Original section 72-2007, Reissue Revised
25 Statutes of Nebraska, is repealed.