

LEGISLATIVE BILL 603

Approved by the Governor May 29, 1987

Introduced by Chizek, 31

AN ACT relating to the Board of Parole; to amend sections 83-189 to 83-191 and 83-196, Reissue Revised Statutes of Nebraska, 1943; to change the two part-time positions to full-time positions; to harmonize provisions; to provide for a quorum; and to repeal the original sections.

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

Section 1. That section 83-189, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-189. The Board of Parole shall consist of five full-time members to be appointed by the Governor subject to confirmation by the Legislature. The members of the board shall be of good character and judicious temperament. One of the five members of the board shall be designated as chairman chairperson by the Governor. The new members of the board shall be appointed within ninety days after May 26, 1973, for terms to commence on September 9, 1973. At least one member of the board shall be of a minority group, and one member shall have a professional background in corrections.

Sec. 2. That section 83-190, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-190. The members of the Board of Parole shall have a term of office of six years and until their successors are appointed and have qualified, except that when the terms of the part-time members appointed prior to the effective date of this act expire, the part-time positions shall be terminated, and at such time, two full-time members shall be appointed. The part-time members appointed prior to the effective date of this act may be reappointed to the full-time positions. The of the members first appointed the chairman shall be appointed for a term of six years; the other two full-time members shall be appointed for terms of four and five years respectively; and the two part-time members shall be appointed for terms of two and three years respectively. Their successors to the full-time positions shall be appointed in the same manner as

provided for the members first appointed, and a vacancy occurring before expiration of a term of office shall be similarly filled for the unexpired term. A member of the board may be reappointed. The members of the board may be removed only for disability, neglect of duty, or malfeasance in office by the Board of Pardons after a hearing. The Board of Pardons shall promptly file in the office of the Secretary of State a complete statement of the charges, its findings and disposition, and a complete record of the proceedings.

Sec. 3. That section 83-191, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-191. (1) The chairman and two members of the Board of Parole shall devote full time to their duties with such board and shall not engage in any other business or profession or hold any other public office. ~~Two members shall serve on a part-time basis-~~ No member shall, at the time of his or her appointment or during his or her tenure, serve as the representative of any political party; or of any executive committee or governing body thereof; or as an executive officer or employee of any political party, organization, association, or committee. Each member of the board shall receive an annual salary to be fixed by the Governor.

(2) ~~Notwithstanding any other provision of law to the contrary, part-time members of the Board of Parole shall be eligible to be employed by any state agency or department, other than the Department of Correctional Services-~~

Sec. 4. That section 83-196, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-196. Three members of the Board of Parole shall constitute a quorum for the purpose of transacting any official business. The decisions of the Board of Parole shall be by majority vote. The board shall keep a record of its acts and shall notify the Director of Correctional Services of its decisions relating to offenders who are or have been committed.

Sec. 5. That original sections 83-189 to 83-191 and 83-196, Reissue Revised Statutes of Nebraska, 1943, are repealed.