

AMENDMENTS TO LB 1049

(Amendments to E & R amendments, ER8179)

Introduced by Erdman, 47.

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

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

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

10 (b) Members of the commission shall be legal residents
11 and citizens of Nebraska and shall be well informed ~~on~~ wildlife
12 ~~conservation and restoration. Until January 1, 2006, at least two~~
13 ~~members of the commission shall be actually engaged in agricultural~~
14 ~~pursuits and shall reside on a farm or ranch. On and after January~~
15 ~~1, 2006, at~~ and interested in matters under the jurisdiction of the
16 commission.

17 (c) At least three members of the commission shall be
18 actually engaged in agricultural pursuits, and at least two of such
19 ~~members shall reside on a farm or ranch.~~

20 (d) Not more than ~~four~~ five of the members of the
21 commission shall be affiliated with the same political party. The
22 political party affiliation of each prospective member shall be

1 determined as of the statewide general election prior to his or her
2 appointment.

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

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

12 ~~(2)~~ (2) (a) When the term of any a member of the
13 commission representing a district provided for by section 37-102
14 expires, a successor shall be appointed as provided in subsection
15 (1) of this section for a term of five years from the same district
16 as the member whose term has expired. The terms of the members
17 serving district numbers 4, 6, and 8 on the operative date of
18 this act shall be extended to January 15 of the year following
19 the expiration of their current terms. Members appointed for terms
20 expiring prior to January 1, 2012, shall be appointed for five-year
21 terms. Members appointed for terms expiring on or after January
22 1, 2012, shall be appointed for four-year terms. The terms of all
23 members shall begin on January 15, and the term of the at-large
24 member shall begin January 15, 2009. Beginning with appointments
25 made for terms beginning after January 1, 2008, in districts which
26 contain more than one county, the Governor shall not appoint a
27 person from the same county as his or her predecessor.

1 **(b)** Each member shall serve until the appointment and
2 qualification of his or her successor. In case of a vacancy
3 occurring prior to the expiration of the term of a member, the
4 appointment shall be made only for the remainder of the term.
5 An appointment made for the remainder of the term shall not be
6 considered a full term.

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

9 ~~(3) All members of the commission shall be citizens and~~
10 ~~bona fide residents of the district from which they are appointed.~~
11 ~~When a member ceases to be a bona fide resident of the district,~~
12 ~~from which he or she was appointed, the office shall be immediately~~
13 ~~vacated.~~

14 ~~(4)~~ (3) If the Legislature is not in session when members
15 of the commission are appointed by the Governor, they shall take
16 office and act as recess appointees until the Legislature next
17 thereafter convenes.

18 ~~(5)~~ (4) Members may be removed by the Governor for
19 inefficiency, neglect of duty, or misconduct in office, but only
20 after delivering to the member a copy of the charges and affording
21 an opportunity of being publicly heard in person or by counsel in
22 his or her own defense, upon not less than ten days' notice. Such
23 hearing shall be held before the Governor.~~(6)~~ If such member is
24 removed, the Governor shall file in the office of the Secretary of
25 State a complete statement of all charges made against such member
26 and his or her findings thereon, together with a complete record
27 of the proceedings. ~~No person who has served a full five-year term~~

1 shall be eligible for reappointment as a member of the commission
2 until at least five years have elapsed between any previous term
3 which he or she might have served and the effective date of his or
4 her new appointment.

5 Sec. 2. This act becomes operative on January 1, 2009.

6 Sec. 3. Original section 37-101, Reissue Revised Statutes
7 of Nebraska, is repealed.