

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 1049**

FINAL READING

Introduced by Erdman, 47; Christensen, 44; Dubas, 34; Wallman, 30.

Read first time January 18, 2008

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Game and Parks Commission; to amend  
2 section 37-101, Reissue Revised Statutes of Nebraska; to  
3 change provisions relating to membership and terms; to  
4 harmonize provisions; to provide an operative date; and  
5 to 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  
2 Nebraska, is amended to read:

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

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

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

18           (d) Not more than ~~four~~ five of the members of the  
19 commission shall be affiliated with the same political party. The  
20 political party affiliation of each prospective member shall be  
21 determined as of the statewide general election prior to his or her  
22 appointment.

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

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

7           ~~(2)~~ (2)(a) When the term of ~~any~~ a member of the  
 8 commission representing a district provided for by section 37-102  
 9 expires, a successor shall be appointed as provided in subsection  
 10 (1) of this section ~~for a term of five years~~ from the same district  
 11 as the member whose term has expired. The terms of the members  
 12 serving district numbers 4, 6, and 8 on the operative date of  
 13 this act shall be extended to January 15 of the year following  
 14 the expiration of their current terms. Members appointed for terms  
 15 expiring prior to January 1, 2012, shall be appointed for five-year  
 16 terms. Members appointed for terms expiring on or after January  
 17 1, 2012, shall be appointed for four-year terms. The terms of all  
 18 members shall begin on January 15, and the term of the at-large  
 19 member shall begin January 15, 2009.~~Beginning with appointments~~  
 20 ~~made for terms beginning after January 1, 2008, in districts which~~  
 21 ~~contain more than one county, the Governor shall not appoint a~~  
 22 ~~person from the same county as his or her predecessor.~~

23           (b) Each member shall serve until the appointment and  
 24 qualification of his or her successor. In case of a vacancy  
 25 occurring prior to the expiration of the term of a member, the

1 appointment shall be made only for the remainder of the term.  
2 An appointment made for the remainder of the term shall not be  
3 considered a full term.

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

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

11 ~~(4) (3) If the Legislature is not in session when members~~  
12 ~~of the commission are appointed by the Governor, they shall take~~  
13 ~~office and act as recess appointees until the Legislature next~~  
14 ~~thereafter convenes.~~

15 ~~(5) (4) Members may be removed by the Governor for~~  
16 ~~inefficiency, neglect of duty, or misconduct in office, but only~~  
17 ~~after delivering to the member a copy of the charges and affording~~  
18 ~~an opportunity of being publicly heard in person or by counsel in~~  
19 ~~his or her own defense, upon not less than ten days' notice. Such~~  
20 ~~hearing shall be held before the Governor. (6) If such member is~~  
21 ~~removed, the Governor shall file in the office of the Secretary of~~  
22 ~~State a complete statement of all charges made against such member~~  
23 ~~and his or her findings thereon, together with a complete record~~  
24 ~~of the proceedings. No person who has served a full five-year term~~  
25 ~~shall be eligible for reappointment as a member of the commission~~

1 ~~until at least five years have elapsed between any previous term~~  
2 ~~which he or she might have served and the effective date of his or~~  
3 ~~her new appointment.~~

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

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