

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

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HOUSE STATE AFFAIRS

ENGROSSED NO. **HB 1056** - 01/25/2016

Introduced by: Representatives Deutsch, Anderson, Bartling, Beal, Bordeaux, Brunner, Campbell, Conzet, Craig, Cronin, DiSanto, Dryden, Duvall, Feickert, Gibson, Gosch, Greenfield (Lana), Haggar (Don), Harrison, Haugaard, Hawks, Hawley, Heinemann (Leslie), Holmes, Hunhoff (Jean), Hunt, Jensen (Alex), Johns, Killer, Kirschman, Klumb, Langer, Latterell, Marty, May, McCleerey, Mickelson, Munsterman, Novstrup (Al), Otten (Herman), Partridge, Peterson (Kent), Qualm, Rasmussen, Ring, Romkema, Rounds, Rozum, Russell, Schaefer, Schoenbeck, Schoenfish, Schrempp, Sly, Soli, Solum, Stalzer, Stevens, Tulson, Verchio, Werner, Westra, Wiik, Willadsen, Wink, Wollmann, and Zikmund and Senators Greenfield (Brock), Bradford, Brown, Buhl O'Donnell, Cammack, Curd, Ewing, Fiegen, Frerichs, Haggar (Jenna), Haverly, Heineman (Phyllis), Heinert, Holien, Hunhoff (Bernie), Jensen (Phil), Monroe, Novstrup (David), Olson, Omdahl, Otten (Ernie), Parsley, Peters, Peterson (Jim), Rampelberg, Rusch, Shorma, Soholt, Solano, Sutton, Tieszen, Van Gerpen, Vehle, and White

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the veterans'  
2 preference in employment.

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

4 Section 1. That § 3-3-1 be amended to read as follows:

5 3-3-1. In all public departments and subdivisions and upon all public works of this state and  
6 of the counties, municipalities, and school districts of this state, any veteran, as defined in  
7 § 33A-2-1, who is a citizen of the United States, shall receive preference for appointment,  
8 employment, and promotion. Age, loss of limb, or other physical impairment which does not



1 in fact incapacitate does not disqualify the veteran if the veteran possesses the qualifications and  
2 business capacity necessary to discharge the duties of the position involved. A veteran who has  
3 a service-connected disability shall be given a preference over a nondisabled veteran. In order  
4 to determine if the veterans' preference applies, each applicant for employment under this  
5 chapter shall complete an employment application on which the applicant is asked if the  
6 applicant is a veteran as defined by § 33A-2-1.

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

8 3-3-2. If a veteran as defined in § 33A-2-1 applies for appointment for employment under  
9 this chapter, the officer, board, or person whose duty it is to appoint or employ some person to  
10 fill the position shall, ~~before appointing or employing anyone to fill the position,~~ investigate the  
11 qualifications of the applicant. ~~If the applicant is of good moral character and can perform the~~  
12 ~~duties of the position, the officer, board, or person shall appoint the applicant to the position~~  
13 possesses at least the minimum qualifications necessary to fill the position, the officer, board,  
14 or person shall interview the applicant.

15 Section 3. That chapter 3-3 be amended by adding a NEW SECTION to read:

16 Beginning on July 1, 2016, the Department of Veterans Affairs shall coordinate with the  
17 Veterans Commission and the South Dakota Veterans Council to create informative materials  
18 about current state laws pertaining to veterans' preference in employment to be both posted on  
19 the Department of Veterans Affairs website for public access and for distribution by the council  
20 and its member organizations.