

LEGISLATIVE BILL 1049

Approved by the Governor April 11, 2008

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

FOR AN ACT relating to the Game and Parks Commission; to amend section 37-101, Reissue Revised Statutes of Nebraska; to change provisions relating to membership and terms; to harmonize provisions; to provide an operative date; and to repeal the original section.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(5)~~ (4) Members may be removed by the Governor for inefficiency, neglect of duty, or misconduct in office, but only after delivering to the member a copy of the charges and affording an opportunity of being publicly heard in person or by counsel in his or her own defense, upon not less than ten days' notice. Such hearing shall be held before the Governor. ~~(6)~~

If such member is removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such member and his or her findings thereon, together with a complete record of the proceedings. ~~No person who has served a full five-year term shall be eligible for reappointment as a member of the commission until at least five years have elapsed between any previous term which he or she might have served and the effective date of his or her new appointment.~~

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

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