

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

763Q0638

## HOUSE BILL NO. 1170

Introduced by: Representatives Hoffman, Brunner, Cutler, Feickert, Gosch, Kirkeby, Moser, Novstrup (David), Schlekeway, Sly, Solum, and Wink and Senators Maher, Bartling, Brown, Garnos, and Howie

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 Executive Board of the Legislative Research Council shall appoint two serving  
12 legislators to the Game, Fish and Parks Commission. One shall be a Republican, and one shall  
13 be a Democrat. One shall be a senator, and one shall be a representative. One shall reside east  
14 of the Missouri River, and one shall reside west of the Missouri River. Each shall serve as long



1 as he or she continues to hold the 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 shall  
4 be members of the same political party, and, at the time of their appointment, not less than four  
5 shall be farmers actually residing on a farm, engaged in agriculture, deriving at least two-thirds  
6 of their gross annual incomes from crop or livestock production or both, and interested in  
7 wildlife conservation. At the time of their appointment not less than three nonlegislative  
8 commissioners shall reside west of the Missouri River and not less than five shall reside east  
9 of the Missouri River.

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

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

13 (1) An arrangement of length of terms whereby two nonlegislative members shall have  
14 terms expiring each year;

15 (2) A rotation of terms between the republican and democratic parties.

16 The expiration of terms shall occur on the tenth day of January of each year, and all required  
17 appointments may be made by the first day of March thereof, and shall be so made as to fill all  
18 vacancies on such commission arising either by expiration of term or from any other cause. No  
19 person ~~shall~~ may serve on ~~said~~ the commission for more than eight years, ~~except that where his~~  
20 unless the first appointment is for two years ~~he~~. Such nonlegislative commissioner may be  
21 reappointed thereafter for an additional two four-year terms.

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

23 41-2-5. The Governor may remove a nonlegislative game, fish and parks commissioner for  
24 inefficiency, neglect of duty, or misconduct in office after giving him or her a copy of the

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

6 Section 6. That § 41-2-6 be amended to read as follows:

7 41-2-6. Any nonlegislative vacancy on the Game, Fish and Parks Commission occurring  
8 from any cause shall be filled by the Governor for the unexpired term, subject to confirmation  
9 by the State Senate at the succeeding regular legislative session.