



2023 South Dakota Legislature

House Bill 1048

Introduced by: **Representative Bahmuller**

1 **An Act to repeal and make technical changes to provisions regarding the Board of**
 2 **Military Affairs.**

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

4 **Section 1. That § 1-46-6 be REPEALED:**

5 ~~The Board of Military Affairs created by chapter 33-1 and its functions in the former~~
 6 ~~Department of Military and Veterans Affairs are transferred to the Department of the~~
 7 ~~Military created by Executive Reorganization Order 2011-01. The adjutant general shall~~
 8 ~~perform the functions of the former secretary of the Department of Military and Veterans~~
 9 ~~Affairs, relating to the Board of Military Affairs.~~

10 **Section 2. That § 33-1-15 be AMENDED:**

11 **33-1-15.** The adjutant general shall appoint all officers and appointees of the
 12 Department of the Military, ~~except the members of the Board of Military Affairs created by~~
 13 ~~this chapter.~~ The adjutant general may employ such clerical and other employees and
 14 assistants as the adjutant general deems necessary for the proper transaction of the
 15 business of the department, and fix their salaries except as otherwise provided by law.

16 **Section 3. That § 33-1-17 be REPEALED:**

17 ~~There is hereby created, within the department, a Board of Military Affairs of seven~~
 18 ~~members to be appointed by the Governor, to hold office at the pleasure of the Governor,~~
 19 ~~and who shall be compensated as provided by law.~~

20 **Section 4. That § 33-1-17.1 be REPEALED:**

21 ~~The Board of Military Affairs shall be administered under the direction and~~
 22 ~~supervision of the Department of the Military and the adjutant general, but shall retain~~

1 ~~the quasi-judicial, quasi-legislative, advisory, other nonadministrative and special~~
 2 ~~budgetary functions (as defined in § 1-32-1) otherwise vested in it and shall exercise~~
 3 ~~those functions independently of the adjutant general.~~

4 **Section 5. That § 33-1-18 be REPEALED:**

5 ~~Before entering upon the discharge of their duties, the members of the Board of~~
 6 ~~Military Affairs shall take and subscribe the oath required by S.D. Const., Art. XXI, § 3~~
 7 ~~which shall be filed in the Office of the Secretary of State.~~

8 **Section 6. That § 33-1-19 be REPEALED:**

9 ~~The powers, duties, and functions of said Board of Military Affairs and the members~~
 10 ~~thereof, shall be the powers, functions, duties, and responsibilities prescribed by chapter~~
 11 ~~33-11, subject to the provisions of §§ 1-46-6 and 33-1-17.1.~~

12 **Section 7. That § 33-11-2 be AMENDED:**

13 **33-11-2.** The Department of the Military shall erect or provide anywhere within
 14 the limits of this state, upon terms and conditions determined ~~by the Board of Military~~
 15 ~~Affairs created by § 33-1-17~~ as most advantageous to the state, armories and other
 16 facilities for the use of the National Guard. The armories and other facilities shall be used
 17 for drill, meeting, and rendezvous purposes by the unit occupying them and for such other
 18 public functions as the officers in charge of the armory or facility deem advisable and
 19 proper. The armories and other facilities, if not in use by the National Guard, shall also be
 20 open for meetings and functions of organizations of war veterans and their auxiliary
 21 organizations.

22 **Section 8. That § 33-11-3 be AMENDED:**

23 **33-11-3.** The State of South Dakota, acting through the Department of the Military
 24 in participation with the federal government, and any county, municipal corporation,
 25 school district, or any department, agency, or board of the state or combination thereof,
 26 acting through their governing boards, may cooperate, on such terms as may be agreed
 27 to by the ~~Board of Military Affairs~~Department of the Military and the governing boards of
 28 the public corporations or other agencies in the construction, enlargement, conversion,
 29 and equipment of the buildings described in § 33-11-2, including acquisition of sites for
 30 such buildings, and in the operation, maintenance, and use of such buildings.

1 **Section 9. That § 33-11-10 be AMENDED:**

2 **33-11-10.** The ~~Board of Military Affairs~~Department of the Military also constitutes
3 a board for general management and care of armories. The ~~board-department~~ may
4 promulgate rules pursuant to the provisions of chapter 1-26 for armory management and
5 government and to provide for the guidance of the organization occupying them. The
6 rules, in accordance with federal law and regulation, shall provide:

- 7 (1) Standards and requirements for construction or lease of armory facilities and
8 related furnishings of such facilities;
- 9 (2) Standards and requirements for construction or lease of facilities, other than
10 armories, and related furnishings as required by § 33-11-1;
- 11 (3) Procedures to enter into cooperative agreements with other public agencies
12 pursuant to § 33-11-3;
- 13 (4) Procedures and standards to receive contributions of land, money, buildings, or
14 other property pursuant to § 33-11-6; and
- 15 (5) Standards and procedures governing revenue producing activities undertaken
16 pursuant to § 33-11-12.

17 **Section 10. That § 33-11A-2 be AMENDED:**

18 **33-11A-2.** An armory or other facility under the control of the ~~Board of Military~~
19 ~~Affairs~~Department of the Military may be used for the purpose of § 33-11A-1.