

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1049**

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; and to repeal the original section.  
5 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) The Game and Parks Commission shall consist  
4 of eight members, one from each of the eight districts provided  
5 for by section 37-102, and shall be appointed by the Governor  
6 with the consent of a majority of all members of the Legislature.  
7 Members of the commission shall be legal residents and citizens of  
8 Nebraska and shall be well informed on wildlife conservation and  
9 restoration. ~~Until January 1, 2006, at least two members of the~~  
10 ~~commission shall be actually engaged in agricultural pursuits and~~  
11 ~~shall reside on a farm or ranch. On and after January 1, 2006, at~~  
12 At least three members of the commission shall be actually engaged  
13 in agricultural pursuits, and at least two of such members shall  
14 reside on a farm or ranch. Not more than four of the members of  
15 the commission shall be affiliated with the same political party.  
16 Solely for purposes of appointment, the political party affiliation  
17 of each prospective member shall be determined as of the statewide  
18 general election prior to his or her appointment.

19           (2) When the term of any member of the commission  
20 expires, a successor shall be appointed as provided in subsection  
21 (1) of this section ~~for a term of five years~~ from the same  
22 district as the member whose term has expired. Members appointed  
23 prior to January 1, 2009, shall be appointed for five-year terms.  
24 Members appointed on or after January 1, 2009, shall be appointed  
25 for four-year terms. Beginning with appointments made for terms

1 beginning after January 1, 2008, in districts which contain more  
2 than one county, the Governor shall not appoint a person from  
3 the same county as his or her predecessor unless the Governor is  
4 reappointing the same person. Each member shall serve until the  
5 appointment and qualification of his or her successor. In case of a  
6 vacancy occurring prior to the expiration of the term of a member,  
7 the appointment shall be made only for the remainder of the term.

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

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

17 (5) Members may be removed by the Governor for  
18 inefficiency, neglect of duty, or misconduct in office, but only  
19 after delivering to the member a copy of the charges and affording  
20 an opportunity of being publicly heard in person or by counsel in  
21 his or her own defense, upon not less than ten days' notice. Such  
22 hearing shall be held before the Governor. ~~(6)~~ If such member is  
23 removed, the Governor shall file in the office of the Secretary of  
24 State a complete statement of all charges made against such member  
25 and his or her findings thereon, together with a complete record

1 of the proceedings. ~~Ne~~

2 (6) Until January 1, 2009, no person who has served  
3 a full five-year term shall be eligible for reappointment as a  
4 member of the commission until at least five years have elapsed  
5 between any previous term which he or she might have served and the  
6 effective date of his or her new appointment. No person who has  
7 served two full terms after January 1, 2009, shall be eligible for  
8 reappointment as a member of the commission.

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