

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 859

Introduced by Hughes, 44.

Read first time January 09, 2020

Committee:

- 1 A BILL FOR AN ACT relating to the Game and Parks Commission; to amend
- 2 section 37-101, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to qualifications and terms of office of
- 4 commission members as prescribed; to harmonize provisions; and to
- 5 repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 37-101, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 37-101 (1)(a) The Game and Parks Commission shall consist of nine
4 members, one from each of the eight districts provided for by section
5 37-102 and one at-large member, and shall be appointed by the Governor
6 with the consent of a majority of all members of the Legislature.

7 (b) Members of the commission shall be legal residents and citizens
8 of Nebraska and shall be well informed and interested in matters under
9 the jurisdiction of the commission.

10 (c) At least three members of the commission shall be actually
11 engaged in farming or livestock production ~~agricultural pursuits~~.

12 (d) Not more than five of the members of the commission shall be
13 affiliated with the same political party. The political party affiliation
14 of each prospective member shall be determined as of the statewide
15 general election prior to his or her appointment.

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

19 (f) When a member ceases to be (i) a member of the political party
20 determined under subdivision (d) of this subsection, (ii) ~~ceases to be~~ a
21 bona fide resident of the district, or (iii) ~~ceases to be~~ actually
22 engaged in farming or livestock production ~~agricultural pursuits~~ if
23 required to meet the qualifications for his or her appointment, the
24 office shall be immediately vacated.

25 (g) A member serving on the effective date of this act may serve out
26 the duration of his or her term notwithstanding the provisions of
27 subdivision (f)(iii) of this subsection.

28 (2)(a) When the term of a member of the commission representing a
29 district provided for by section 37-102 expires, a successor shall be
30 appointed as provided in subsection (1) of this section from the same
31 district as the member whose term has expired. The terms of the members

1 serving district numbers 4, 6, and 8 on January 1, 2009, shall be
2 extended to January 15 of the year following the expiration of their
3 current terms. Members appointed for terms expiring prior to January 1,
4 2012, shall be appointed for five-year terms. Members appointed for terms
5 expiring on or after January 1, 2012, shall be appointed for four-year
6 terms. The terms of all members shall begin on January 15, and the term
7 of the at-large member shall begin January 15, 2009.

8 (b) Each member shall serve until the appointment and qualification
9 of his or her successor. In case of a vacancy occurring prior to the
10 expiration of the term of a member, the appointment shall be made only
11 for the remainder of the term. An appointment made for the remainder of
12 the term shall not be considered a full term.

13 (c) No person who has served two full terms shall be eligible for
14 reappointment as a member of the commission.

15 (3) If the Legislature is not in session when members of the
16 commission are appointed by the Governor, they shall take office and act
17 as recess appointees until the Legislature next thereafter convenes.

18 (4)(a) ~~(4)~~ Members may be removed by the Governor for inefficiency,
19 neglect of duty, or misconduct in office, but only after delivering to
20 the member a copy of the charges and affording an opportunity of being
21 publicly heard in person or by counsel in his or her own defense, upon
22 not less than ten days' notice. Such hearing shall be held before the
23 Governor.

24 (b) If such member is removed, the Governor shall file in the office
25 of the Secretary of State a complete statement of all charges made
26 against such member and his or her findings thereon, together with a
27 complete record of the proceedings.

28 Sec. 2. Original section 37-101, Reissue Revised Statutes of
29 Nebraska, is repealed.