

## **HISTORY of the DIVISION of VETERANS AFFAIRS**

During World War II, recognizing the need for veteran's assistance in the State, Governor M.Q. Sharpe called a special session of the State Legislature on July 10, 1944, to establish the South Dakota State Veterans Department and the Veterans Commission.

The legislation establishing the Veterans Department and the Commission included

Be it enacted by the Legislature of the State of South Dakota:

Section 1. There is hereby created and established a Veterans Department, hereinafter referred to as "The Department", to aid in meeting the emergency needs of dependents of men and women now in the armed services and to represent the interest of war veterans, and their dependents, in claims they have against the federal government or other agencies growing out of the service of such veterans.

For the purpose of this act a veteran shall be considered to be a man or woman who has served in the armed forces of the United States during a time when the Congress and declared a state of war to exist, who is in wartime service or who has been discharged under conditions not dishonorable, who was a legal resident of South Dakota at the time of entry into service or who, following discharge, shall have been a resident of this state for one year; provided that a non-resident in this state shall be entitled to any benefits available in his state to a South Dakota resident under the same conditions.

Section 2. The Veterans Department shall be under the supervision and control of a commission consisting of the Governor who shall be its chairman and five members to be appointed by him. Members of the commission shall be citizens of the United States and of South Dakota, and shall be veterans who have been discharged under conditions not dishonorable. The first appointments shall be for terms of one, two, three, four and five years and annual appointments thereafter shall be for terms of five years. In the event of death or a vacancy on the commission from any cause, a successor shall be appointed to fill out the unexpired term. In each case the commissioner whose term is next expiring shall be vice-chairman of the commission for the year prior to such expiration of his term.

Section 3. Meetings of the commission shall be held on the call of the chairman or of any three of its members but not less than once every three months. Members of the commission shall receive Ten Dollars (\$10.00) a day compensation while in session and necessary expenses, upon presentation of proper vouchers to the state auditor, provided, however, that in no one year shall the per diem of any Commissioner exceed Three Hundred Dollars (\$300.00) nor shall the expense of any commissioner exceed Two Hundred Dollars (\$200.00). Each commissioner shall furnish a bond in the sum of One Thousand Dollars (\$1,000.00) conditioned on the faithful performance of the duties of his office, the premium to be paid out of funds of the Veterans Department.

Section 4. The commissioners shall at their first meeting select a director, who shall be the executive head of the Veterans Department, and who shall devote full time to the duties of such office and shall serve for a term of four years unless removed by the commission. The director shall be a citizen of the United States and of the State of South Dakota, and an honorably discharged wartime veteran. The salary of the director shall be fixed by the commission, but shall not exceed Three Thousand Six Hundred Dollars (\$3,600.00) a year, and shall give bond to the state in the sum of Ten Thousand Dollars (\$10,000.00), premium on said bond to be paid out of funds of the department.

The director shall, with the approval of the commission, establish and maintain a sufficient office and field force to carry out the provisions of this act, including a full time representative at the Veterans Administration facility in this state and fix their compensation on a scale consistent with the salaries of other state departments and within the appropriation provided for the administration of this act.

All employees of the department below the level of director shall be taken from the merit register of the state merit council, provided that all employees shall be veterans when available. These employees shall perform such duties as may be assigned to them by the director.

The commission shall, in the manner provided by the SDC Section 65.0106 adopt reasonable and proper rules to govern the administration of the department and carry out the purposes and intent of this act.

Section 5. The Veterans Department shall:

- a. Act as the agent of any veteran of the state having a claim against the United States arising from or connected with a wartime service in the armed forces, and prosecute such claim without charge.
- b. Supervise and advice country officers charged with recording graves registration, that this record may continually be complete.
- c. Compile and maintain such records of disabled veterans and their dependents as may be necessary to insure that their rights will be protected.
- d. Cooperate in the administration of laws relating to the burial of veterans and of other state laws for veterans' benefits.
- e. Cooperate with all national, state, county, municipal and private social agencies in securing to veterans and their dependents the benefits provided by national, state and county laws, municipal ordinances, or public or private social agencies.
- f. Have authority to designate an employee or employees who shall have the right to act as guardian for a minor or an incompetent person receiving

moneys from the United States Government when no other suitable person will so act, or to act as petitioner for commitment of veterans to mental institutions or for release therefrom.

- g. Aid generally in securing to veterans and their dependents all rights, privileges, immunities, preference, compensation and benefits of all kinds, in any manner arising from or connected with their services in the armed forces in time of war, and have such other powers as may be authorized and necessary to carry out the provisions of this act.

CHAPTER 05  
HB 605

CHANGING APPOINTMENT PROCEDURE TO VETERANS' COMMISSION

An Act to amend SDCL 33-16-4, relating to the Veteran's Commission.

