

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 615

Introduced by Erdman, 47.

Read first time January 20, 2021

Committee: Natural Resources

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

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-101, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 32-101 Sections 32-101 to 32-1551 and section 4 of this act shall be
4 known and may be cited as the Election Act.

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

7 37-101 (1) ~~(1)(a)~~ The Game and Parks Commission shall consist of
8 nine members, one from each of the eight districts provided for by
9 section 37-102 and one at-large member, ~~and shall be appointed by the~~
10 ~~Governor with the consent of a majority of all members of the~~
11 ~~Legislature.~~ ~~(b)~~ Members of the commission shall be legal residents and
12 citizens of Nebraska and shall be well informed and interested in matters
13 under the jurisdiction of the commission. A member shall be a bona fide
14 resident of the district which such member represents.

15 (2) Until January 15, 2023:

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

21 (b) ~~(c)~~ At least three members of the commission shall be actually
22 engaged in agricultural pursuits; -

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

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

30 (d) ~~(f)~~ When a member of the commission ceases to be a member of the
31 political party determined under subdivision (c) ~~(d)~~ of this subsection,

1 ceases to be a bona fide resident of the district, or ceases to be
2 actually engaged in agricultural pursuits if required to meet the
3 qualifications for ~~his or her~~ appointment, the office shall be
4 immediately vacated.

5 (3) Except as provided in section 4 of this act:

6 (a) (2)(a) When the term of a member of the commission appointed
7 pursuant to subsection (2) of this section and representing a district
8 provided for by section 37-102 expires, a successor shall be appointed as
9 provided in subsection (2) (1) of this section from the same district as
10 the member whose term has expired. Members ~~The terms of the members~~
11 ~~serving district numbers 4, 6, and 8 on January 1, 2009, shall be~~
12 ~~extended to January 15 of the year following the expiration of their~~
13 ~~current terms. Members appointed for terms expiring prior to January 1,~~
14 ~~2012, shall be appointed for five year terms. Members appointed for terms~~
15 ~~expiring on or after January 1, 2012, shall be appointed for four-year~~
16 ~~terms. The terms of all members shall begin on January 15; , and the term~~
17 ~~of the at large member shall begin January 15, 2009.~~

18 (b) Each member of the commission shall serve until the appointment
19 and qualification of such member's ~~his or her~~ successor. In case of a
20 vacancy occurring prior to the expiration of the term of a member, the
21 appointment shall be made only for the remainder of the term. An
22 appointment made for the remainder of the term shall not be considered a
23 full term; -

24 (c) No person who has served two full terms shall be eligible for
25 reappointment as a member of the commission; -

26 (d) (3) If the Legislature is not in session when members of the
27 commission are appointed by the Governor, they shall take office and act
28 as recess appointees until the Legislature next thereafter convenes;
29 and -

30 (e) A member of the commission appointed pursuant to subsection (2)
31 of this section (4) Members may be removed by the Governor for

1 inefficiency, neglect of duty, or misconduct in office, but only after
2 delivering to the member a copy of the charges and affording an
3 opportunity of being publicly heard in person or by counsel in the
4 member's his or her own defense, upon not less than ten days' notice.
5 Such hearing shall be held before the Governor. If such member is
6 removed, the Governor shall file in the office of the Secretary of State
7 a complete statement of all charges made against such member and the
8 Governor's his or her findings regarding such charges thereon, together
9 with a complete record of the proceedings.

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

12 37-102 For purposes of section 37-101 and section 4 of this act, the
13 state is hereby divided into eight districts. The limits and designations
14 of the eight districts shall be as follows:

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

18 (2) District No. 2. Douglas County;

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

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

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

28 (6) District No. 6. The counties of Howard, Greeley, Wheeler,
29 Sherman, Valley, Garfield, Holt, Boyd, Keya Paha, Rock, Brown, Loup,
30 Blaine, Custer, Logan, McPherson, Arthur, Grant, Hooker, Thomas, and
31 Cherry;

1 (7) District No. 7. The counties of Deuel, Garden, Keith, Sheridan,
2 Cheyenne, Morrill, Box Butte, Dawes, Sioux, Scotts Bluff, Banner, and
3 Kimball; and

4 (8) District No. 8. Lancaster County.

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

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

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

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