

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

736R0605

HOUSE BILL NO. 1208

Introduced by: Representatives Hoffman, Brunner, Hamiel, Jensen, Kirkeby, Kopp, Olson (Betty), Schlekeway, Solum, Sorenson, and Verchio and Senators Brown and Rhoden

1 FOR AN ACT ENTITLED, An Act to provide for legislative representation on the Game, Fish
2 and Parks Commission.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 41-2-1 be amended to read as follows:

5 41-2-1. There is hereby continued the department of state government known as the
6 Department of Game, Fish and Parks, and a commission comprised of ~~eight ten~~ members, eight
7 appointed by the Governor as provided in § 41-2-3 and two legislators as provided in section
8 2 of this Act, all subject to confirmation by the State Senate.

9 Section 2. That chapter 41-2 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 The Governor shall appoint two serving legislators to the Game, Fish and Parks
12 Commission. One shall be a Republican, and one shall be a Democrat. One shall be a senator,
13 and one shall be a representative. One shall reside east of the Missouri River, and one shall
14 reside west of the Missouri River. Each shall serve as long as he or she continues to hold the



1 seat that he or she held at the time of appointment.

2 Section 3. That § 41-2-2 be amended to read as follows:

3 41-2-2. Not more than four of the nonlegislative game, fish and parks commissioners may
4 be members of the same political party, and, at the time of their appointment, at least four shall
5 be farmers actually residing on a farm, engaged in agriculture, deriving at least two-thirds of
6 their gross annual incomes from crop or livestock production or both, and interested in wildlife
7 conservation. At the time of their appointment three nonlegislative commissioners shall reside
8 west of the Missouri River and five shall reside east of the Missouri River.

9 Section 4. That § 41-2-3 be amended to read as follows:

10 41-2-3. The term of office of the nonlegislative game, fish and parks commissioners is four
11 years. The Governor shall preserve:

- 12 (1) An arrangement of length of terms whereby two nonlegislative members have terms
13 expiring each year;
- 14 (2) A rotation of terms between the republican and democratic parties.

15 The expiration of terms occurs on the tenth day of January of each year, and all required
16 appointments shall be made by the first day of March. The appointments shall fill all vacancies
17 on the commission arising either by expiration of term or from any other cause. No person may
18 serve on the commission for more than eight years. However, if the person's first appointment
19 is for two years ~~the person~~, a nonlegislative commissioner may be reappointed thereafter for
20 no more than two additional four-year terms.

21 Section 5. That § 41-2-5 be amended to read as follows:

22 41-2-5. The Governor may remove a nonlegislative game, fish and parks commissioner for
23 inefficiency, neglect of duty, or misconduct in office after giving ~~the commissioner~~ him or her
24 a copy of the charges against ~~the commissioner~~ him or her and opportunity to be heard publicly

1 in person or by counsel in his or her own defense, upon not less than ten days' notice. If ~~the~~ such
2 commissioner is removed, the Governor shall file in the Office of the Secretary of State a
3 complete statement of all charges made against the commissioner and his or her findings on the
4 charges, together with a complete record of the proceedings.