Be it enacted by the Legislature of the State of South Dakota: that SDCL 33-16-4 be amended to read as follows:

33-16-4 There shall be a commission, consisting of the Governor who shall be its chairman and six members to be appointed by him. Members of the commission shall be citizens of the United States and of South Dakota, and shall be veterans who have been discharged under conditions not dishonorable. Annual appointments shall be made for terms of six years. In the event of death or a vacancy on the commission from any cause, a successor shall be appointed to fill out the unexpired term. In each case, the commissioner whose term is next expiring shall be vice chairman of the commission for the year prior to such expiration of his term. Approved February 13, 1976

CHAPTER 19  
SECTION 8  
1976

Section 8. That SDCL 33-16-4 be amended to read as follows:

33-16-4. There shall be a commission, consisting of six members to be appointed by the Governor. Members of the commission shall be citizens of the United States and of South Dakota, and shall be veterans who have been discharged under conditions not dishonorable. Members shall be appointed from a list of veterans recommended by each of the South Dakota departments of Veterans of Foreign Wars, American Legion, and Disabled American Veterans, and at least one and not more than three members shall be appointed from each of the three organizations. Annual appointments shall be made for terms of six years. In the event of death or a vacancy on the commission from any cause, a successor shall be appointed to fill out the unexpired term. The commission members

shall annually choose a chairman from the commission membership and in each case the commissioner whose term is next expiring shall be vice-chairman for the commission for the year prior to such expiration of his term.

CHAPTER 29  
SECTION 86  
1987

Section 86. That SDCL 33-16-4 be amended to read as follows:

33-16-4. There shall be a commission, consisting of six members to be appointed by the Governor. Members of the commission shall be citizens of the United States and of South Dakota, and shall be veterans who have been discharged under conditions not dishonorable. Annual appointments shall be made for terms of six years. In the event of death or a vacancy on the commission from any cause, a successor shall be appointed to fill out the unexpired term. The commission members shall annually choose a chairman and vice chairman from the commission membership.

CHAPTER 267  
SECTION 4  
1994

Section 86. That SDCL 33-16-4 be amended to read as follows:

33-16-4. There is a veteran's commission, consisting of six members to be appointed by the Governor. Members of the commission shall be citizens of the United States and of South Dakota, and shall be veterans who have been discharged from the armed forces honorably or under honorable conditions. Annual appointments shall be made for terms of six years. In the event of death or a vacancy on the commission from any cause, a successor shall be appointed to fill out the unexpired term. The commission members shall annually choose a chairman and vice chairman from the commission membership.

Commission Statutes as of 2018

33A-1-4. Veterans Commission--Composition--Terms of office--Vacancies--Chairman and vice-chairman. There is a Veterans Commission, consisting of six members to be appointed by the Governor. Members of the commission shall be citizens of the United States and of South Dakota, and shall be veterans who have been

discharged from the armed forces honorably or under honorable conditions. Annual appointments shall be made for terms of six years. In the event of death or a vacancy on the commission from any cause, a successor shall be appointed to fill out the unexpired term. The commission members shall annually choose a chairman and vice-chairman from the commission membership.

**Source:** SL 1944 (SS), ch 3, § 2; SDC Supp 1960, § 41.0402; SL 1972, ch 189; SL 1976, ch 19, § 8; SL 1976, ch 205; SL 1987, ch 29, § 86; SL 1994, ch 267, § 4; SDCL § 33-16-4; SL 2011, ch 1 (Ex. Ord. 11-1), § 20, eff. Apr. 12, 2011.

33A-1-5. Commission administered with assistance from department--Functions retained by commission. The Veterans Commission shall be administered with the assistance of the Department of Veterans Affairs and the secretary of veterans affairs, but shall retain the quasi-judicial, quasi-legislative, advisory, other nonadministrative and special budgetary functions (as defined in § 1-32-1) otherwise vested in the commission and shall exercise those functions independently of the secretary of veterans affairs.

**Source:** SL 1973, ch 2, § 273; SDCL § 33-16-4.1; SL 2011, ch 1 (Ex. Ord. 11-1), § 142, eff. Apr. 12, 2011; SL 2011, ch 152, § 3.

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33A-1-6. Meetings of commission. Meetings of the Veterans Commission shall be held on call of the chair, vice chair, secretary, or of any three of its members, but not less than two times in each calendar year.

**Source:** SL 1944 (SS), ch 3, § 3; SL 1945, ch 178, § 1; SDC Supp 1960, § 41.0403; SL 1976, ch 206, § 1; SDCL § 33-16-6; SL 2011, ch 1 (Ex. Ord. 11-1), §§ 20, 142, eff. Apr. 12, 2011; SL 2011, ch 152, § 4.

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33A-1-7. Compensation of commissioners--Travel expenses. Members of the commission shall receive an allowance per day for the time spent in attending and in traveling to and from meetings of the commission, and expenses and travel allowance pursuant to § 3-9-2.

**Source:** SL 1944 (SS), ch 3, §§ 3, 4; SL 1945, ch 178, § 1; SDC Supp 1960, §§ 41.0403, 41.0404; SL 1970, ch 190; SL 1986, ch 27, § 25; SL 1986, ch 272, § 20; SDCL § 33-16-7; SL 2011, ch 1 (Ex. Ord. 11-1), § 20, eff. Apr. 12, 2011.

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During the 2020 Legislative Session, Senate Bill 156 was introduced, passed both houses and was signed by Governor Noem. Senate Bill 156 highlighted that with a stand-alone Veterans Affairs Department and cabinet secretary, there was no longer a need for a veteran's commission. With passage of Senate Bill 156, the South Dakota Veterans Commission was abolished effective July 1, 2020.